

February 14, 2024

The meeting was called to order by Chairman Burr.

The invocation was given by Richard Helmich.

The Attendance Roll Call disclosed three Legislators absent – Andreano, Schröder, Stoltenberg. Ms. Schröder arrived at 5:18 pm.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law Number 1-2024 and the filing of the same on January 29, 2024.

Essex County Board of Supervisors: Resolution No. 49 entitled “Resolution Opposing Assembly Bill A.6989 and Senate Bill S.6786 entitled, ‘An Act to Amend the Alcoholic Beverage Control Law, in Relation to Establishing Supermarket Wine Licenses’”.

Letter of Disclosure From:

Ms. Ginger D. Schröder

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #2 of the Cattaraugus County Legislature.

It is also to advise you that for the past eight years I have served as a volunteer in an investigative/resource role with the Society for the Prevention of Cruelty to Animals in Cattaraugus County. In that role I assist with animal cruelty calls involving equines and farm livestock, provide resources to the organization for such calls and handle issues relating to advice with respect to the applicability and scope of Article 26 of the New York State Agriculture and Markets Law. In that role, I am also often called upon by the Deputies with the Office of the Sheriff to assist them in cruelty calls with advice and resources and/or by attorneys with the District Attorney’s Office on evidence gathering/resources. Sometimes I also act in that same capacity (animal cruelty resource) but solely as a Legislator.

In December of 2022, I requested that the Town of Franklinville not renew my appointment as the Town attorney, given my hectic work schedule and the increase in workload from a particular private practice client. I requested and received at the time I was contemplating appointment to that role, a letter from the County Attorney noting that no inherent conflict of interest exists by virtue of that representation and my legislative duties.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,
Ginger D. Schröder, County Legislator

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APPOINTMENTS:

CATTARAUGUS COUNTY AGING ADVISORY COUNCIL

One-year terms to expire December 31, 2024

Frank Aloï	Ann Ploetz
Tammy Benjamin	Mary Rich
Judith Blair	Sylvia Say
Diane Boser	Terry Shaw
Rita Fischer	Richard Smith
Barbara Hastings	Dr. Kevin Watkins

Ex-Officio Members:

M. Andrew Burr

Kelly Andreano

CATTARAUGUS COUNTY AGRICULTURAL & FARMLAND PROTECTION BOARD*Four-year terms to expire December 31, 2027*

Brian Andrews, "Farmer" Representative

Charles Couture, "Agribusiness" Representative

Kelly MacDonald, Cooperative Extension Executive Director (*co-terminous*)**ARSON TASK FORCE***Four-year terms to expire December 31, 2027*

Christopher Baker

Lori Rieman

Eric Butler

Richard Rivers

Eric Maurouard

Tom Sturdevant

Joseph Patti

Melissa Yerpe

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE*Three-year terms to expire December 31, 2026*

Jonette Taber, Fire District 1

Nathan Scrivani, Fire District 2

Tracey Godfrey, Fire District 3

Daniel Parr, Fire District 4

Daniel Kruszynski, Fire District 5

Edwin Fredrickson, City of Salamanca Fire Department

Eric Maurouard, City of Olean Fire Department

Lance Carney, Seneca Nation of Indians Representative

Dr. Brian Walters, Acting ER Physician, Olean General Hospital

Todd Reisner, Trans-Am Ambulance

Steve Baxter, Aeromedical Services

Christopher Baker, Director, Cattaraugus County Emergency Services

Robert Kuhn, EMS Coordinator

Captain Brandon Walters, Cattaraugus County Sheriff's Office Communications

Dr. Kevin Watkins, Cattaraugus County Public Health Director

James Lawrence, Public Health Emergency Preparedness Coordinator

Dr. Philip Senger, Olean General Hospital Administrator

Tina Higley, Olean General Hospital

Donna Kahm, Southern Tier Health Care Systems

Ex-Officio Members:

Kylea Andreano, Recording Secretary

Alicia Broadbent, Southwestern Regional EMS Program Agency

FISH AND WILDLIFE MANAGEMENT BOARD*Two-year term to expire December 31, 2025*

Thomas Vanderbosch

CATTARAUGUS COUNTY LONG TERM CARE ADVISORY COUNCIL*Four-year terms to expire December 31, 2027*

Bonnie Babcock	Caitlin Metler
Ann Battaglia	Chelsea O'Hara
Kelly Bearfield	Mary O'Leary
Julie Hall	Roxanne Padlo
Barbara Hastings	Jeffrey Reed
Mari Howard	Tammy Schmidt
Beth Lay	Richard Smith
Catherine Mackay	Patricia Tedesco
Sue McAuley	Dr. Kevin Watkins
Steve McCord	Erin Whitcomb

Ex-Officio Members:

M. Andrew Burr	Kelly Andreano
Ginger Schröder	Jack Searles

CATTARAUGUS COUNTY MEMORIAL MUSEUM BOARD*Five-year terms to expire December 31, 2028*

Myra Johnston
Steven Teachman

SOUTHERN TIER WEST REGIONAL PLANNING & DEVELOPMENT BOARD*Three-year terms to expire December 31, 2026*

Crystal J. Abers
Robert C. Keis

CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD*Three-year terms to expire December 31, 2026*

Kelly Gerrity, Great Lakes Cheese
Ed Giardini, Jr., Laborer's Local Union #621
Kent Joesel, IBEW 106
Christina Lyon, NYS ACCES-VR
Steve Simons, ASK Chemical
Whitney Verbridge, Connecting Communities in Action
Meme Yanetsko, Homecare and Hospice

YOUTH BUREAU*Indefinite Terms*

Carrie Brown	Markie Mohr
Elizabeth Callen-Pratt	Debra Nichols
Aubrey Coast	Carol Sheibley
Melissa Foster	Ron Smith
Joe Miller	Shaun Blakeslee – Youth Member

Legislative Representatives - Amended**Emergency Services Board:** Marsh, Nagle (*Ex-Officio Members*)

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There being no amendments or objections thereto, Chairman Burr noted that the minutes of the January 24, 2024 session stand approved as presented.

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ACT NO. 65-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN
THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Bridge Replacement Project-Pierce Hill Road over Ischua Creek)**

Pursuant to Title 23 U.S. Code and Sections 363, 366 and 450 of the County Law.

WHEREAS, a bridge replacement project, located on Pierce Hill Road over Ischua Creek (BIN 3-3214-50), in the Town of Franklinville, Cattaraugus County, Comptroller's Contract #D041100 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project, BIN 3-3214-50, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay 100% of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$300,000.00 is hereby appropriated and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project, and be it further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above (\$300,000.00), the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, certifications or reimbursement requests on behalf of Cattaraugus County with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the Project costs, and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Accounts:

H.504.5197.5195.3591.01	State Aid, Highway Marchiselli Program	\$ 45,000.00
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H.504.5197.5195.4597.02	Federal Aid, Transportation Capital Projects Bridge	\$240,000.00
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Increase¹ Appropriation Account:

H.504.5197.5195.25002.41603	Franklinville Bridge No. 7/Contracted Services	\$285,000.00.
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Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

¹MR. HELMICH moved, seconded by Mr. Brisky, to amend as follows: In the last Resolved, delete: "Decrease", and replace with "Increase". Carried.

Adopted, as amended, February 14, 2024 by voice vote.

ACT NO. 66-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN
THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Bridge Replacement Project-Bozard Hill Road over Wrights Creek)**

Pursuant to Title 23 U.S. Code and Sections 363, 366 and 450 of the County Law.

WHEREAS, a bridge replacement project, located on Bozard Hill Road over Wrights Creek (BIN 3-3219-70), in the Town of Humphrey, Cattaraugus County, Comptroller's Contract #D041102 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project, BIN 3-3219-70, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay 100% of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$217,000.00 is hereby appropriated and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project, and be it further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above (\$217,000.00), the County of Cattaraugus shall convene its Legislature as soon as possible to

appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, certifications or reimbursement requests on behalf of Cattaraugus County with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the Project costs, and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Accounts:

H.504.5197.5195.3591.01	State Aid, Highway Marchiselli Program	\$ 32,550.00
H.504.5197.5195.4597.02	Federal Aid, Transportation Capital Projects Bridge	\$173,600.00

*Increase*¹ Appropriation Account:

H.504.5197.5195.25108.41603	Humphrey Bridge No. 20/Contracted Services	\$206,150.00.
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Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

¹MR. HELMICH moved, seconded by Mr. Brisky, to amend as follows: In the last Resolved, delete: "Decrease", and replace with "Increase". Carried.

Adopted, as amended, February 14, 2024 by voice vote.

ACT NO. 67-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
POPLI DESIGN GROUP FOR ENGINEERING DESIGN SERVICES FOR
FRANKLINVILLE BRIDGE NO. 7 REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of replacing Franklinville Bridge No. 7 located on Pierce Hill Road over Ischua Creek in the Town of Franklinville, which is a Federal-Aid project administered through New York State Department of Transportation, and

WHEREAS, Popli, Architecture + Engineering & LS, DPC, a/k/a Popli Design Group, 555 Penbrooke Drive, Penfield, New York 14526, has agreed to provide the engineering design services necessary for the replacement of Franklinville Bridge No. 7, for an amount not to exceed \$349,000.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned engineering design 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 Popli Design Group, for the provision of the above-described engineering design services, for a term commencing February 14, 2024 to terminate December 31, 2027, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted February 14, 2024 by voice vote.

ACT NO. 68-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
POPLI DESIGN GROUP FOR ENGINEERING DESIGN SERVICES FOR
OTTO BRIDGE NO. 3 REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of replacing Otto Bridge No. 3 located on County Road No. 12 (Otto-East Otto Road) over South Branch Cattaraugus Creek in the Town of Otto, which is a Federal Aid project administered through the New York State Department of Transportation, and

WHEREAS, Popli, Architecture + Engineering & LS, DPC, a/k/a Popli Design Group, 555 Penbrooke Drive, Penfield, New York 14526, has agreed to provide the engineering design services necessary for the replacement of Otto Bridge No. 3, for an amount not to exceed \$307,000.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned engineering design 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 Popli Design Group, for the provision of the above-described engineering design services, for a term commencing February 14, 2024 to terminate December 31, 2026, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted February 14, 2024 by voice vote.

ACT NO. 69-2024 by Mr. Benson and Mr. Helmich
and Mr. Parker¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOWN OF CARROLLTON FOR ADMINISTRATION OF
CARROLLTON CULVERT NO. 32 PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, the Town of Carrollton has been awarded Culvert NY Project funding from the New York State Department of Transportation, and

WHEREAS, the aforementioned award shall provide funding to be used for the replacement of a culvert known as Carrollton Culvert No. 32, Main Street (Old Route 219) over Leonard Brook, in the Town of Carrollton, and

WHEREAS, the Town of Carrollton has agreed to be the sponsor for the aforementioned funding, and

WHEREAS, the County should act as the liaison for the Town between the NYSDOT, the Consultant and the Contractor for the aforementioned Culvert NY Project, and

WHEREAS, the County shall perform the administrative duties on behalf of the Town of Carrollton, and

WHEREAS, the Town shall reimburse the County for all expenses incurred for the administration of the aforementioned project from funds made available through the Culvert NY Project, 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 Town of Carrollton, for the provision of the above-described services, for a term commencing January 10, 2024 and terminating December 31, 2026, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Parker".

Adopted February 14, 2024 by voice vote.

ACT NO. 70-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIRMAN TO EXECUTE GRANT DOCUMENTS TO APPLY FOR
FUNDING THROUGH NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
FOR NEW YORK FOOD FOR NEW YORK FAMILIES COMPETITIVE GRANT PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, funding up to \$7.6 million is available through the New York State Department of Agriculture and Markets for the New York Food for New York Families Competitive Grant Program, and

WHEREAS, the purpose of the aforementioned Program is to purchase food grown and produced in New York State and deliver it to food insecure communities, and

WHEREAS, the aforementioned Program also focuses on creating new markets and purchasing from underserved producers, and

WHEREAS, the Department for the Aging is desirous of applying for up to \$300,000 through the aforementioned grant Program, and

WHEREAS, if awarded, a minimum of 85% of the award must be spent on eligible food purchases, and

WHEREAS, this grant is 100% state funded, 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 New York State Department of Agriculture

and Markets in order to apply for the New York Food for New York Families Competitive Grant Program, according to the above-described terms, and be it further

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

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

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

Approved by 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted February 14, 2024 by voice vote.

ACT NO. 71-2024 by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
BROCHURES UNLIMITED FOR
DISTRIBUTION OF BROCHURES
(Enchanted Mountains of Cattaraugus County)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 68-2023 authorized a contract with Brochures Unlimited, 340 Parma-Center Road, Hilton, New York 14468, for the distribution of brochures to promote Cattaraugus County, the term of which expired December 31, 2023, and

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of continuing the aforementioned services in 2024, and

WHEREAS, Brochures Unlimited can distribute 29,500 copies of the Enchanted Mountains of Cattaraugus County brochure for an amount of \$13,903.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of distributing the aforementioned brochures, 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 Brochures Unlimited, 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.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted February 14, 2024 by voice vote.

ACT NO. 72-2024 by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OUTREACHSYSTEMS FOR SOFTSHARE BID MATCH SERVICES FOR
PROCUREMENT TECHNICAL ASSISTANCE PROGRAM**

Pursuant to 10 USCS 4211 and Section 450 of the County Law.

WHEREAS, Act 67-2023 authorized a contract with OutreachSystems for the provision of governmental bid opportunities to clients of the County's Procurement Technical Assistance Program, for an amount of \$9,000.00, the term of which expired January 31, 2024, and

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of continuing the aforementioned services, and

WHEREAS, OutreachSystems, 5385 Hollister Avenue, Santa Barbara, California 93111, has agreed to continue providing governmental bid opportunities to clients of the County's Procurement Technical Assistance Program for an amount of \$9,000.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the 2024 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with OutreachSystems, for the provision of the above-described services, for a term commencing February 1, 2024 and terminating January 31, 2025, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted February 14, 2024 by voice vote.

ACT NO. 73-2024 by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE I LOVE NEW YORK MATCHING FUNDS PROGRAM
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

Pursuant to Section 164 of the Economic Development Law and
Sections 363 and 366 of the County Law.

WHEREAS, Act 424-2023 authorized the Department of Economic Development, Planning & Tourism to apply for, and accept, grants from the New York State I Love New York Matching Funds Program for the 2024 program year, and

WHEREAS, the Department of Economic Development, Planning & Tourism has been awarded funding in the amount of \$50,358.00 for the aforementioned Program, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism shall submit the grant agreement to the Legislature for approval and appropriation prior to the commencement of any work, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute documents, on behalf of Cattaraugus County, with the State of New York for the I Love New York Matching Funds Program for the 2024 fiscal year, in order to accept and receive the aforementioned funding, 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:

Decrease Estimated Revenue Accounts:

A.642.6420.6410.1362	Catt County I Love NY Matching Funds	\$19,642.00
A.642.6420.6410.3715	State Aid, Tourism Promotion	\$19,642.00

Decrease Appropriation Accounts:

A.642.6420.6410.48001	Advertising	\$28,974.00
A.642.6420.6410.48227	Transferred to Region	\$10,310.00.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted February 14, 2024 by voice vote.

ACT NO. 74-2024 by Mr. Higgins and Mr. Marsh

**BID ACCEPTANCE FOR PRINTING OF
2024 ENCHANTED MOUNTAINS ACTIVITIES GUIDE
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for printing of the 2024 Enchanted Mountains Activities Guide, according to specifications provided by the Development and Agriculture Committee, and

WHEREAS, the lowest bid received meeting specifications for 100,000 copies of the 2024 Enchanted Mountains Activities Guide was the bid of Freeport Press, Inc., 2127 Reiser Avenue, SE, New Philadelphia, Ohio 44663, for a total print cost of \$63,223.00, based on each of the following categories:

Printing of 2024 Enchanted Mountains Activities Guide

100,000 copies	56 pages	\$63,223.00
8-3/8" x 10-7/8", four color,		
Cover - 100# Gloss Text #3;		
Inside 56 pages - 50# Gloss Text #4;		
folded, gathered, saddle stitched and trimmed to size		

and

WHEREAS, the aforementioned cost is 50% reimbursable through New York State matching funds, and

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

RESOLVED, that the bid of Freeport Press be, and the same hereby is, accepted, for a term commencing February 1, 2024 and terminating July 31, 2024, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Economic Development, Planning & Tourism be audited by the Auditor and paid by the County Treasurer. No State Bid.

Invitation for Bids was posted on County website.

One bid was received meeting specifications.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted February 14, 2024 by voice vote.

ACT NO. 75-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALLIANCE LAUNDRY SYSTEMS DISTRIBUTION FOR
DEPARTMENT OF NURSING HOMES UNIMAC LAUNDRY EQUIPMENT
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

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

WHEREAS, Act 437-2023 authorized a contract with Statewide Machinery, Inc., for the provision of one (1) UniMac 160 lb. Industrial Hard Mount Washer-Extractor for the Department of Nursing Homes, and

WHEREAS, Statewide Machinery, Inc., has been purchased by Alliance Laundry Systems Distribution, East Region – Upstate New York Office, 319 West Main Street #5, Batavia, New York 14020, who has agreed to honor orders received by Statewide Machinery, Inc., and

WHEREAS, Alliance Laundry Systems Distribution is a sole source provider for the UniMac equipment that the Department of Nursing Homes uses for its laundry, and

WHEREAS, Alliance Laundry Systems Distribution can provide and install at The Pines Healthcare and Rehabilitation Center, one (1) UniMac 160 lb. Industrial Hard Mount Washer-Extractor and remove the old 150 lb. washer, for a total amount of \$37,900.00, to be paid as invoiced, and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned laundry equipment, 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 Alliance Laundry Systems Distribution, for the provision of the above-described laundry equipment, for a term commencing October 22, 2023 and terminating upon installation and acceptance of the 160 lb. washer-extractor by the County, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

EF.453.4530.1160.20002	Building Improvements	\$37,900.00
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Increase Appropriation Account:

EF.453.4530.1190.20008	Tools & Equipment	\$37,900.00.
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Approved by 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted February 14, 2024 by voice vote.

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MR. HIGGINS moved, seconded by Mr. Parker, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 76-2024 through Act No. 104-2024. Carried.

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ACT NO. 76-2024 by Mr. Burr
who asks immediate consideration

APPOINTMENT TO CATTARAUGUS COUNTY BOARD OF HEALTH

Pursuant to Section 343 of the Public Health Law.

RESOLVED, that Ginger D. Schröder is hereby appointed to the Cattaraugus County Board of Health for a four-year term to expire on December 31, 2027, 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 February 14, 2024 by voice vote.

ACT NO. 77-2024 by Mr. Burr
who asks immediate consideration

APPOINTMENT OF CORONER'S PHYSICIANS

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

RESOLVED, that the following individuals are hereby appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2025, at the salary which has heretofore, or may hereafter be established:

Erika Connor

Thayaparan Mathanakaran

Tara Mahar

Richard D. Scott

Katherine F. Maloney

Adopted February 14, 2024 by voice vote.

ACT NO. 78-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENT OF MEMBER TO THE CHAUTAUQUA, CATTARAUGUS,
ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Pursuant to Section 2642-C(4) of the Public Authorities Law.

RESOLVED, that Cory Witkor shall be re-appointed as a Cattaraugus County voting member on the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority for a three- year term expiring September 12, 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 Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority.

Adopted February 14, 2024 by voice vote.

ACT NO. 79-2024 by Mr. Burr
who asks immediate consideration

APPOINTMENTS TO COMMUNITY SERVICES BOARD

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board effective January 1, 2024 with a four-year term to expire December 31, 2027:

Steve McCord

Kylea Andreano

Mari L. Howard

Richard Smith

Peter Wilson,

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 Community Services Board.

Adopted February 14, 2024 by voice vote.

ACT NO. 80-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD
ADDICTIONS SERVICES AND SUPPORTS SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board Addictions Services and Supports Subcommittee effective January 1, 2024 with a four-year term to expire December 31, 2027:

Derah Black-Day
Donna L. Kahm
Peter Wilson,

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 Community Services Board.

Adopted February 14, 2024 by voice vote.

ACT NO. 81-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD
MENTAL HEALTH SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board Mental Health Subcommittee effective January 1, 2024 with a four-year term to expire December 31, 2027:

Jodi Fuller
Bradley South
Steve McCord,

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 Community Services Board.

Adopted February 14, 2024 by voice vote.

ACT NO. 82-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD
PEOPLE WITH DEVELOPMENTAL DISABILITIES SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board People with Developmental Disabilities Subcommittee effective January 1, 2024 with a four-year term to expire December 31, 2027:

Alicia Bockmier
Mari Howard
Richard C. Smith,

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 Community Services Board.

Adopted February 14, 2024 by voice vote.

ACT NO. 83-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENTS TO CORNELL COOPERATIVE EXTENSION
ASSOCIATION OF CATTARAUGUS COUNTY**

Pursuant to Article V, Section 3B, of the Constitution of the Cornell Cooperative Extension Association of Cattaraugus County, State of New York.

RESOLVED, that the following individuals are hereby appointed to the Cornell Cooperative Extension Board for a one-year term to expire December 31, 2024:

Richard Helmich
Norman L. Marsh,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Cornell Cooperative Extension Association of Cattaraugus County.

Adopted February 14, 2024 by voice vote.

ACT NO. 84-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENT OF INTER-COUNTY ASSOCIATION OF
WESTERN NEW YORK MEMBERS**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individuals shall be the Cattaraugus County voting members to the Inter-County Association of Western New York for the year 2024:

Michael M. Brisky
Richard Helmich
Frank H. Higgins
Kelly Andreano (*alternate*)
Joseph Boberg (*alternate*)
Laurie A. Hunt (*alternate*),

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Inter-County Association of Western New York.

Adopted February 14, 2024 by voice vote.

ACT NO. 85-2024 by Mr. Burr
who asks immediate consideration

APPOINTMENT OF SENECA TRAIL RC & D PROJECT MEMBER

Pursuant to Section 153 of the County Law.

RESOLVED, that Laurie A. Hunt is hereby appointed to the Seneca Trail RC & D Project for a one-year term to expire December 31, 2024, and be it further

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

Adopted February 14, 2024 by voice vote.

ACT NO. 86-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENT OF SOIL & WATER CONSERVATION
DISTRICT BOARD MEMBERS**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individuals are hereby appointed to the Cattaraugus County Soil & Water Conservation District Board of Directors for a one-year term to expire December 31, 2024:

R. Donald Benson
Michael M. Brisky,

and be it further

RESOLVED, that the following individual is hereby appointed to the Cattaraugus County Soil & Water Conservation District Board of Directors for a three-year term to expire December 31, 2026:

Donna Vickman,

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 Soil & Water Conservation District.

Adopted February 14, 2024 by voice vote.

ACT NO. 87-2024 by Mr. Burr
who asks immediate consideration

APPOINTMENT TO CATTARAUGUS COUNTY JURY BOARD

Pursuant to Section 503 of the Judiciary Law.

RESOLVED, that Michael Brisky is hereby appointed to the Cattaraugus County Jury Board, the term of which expires on December 31, 2027, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Tasha Moore, Esq., District Executive, Unified Court System, Eighth Judicial District, 92 Franklin Street – 3rd Floor, Buffalo, New York 14202.

Adopted February 14, 2024 by voice vote.

ACT NO. 88-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENTS TO LAKE ERIE WATERSHED PROTECTION ALLIANCE
REPRESENTING CATTARAUGUS COUNTY**

Pursuant to Section 153 of the County Law.

WHEREAS, the purposes of the Lake Erie Watershed Protection Alliance are to collaborate efforts between the soil and water conservation districts and Cattaraugus, Chautauqua and Erie Counties and the municipalities within these counties, and to develop work plans and seek funding for technical assistance to address watershed issues within the Lake Erie Basin in Western New York, which include flooding, stream problems, water quality impairments, etc., and

WHEREAS, the organizational structure for the Lake Erie Watershed Protection Alliance includes three (3) voting members from each county, representing county government, local municipalities, and the county soil and water conservation district, now, therefore, be it

RESOLVED, that the following individuals are appointed for a three (3) year term to expire December 31, 2026, to represent Cattaraugus County on the Lake Erie Watershed Protection Alliance:

Voting Members:

Crystal J. Abers County government representative
Cattaraugus County Department of Economic Development, Planning & Tourism

Bradley D. Hurley Town of Mansfield, Local municipal representative

Jake Kelly Soil & Water Conservation District representative
Cattaraugus County Soil & Water Conservation District

Alternates:

Patrick McGlew County government representative

Christopher B. Lexer Town of Yorkshire, Local municipal representative

Paige Williams Soil & Water Conservation District representative,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to the Watershed Coordinator, Erie County Environment & Planning, 95 Franklin Street, Room 1080, Buffalo, New York 14202.

Adopted February 14, 2024 by voice vote.

ACT NO. 89-2024 by Mr. Burr
who asks immediate consideration

**AMENDING ACT 15-2012 REGARDING APPOINTMENT OF MEMBERS TO
DEFERRED COMPENSATION COMMITTEE**

Pursuant to Section 457 of the Internal Revenue Code.

WHEREAS, Act 262-1986, as amended, adopted the Cattaraugus County Deferred Compensation Plan (hereinafter referred to as "Plan"), which permits the appointment of three (3) members of the Legislature and three (3) members of the CSEA Local 805 to the Deferred Compensation Committee, and

WHEREAS, due to conflicts of interest that may arise, it is necessary to include an alternate legislator to serve on the Deferred Compensation Committee, now, therefore, be it

RESOLVED, that effective immediately, upon the direction of the Cattaraugus County Legislature, the following legislative members are hereby appointed to the Deferred Compensation Committee:

Vice-Chairman of the Legislature
Majority Leader of the Legislature
Assistant Majority Leader of the Legislature.

Adopted February 14, 2024 by voice vote.

ACT NO. 90-2024 by Mr. Brisky and Mr. Burr
who ask immediate consideration

**OBLIGATING FEDERAL AMERICAN RESCUE PLAN ACT FUNDING FOR
CONTINUUM BUILDING MANAGEMENT SYSTEM MIGRATION TO
ECOSTRUXURE DIRECT DIGITAL CONTROL SYSTEM
(Department of Buildings & Grounds)**

Pursuant to Section 215 of the County Law.

WHEREAS, Act 243-2021 authorized the acceptance of Federal American Rescue Plan Act [ARPA] funding to combat the COVID-19 Pandemic, including its public and economic impacts, and

WHEREAS, it is beneficial to the residents of Cattaraugus County to use American Rescue Plan Act (ARPA) funds to provide funding to cover improvement projects, and

WHEREAS, the County Department of Buildings & Grounds is desirous of upgrading the existing Continuum Building Management System to a Schneider Electric EcoStruxure Direct Digital Control System to accommodate futureproofing the system, and

WHEREAS, Stark Tech Group, 80 North 4th Street, Allegany, New York 14706, can provide the services necessary for the aforementioned system upgrade for an amount of \$121,000.00, through NYS Contract #PT69752, to be paid as invoiced, and

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

RESOLVED, that the Cattaraugus County Legislature hereby directs that ARPA funds be obligated to cover the costs associated with the Continuum Building Management System Migration to the EcoStruxure Direct Digital Control System.

Adopted February 14, 2024 by voice vote.

ACT NO. 91-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HORIBA MEDICAL SERVICE FOR HEALTH DEPARTMENT
LABORATORY EQUIPMENT PREVENTIVE MAINTENANCE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 321-2018 authorized a lease agreement with Thermo Fisher Financial Services, Inc., in partnership with Fisher HealthCare, for the provision of equipment for the Health Department laboratory, which included preventive maintenance through Horiba, the term of which expired July 31, 2023, and

WHEREAS, the County Health Department now owns the aforementioned equipment and is desirous of continuing the preventive maintenance, and

WHEREAS, Horiba Medical Service, 9755 Research Drive, Irvine, California 92618, can continue the provision of preventive maintenance services for the Health Department laboratory equipment for an annual amount of \$4,063.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned maintenance 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 Horiba Medical Service, for the provision of the above-described preventive maintenance, for a term commencing February 1, 2024 and terminating January 31, 2025, according to the above-described terms.

Adopted February 14, 2024 by voice vote.

ACT NO. 92-2024 by Mr. Brisky, Mr. Burr and Ms. Schröder
who ask immediate consideration

**AMENDING ACT 298-2022 REGARDING ESTABLISHING SALARY
AND COMPENSATION FOR CERTAIN UNGRADED,
PART-TIME POSITIONS FOR 2022, 2023, 2024, 2025 AND 2026**

Pursuant to Section 205 of the County Law.

WHEREAS, Act 298-2022 granted a wage increase to certain part-time positions of employment that are neither represented by a bargaining unit nor assigned to a salary schedule, and

WHEREAS, due to an oversight, the position of "Journal Clerk (PT)" was not included in the list of positions to be compensated, and

WHEREAS, Act 298-2022 should be amended to include the position of Journal Clerk (PT), now, therefore, be it

RESOLVED, that Act 298-2022 be, and hereby is, amended as follows: In the First Whereas, please add the position of "Journal Clerk (PT)" to the list of part-time positions of employment that shall receive a wage increase of 15% for the year 2022, with 0% wage increases for years 2023, 2024, 2025 and 2026.

Adopted February 14, 2024 by voice vote.

ACT NO. 93-2024 by Ms. Schröder
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WELNOW URGENT CARE, P.C. FOR
PRE-EMPLOYMENT PHYSICALS**

Pursuant to Section 450 of the County Law.

WHEREAS, the County is desirous of contracting with Wellnow Urgent Care, P.C., for pre-employment physicals and TB testing for County employees, and

WHEREAS, Wellnow Urgent Care, P.C., 5495 Sheridan Drive, Williamsville, New York 14221, can provide pre-employment physicals and TB testing for County employees, as requested by the County, in accordance with the fee schedule set out below:

- Physical Exam – Pre-Employment \$95.00/exam
- PPD w/Read \$35.00/test,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Wellnow Urgent Care, P.C., for the provision of the above-described pre-employment physicals and TB testing services, for a term commencing February 15, 2024 and terminating December 31, 2024, with automatic renewals each subsequent year for additional one-year periods, unless terminated by either party, according to the above-described terms.

Adopted February 14, 2024 by voice vote.

ACT NO. 94-2024 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING PUBLIC HEARING ON COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION FOR STILLHOUSE OF BUFFALO, LLC PROJECT
(Economic Development, Planning & Tourism)**

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

WHEREAS, the Cattaraugus County Legislature is desirous of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to assist Stillhouse of Buffalo, LLC, in expanding brewing production capabilities at their facility on NYS Rte. 219 in Ellicottville, and

WHEREAS, the Cattaraugus County Legislature is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposal prior to applying for CDBG funding, now, therefore, be it

RESOLVED, that a public hearing be held on February 28, 2024 at 5:00 p.m. at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, before the Cattaraugus County Legislature, whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application, and be it further

RESOLVED, that the Clerk of the Legislature is directed to prepare a notice of said hearing, to cause the publication of the notice of such hearing to be published in the two (2) papers which have been officially designated by this Legislature to publish "notices", and to post a copy of said notice on the County website, with both publication and posting to be made at least eight (8) days before the public hearing.

Adopted February 14, 2024 by voice vote.

ACT NO. 95-2024 by Mr. Burr
who asks immediate consideration

**ADOPTING THE CATTARAUGUS COUNTY
ELECTRONIC SIGNATURES AND RECORDS POLICY**

Pursuant to 9 NYCRR Part 540.

WHEREAS, New York State adopted an Electronic Signatures and Records Act ("ESRA") to facilitate e-commerce and e-government by giving electronic signatures (e-signatures) the same force and effect as signatures and records produced by non-electronic means, and

WHEREAS, the modernization of the work product, correspondence and other materials produced on behalf of and by the County of Cattaraugus has resulted in a significant reliance on computers, the internet and electronic means of communication and conducting business, and

WHEREAS, as a result, the County desires to adopt an electronic signatures and records policy, and

WHEREAS, an electronic signatures and records policy will provide for the County's utilization of e-signatures through methods that are practical, secure, and balance risk and cost, and

WHEREAS, the County e-signature authorization process will be instituted for contracts with other persons or entities, now, therefore, be it

RESOLVED, that the Cattaraugus County Electronic Signatures and Records Policy be, and hereby is, adopted by the Cattaraugus County Legislature, and such policy shall be available on the County's website and in the Cattaraugus County Administrator's Office, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the Cattaraugus County Electronic Signatures and Records Policy.

Adopted February 14, 2024 by voice vote.

ACT NO. 96-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WILLCARE, INC. FOR HOME HEALTH CARE SERVICES
AND RESCINDING ACT 561-2023**

Pursuant to Section 3602 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 514-2022 authorized a contract with Willcare, Inc., for the provision of home health care services, the term of which expired December 31, 2023, and

WHEREAS, Act 561-2023 authorized a contract with Willcare, Inc. for fiscal year 2024, however, due to rate increases, Act 561-2023 must be rescinded, and

WHEREAS, the County Departments of Health and Aging are desirous of continuing the aforementioned services, and

WHEREAS, Willcare, Inc., LHC Group, 901 Hugh Wallis Road South, Lafayette, Louisiana 70508, with a local address at 346 Delaware Avenue, Buffalo, New York 14202, has agreed to provide home health care services to Cattaraugus County in accordance with the following rate limits and terms:

<u>Level of Care</u>	<u>2023 Rates**</u>	<u>2024 Rates**</u>
Home Attendant/Housekeeper (Personal Care 1)(DOA)	\$26.00/hr.	\$32.00/hr.
Personal Care Aide (Personal Care 2) (DOA)	\$27.00/hr.	\$32.00/hr.
Certified Home Health Aide (Health Dept)	\$22.40/hr.	\$32.00/hr.
Licensed Practical Nurse (LPN) (Health Dept)	\$28.55/hr.++	\$35.00/hr.++
Show-up policy clause if we do not attempt to contact you for cancellation and we are aware patient will not be there	Payment for one (1) hour work	Payment for one (1) hour work

++Initial Visit which is less than, or equal to, 1 hour will be billed at 1 hour rate.

**Actual base Medicaid rates as initially established by the State Department of Health to be billed, if lower than caps to rates labeled Health Dept only. Rates for DOA can be negotiated and will be reimbursed as set above. Cattaraugus County Department of Health has applied for and receives recruitment and retention add-on funds.

Assumptions:

- The compensation rates set forth above, labeled (DOA) will be paid accordingly. The compensation rate set forth above, labeled (Health Dept), shall remain at the established current NYSDOH Medicaid rates, until or unless there is a change in the NYSDOH Medicaid rates, at which time the rates for this contract shall change identically. Rates for the Department of the Aging can be negotiated.

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Willcare, Inc., for the provision of the above-described services, for a term commencing January 1, 2024 and terminating December 31, 2024, and be it further

RESOLVED, that Act 561-2023 be, and hereby is rescinded, 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 February 14, 2024 by voice vote.

ACT NO. 97-2024 by Mrs. Andreano
who asks immediate consideration

**URGING NEW YORK STATE LEGISLATURE TO INCREASE BUDGET FUNDING
TO THE NEW YORK STATE OFFICE FOR THE AGING**

Pursuant to Section 153 of the County Law.

WHEREAS, the New York State Office for the Aging provides vital services to older citizens of New York State, and

WHEREAS, older New Yorkers contribute \$72 billion to New York's economy in state and local taxes, yet only .08% of New York's budget goes to fund services that help older adults age in their homes and communities, and

WHEREAS, despite over 18,000 people waiting for services, the governor proposes to cut \$12 million more from the budget, causing more older adults to go without, and

WHEREAS, increasing funding in the budget for the New York State Office for the Aging is critical to providing seniors the assistance they need to live out their golden years at home, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby urges Governor Hochul and the New York State Legislature to join together in support and provide the necessary funding for the New York State Office for the Aging, and be it further

RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Hochul, the Majority Leader of the NYS Senate, Senator Borrello, the Speaker of the NYS Assembly, Assemblyman Giglio, and all others deemed necessary and proper.

Adopted February 14, 2024 by voice vote.

ACT NO. 98-2024 by Mr. Brisky, Mr. Burr and Ms. Schröder
who ask immediate consideration

**SUPPORTING ONONDAGA COUNTY IN THEIR LAWSUIT AGAINST NEW YORK STATE
AND OPPOSING A.4282-B AND S.3505-B MANDATING LOCAL ELECTIONS ON EVEN YEARS**

Pursuant to Section 153 of the County Law.

WHEREAS, Onondaga County is pursuing a lawsuit against New York State to preserve their existing schedule of town and county elections, and

WHEREAS, the new state legislation that switches elections for county executives, county legislators, town supervisors, and town elected officials from odd to even years was signed into law by Governor Hochul in December 2023, and

WHEREAS, this legislation was passed with no public hearing, no engagement with local election commissioners and other stakeholders, and opts out the largest municipality, New York City, from having to comply, and

WHEREAS, Onondaga County is taking a legal stand to defend its 1962 charter which prescribes elections to be held in odd-numbered years, and

WHEREAS, the Cattaraugus County Legislature supports Onondaga County in its efforts to uphold its county charter, and

WHEREAS, the Cattaraugus County Legislature also wishes to express its opposition to this poor election policy and unfunded mandate, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby supports Onondaga County in its lawsuit against the State of New York, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby reiterates its vehement opposition to state legislation A.4282-B and its companion legislation S.3505-B, which will have dramatic and negative effects on the local election cycle, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Speaker of the Assembly Carl Heastie, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, Onondaga County, and the Inter-County Association of Western New York.

Adopted February 14, 2024 by voice vote.

ACT NO. 99-2024 by Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Marsh, Mr. Nagle, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman who ask immediate consideration

**CONGRATULATING VILLAGE OF GOWANDA FOR
WINNING NY FORWARD AWARD**

Pursuant to Section 153 of the County Law.

WHEREAS, the Village of Gowanda is one of this year's NY Forward winners in Western New York, and

WHEREAS, the Village will receive \$4.5 million to help revitalize its downtown area as part of a continuing effort and commitment to rebuilding and uplifting communities around the State, and

WHEREAS, the NY Forward Award will help build on the Village's momentum and fulfill the community's vision for the downtown rehabilitation, and

WHEREAS, proposed projects include the restoration of the historic Hollywood Theatre, improvements to the New York and Lake Erie Railroad excursion line, cleanup and redevelopment of a federal Superfund site into Gateway Park located along Cattaraugus Creek, and development of a micro-brewery, and

WHEREAS, the forward-thinking leadership and the Village's dedication to improve its community are exemplary which deserve recognition, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates the Village of Gowanda on their 2024 NY Forward Award, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Mayor of Gowanda, David L. Smith.

Adopted February 14, 2024 by voice vote.

ACT NO. 100-2024 by Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Marsh, Mr. Nagle, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman who ask immediate consideration

**CONGRATULATING GOWANDA'S HISTORIC HOLLYWOOD THEATER, LTD. FOR
RECEIVING FUNDS FROM THE NY FORWARD AWARD**

Pursuant to Section 153 of the County Law.

WHEREAS, the Village of Gowanda is one of this year's NY Forward winners in Western New York, and

WHEREAS, the Village will receive \$4.5 million to help revitalize its downtown area as part of a continuing effort and commitment to rebuilding and uplifting communities around the State, and

WHEREAS, the Hollywood Theater has been a key element to the preservation and enhancement of the Gowanda Village Historic District, and

WHEREAS, the Village will be awarding a portion of the NY Forward Award to the theater for continued restoration efforts, and

WHEREAS, the board for the Hollywood Theater has shown great strength and excellence in its leadership and civic stewardship in its persistence to preserve and enhance the community, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Gowanda's Historic Hollywood Theater, LTD., on their receipt of this award, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Mayor of Gowanda, David L. Smith and the President of the Board of Directors of the Hollywood Theater, Mark C. Burr.

Adopted February 14, 2024 by voice vote.

ACT NO. 101-2024 by Mr. Burr
who asks immediate consideration

**URGING NEW YORK STATE LEGISLATORS TO ADVOCATE ON BEHALF
OF SUNY COMMUNITY COLLEGES TO INCREASE FUNDING TO
COMMUNITY COLLEGES IN THE STATE BUDGET**

Pursuant to Section 153 of the County Law.

WHEREAS, SUNY's community colleges serve the largest percentage of low income, historically marginalized populations, and working adults of all SUNY sectors, and

WHEREAS, New York State's direct tax support for SUNY's community colleges is lower than it was a decade ago, has not increased in three years, and has fallen behind the NYS counties' direct tax support to community colleges by \$97 million, and

WHEREAS, the community college sector trustees and presidents have advocated for New York State to meet its obligation to equally share its support of the community colleges with the counties, and

WHEREAS, increasing base operating aid by \$97 million will bring the State's share of direct state tax support for operating aid equal to that of New York's counties and support training 20,000 New Yorkers in high demand jobs through the Empire State Community College Workforce Guarantee, and

WHEREAS, despite these advocacy efforts, the Governor's Executive Budget calls for no increase in base operating aid, and

WHEREAS, with no increase to base operating aid, community colleges will be unable to appropriately and substantially meet the workforce needs of New York State and Cattaraugus County, particularly in healthcare, semi-conductor manufacturing, IT and regionally based industry sectors, and

WHEREAS, Cattaraugus County has faithfully carried out our fiduciary duties and New York State should do the same, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby urges New York State Legislators to advocate on behalf of the community college sector of SUNY by ensuring that NYS meets its fiduciary obligation to equally share its financial support of the community colleges with the counties by adding an additional \$97 million in operating base aid for the community colleges as requested, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Hochul, Senate Majority Leader Stewart-Cousins, Senate Minority Leader Ortt, Assembly Majority Leader Peoples-Stokes, Assembly Minority Leader Barclay, Senator Borrello, Assemblyman Giglio, New York State Association of Counties, the Inter-County Association of Western New York, Jamestown Community College Board of Trustees, and Daniel DeMarte, EdD, President of Jamestown Community College.

Adopted February 14, 2024 by voice vote.

ACT NO. 102-2024 by Mr. Benson
who asks immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT
SENATE BILL S.7678 AND ASSEMBLY BILL A.8054 PERMITTING THE
DISCONTINUANCE OF CATTARAUGUS COUNTY REFORESTATION PROPERTY**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the Cattaraugus County Legislature requested the New York State Legislature to adopt special legislation permitting the discontinuance of reforestation lands known as "Perrysburg Pond", "Crocker's Pond", and "Bob's Pond", designated as Tax Map No. 2.003-1-20, and

WHEREAS, Senate Bill S.7678 and Assembly Bill A.8054 have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to discontinue as reforested lands the aforementioned property, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature hereby enact Senate Bill S.7678 and Assembly Bill A.8054, which authorizes the Cattaraugus County Legislature to discontinue as reforested lands property known as "Perrysburg Pond", "Crocker's Pond", and "Bob's Pond", designated as Tax Map No. 2.003-1-20, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator Borrello, Assembly Member Giglio, and the New York State Department of Taxation and Finance.

Adopted February 14, 2024 by unanimous vote.

ACT NO. 103-2024 by Mr. Benson
who asks immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT
SENATE BILL S1112A AND ASSEMBLY BILL A1515A PERMITTING THE DISCONTINUED
USE AND THE LEASING OF CATTARAUGUS COUNTY REFORESTATION PROPERTY**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the Cattaraugus County Legislature requested the New York State Legislature to adopt special legislation permitting the County to lease certain reforestation lands known as "Perrysburg Pond", "Crocker's Pond", and "Bob's Pond", designated as Tax Map No. 2.003-1-20, and

WHEREAS, Senate Bill S1112A and Assembly Bill A1515A have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to discontinue as parklands and enter into a lease agreement for a term not exceeding thirty years for the use of certain parcels of reforested land in the Town of Perrysburg, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature hereby enact Senate Bill S1112A and Assembly Bill A1515A, which authorizes the Cattaraugus County Legislature to discontinue as parklands and lease certain reforestation lands known as "Perrysburg Pond", "Crocker's Pond", and "Bob's Pond", designated as Tax Map No. 2.003-1-20, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator Borrello, Assembly Member Giglio, and the New York State Department of Taxation and Finance.

Adopted February 14, 2024 by unanimous vote.

ACT NO. 104-2024 by Mr. Brisky, Mr. Burr, Mrs. Hunt and Ms. Schröder
and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Helmich,
Mr. Higgins, Mr. Marsh, Mr. Nagle, Mr. Parker,
Mr. Smith and Mr. Teachman¹
who ask immediate consideration

**DEMANDING NEW YORK STATE PAROLE BOARD REVOKE
THE RELEASE OF EDWARD KINDT FROM PRISON**

Pursuant to Section 153 of the County Law.

WHEREAS, Act 235-2023, which is attached hereto, called for the immediate resignation of New York State Parole Board Members Caryne Demosthenes and Carlton S. Mitchell for recklessly allowing the release of predator Edward Kindt from prison, and

WHEREAS, on November 27, 2023, Edward Kindt was arrested for violating the terms of his parole and booked into the Dutchess County Jail, where he was held until December 15, 2023, and

WHEREAS, Kindt has thoroughly demonstrated that he cannot abide by New York State laws, now, therefore, be it

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

RESOLVED, that the Cattaraugus County Legislature demands that the Parole Board revoke the release of Edward Kindt and remand him forthwith to New York State Prison to serve the remainder of his life sentence, and be it further

RESOLVED, that the Cattaraugus County Legislature specifically condemns and hereby calls for the immediate resignation of the following members of the New York State Parole Board who support liberal ideologies, follow blind progressive policies and acted in a gross miscarriage of justice, by

authorizing and supporting the dangerous release of the brutal rapist and murderer Edward Kindt from prison: Caryne Demosthenes and Carlton S. Mitchell, and be it further

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

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stokes, Speaker of the Assembly Carl Heastie, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, the New York State Parole Board, the family members of Penny Brown, the Legislature of each and every County in the State of New York, and all others deemed necessary and proper, and be it further

RESOLVED, that the Clerk of the Legislature is hereby further directed to forward a certified copy of this resolution to the following Parole Board Members:

Caryne Demosthenes	Carlton S. Mitchell	Darryl C. Towns, Chairman
114 109 th Street, Apt 4C	217-52 100 th Avenue	278 Highland Boulevard
New York, NY 10025	Queens Village, NY 11429	New York, NY 11207

ACT NO. 235-2023 by Mr. Brisky, Mr. Burr, Ms. Hunt and Ms. Schröder
who ask immediate consideration

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

Pursuant to Section 153 of the County Law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED, that Cattaraugus County Legislature strongly urges the New York State Parole Board to revoke the release and remand Edward Kindt forthwith to New York State Prison to serve the remainder of his life sentence, and be it further

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

¹The following Legislators requested their names be listed as additional sponsors: “Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Helmich, Mr. Higgins, Mr. Marsh, Mr. Nagle, Mr. Parker, Mr. Smith and Mr. Teachman”.

Adopted February 14, 2024 by voice vote.

CHAIRMAN BURR granted Privilege of the Floor to Legislators Hunt and Marsh who spoke in support of Act No. 104-2024.

* * * * *

MR. MARSH moved, seconded by Mr. Boberg, to adjourn until February 28, 2024 at 5:00 p.m. Carried.

Meeting adjourned at 5:24 p.m.

Ann M. Giglio
Journal Clerk