

April 24, 2019

The meeting was called to order by the Chairman Snyder.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed six Legislators absent – Boberg, Breton, Hale, Klancer, Padlo, VanRensselaer.

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CHAIRMAN SNYDER noted that the minutes of the April 10, 2019 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law Number 3-2019 (Intro Number 3-2019), Local Law Number 4-2019 (Intro Number 6-2019) and the filing of the same on March 19, 2019; and receipt of Local Law Number 5-2019 (Intro Number 5-2019) and the filing of the same on April 5, 2019.

Seneca County Board of Supervisors: Resolution entitled “Supervisors Oppose New York State Senate Bill S.1947 and New York State Assembly Bill A.1261 Related to Hours, Wages and Supplements in Contracts for Public Works.

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PROCLAMATION:

CHAIRMAN SNYDER proclaimed the month of April 2019 as **Child Abuse Prevention Month** in Cattaraugus County. Chairman Snyder presented the proclamation to Anthony Turano, Commissioner of the Department of Social Services.

CHAIRMAN SNYDER proclaimed the month of April 2019 as **Fair Housing Month** in Cattaraugus County. Chairman Snyder presented the proclamation to Crystal Abers, Director of the Department of Economic Development, Planning & Tourism.

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PRIVILEGE OF THE FLOOR:

CHAIRMAN SNYDER granted Privilege of the Floor to Anthony Evans, Director of the Youth Bureau, who announced the upcoming Youth Citizenship Awards Banquet on June 24, 2019 at Holiday Valley. Mr. Evans also announced that the 3rd year of the Member Item Grant funding will partially be utilized to award Community Municipal Stipend Grants and Youth Mini-Grants this year.

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CHAIRMAN SNYDER called up **Act No. 182-2019**, Authorizing Extension of Stipend for Deputy County Administrator to Act as Nursing Home Director (Department of Nursing Homes), and asked that it be read.

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

Adopted April 24, 2019 by voice vote.

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ACT NO. 186-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR
2019 BRIDGE JOINT REPAIR PROGRAM
(Towns of Allegany, Freedom and Olean)**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, the County Department of Public Works is in need of engineering consultant services for the 2019 Bridge Joint Repair Program, which will involve the repair/replacement of existing bridge joints on the following structures:

County Road No. 21 Pigeon Hill over Elton Creek
Hastings Road over Olean Creek
West River Road over Allegany River,

and

WHEREAS, the existing bridge joints on the aforementioned structures are failing and repairing and/or replacing the joints as part of a preventative maintenance program can prevent undue leakage and preserve and extend the useful life of the structures, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York 14225, can provide the aforementioned engineering consultant services for an amount not to exceed \$31,000.00, to be paid periodically on a percent-of-completion basis as determined by the Department of Public Works, 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 Greenman-Pedersen, Inc., for the provision of the above-described services, for a term commencing April 1, 2019 and terminating March 31, 2020, according to the above-described terms.

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

Adopted April 24, 2019 by voice vote.

ACT NO. 187-2019 by Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH INTERACTIVE HEALTH, INC.
FOR HEALTH WELLNESS PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 425-2016, as amended by Acts 356-2017 and 367-2018, authorized a contract with Interactive Health, Inc., 1700 East Golf Road, Suite 900, Schaumburg, Illinois 60173, for the provision of a health wellness program for County employees at the rate of \$195.00 per completed health evaluation, the term of which expires December 31, 2019, and

WHEREAS, the County is desirous of providing a Healthy Activities program for County employees, and

WHEREAS, the aforementioned contract must be amended as follows (effective May 1, 2019) to reduce the annual fee from \$195.00 to \$185.00 per completed health evaluation and to include the Healthy Activities program for County employees:

- Interactive Health, Inc., shall continue to provide the following services for County employees for an annual fee of \$185.00 per completed health evaluation:
 - Health Evaluation (including biometric screening),
 - Post Evaluation Materials, Tools and Actions,
 - Post Evaluation Client reporting,
 - Interactive Health Standard Tools and Resources, and
 - Healthy Lifestyle Coaching,
- Uninsured employees, spouses and adult dependents may also elect to participate and pay \$185.00 for the service out-of-pocket, and
- For clients utilizing the Healthy Activities program, Interactive Health, Inc., will charge a fee of \$2.50 PEPM for 400 employees,

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 Interactive Health, Inc., for the provision of the above-described services, which amends the original contract which commenced January 1, 2016 and terminates December 31, 2019, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted April 24, 2019 by voice vote.

ACT NO. 188-2019 by Mr. Klancer and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES
FOR ALTERNATIVES TO INCARCERATION PROGRAM
(Probation Department)**

Pursuant to Article 13-A of the Executive Law and
Section 450 of the County Law.

WHEREAS, Act 162-2018 authorized a contract with the New York State Division of Probation and Correctional Alternatives for an Alternatives to Incarceration Program for the 2018-2019 program year, the term of which expires June 30, 2019, and

WHEREAS, the Alternatives to Incarceration Program consists of a pre-trial release component with a total program cost of \$32,481.00, with an amount of \$10,308.00 being funded through the New York State Office of Probation and Correctional Alternatives for the contract term of July 1, 2019 through June 30, 2020, and

WHEREAS, the Pre-Trial Release Program provides for the screening and, for those eligible, background evaluation on all individuals admitted to the County jail, provides the courts with sufficient information and recommendations for possible release on recognizance pending resolution of the case in court, helps relieve overcrowding in the jail, and allows the jail to operate with a simplified classification system, and

WHEREAS, this program is 32% state funded and 68% locally funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Office of Probation and Correctional Alternatives, for the provision of the above-described program, for a term commencing July 1, 2019 and terminating June 30, 2020, 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 7 members of the County Operations/
Public Safety Committee.

Adopted April 24, 2019 by voice vote.

ACT NO. 189-2019 by Ms. Vickman and Ms. Hastings

**BID ACCEPTANCE FOR MOSQUITO SPRAYING
(Health Department)**

Pursuant to Section 103 of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for aerial application and insect control, according to specifications provided by the Cattaraugus County Health Department, and

WHEREAS, the only bid received was Duflo Spray-Chemical, Inc., 8369 State Route 812, Lowville, New York 13367, as follows:

Applications - Applied Rates

Teknar HP-D & Zoecon Altosid Mixture

1st larvicide application $\$12.78/\text{acre} \times 3,505.71 \text{ acres} = \$44,802.97$

Subsequent larvicide application $\$12.23/\text{acre} \times 3,505.71 \text{ acres} = \$42,874.83$

1st adulticide application

if Scourge is used $\$4.39/\text{acre} \times 10,984 \text{ acres} = \$48,219.76$

Subsequent adulticide $\$4.18/\text{acre} \times 10,984 \text{ acres} = \$45,913.12$

2nd adulticide application

if Anvil 10 + 10 is used $\$4.22/\text{acre} \times 10,984 \text{ acres} = \$46,352.48$

Subsequent adulticide $\$4.12/\text{acre} \times 10,984 \text{ acres} = \$45,254.08,$

and

WHEREAS, the aforementioned services are 100% locally funded, and

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

RESOLVED, that the bid of Duflo Spray-Chemical, Inc. be, and the same hereby is, accepted, for a term commencing May 1, 2019 and terminating December 31, 2020, with the option by the County to renew for additional one-year terms under the same rates and conditions, and be it further

RESOLVED, that the vouchers accordingly certified by the Public Health Director of the Health Department be audited by the Auditor and paid by the County Treasurer.

No State Bid.

14 sets of specifications were sent out.

Only one bid was received.

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

Adopted April 24, 2019 by voice vote.

ACT NO. 190-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CATTARAUGUS COMMUNITY ACTION, INC.
FOR THIRD PARTY REVIEWER SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 194-2018 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of Third Party Reviewer services, the term of which expires April 30, 2019, and

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

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

WHEREAS, Cattaraugus Community Action, Inc., can provide the aforementioned Third Party Reviewer services for an amount not to exceed \$31,893.00 to be paid on a monthly basis, as invoiced, and

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing May 1, 2019 and terminating April 30, 2020, 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 7 members of the Human Services Committee.

Adopted April 24, 2019 by voice vote.

ACT NO. 191-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PARENT EDUCATION PROGRAM FOR INVESTIGATIVE AND THERAPEUTIC SERVICES
FOR CHILD PROTECTION SERVICES AT THE CHILD ADVOCACY CENTER**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 200-2018 authorized a contract with the Parent Education Program, 234 North Union Street, Olean, New York 14760, for the provision of investigative and therapeutic services for open child protection cases at the Child Advocacy Center, the term of which expires April 30, 2019, and

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

WHEREAS, the Parent Education Program can provide investigative and therapeutic services as needed for open child protection cases at the Child Advocacy Center for an amount not to exceed \$15,000.00, as invoiced, for the period May 1, 2019 through April 30, 2020, and

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Parent Education Program for the provision of services necessary to operate the Child Advocacy Center, for a term commencing May 1, 2019 and terminating April 30, 2020, 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 7 members of the Human Services Committee.

Adopted April 24, 2019 by voice vote.

ACT NO. 192-2019 by Ms. Vickman

**APPROVING MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS
(Department of Nursing Homes)**

Pursuant to Section 203(1) of the County Law.

WHEREAS, it is beneficial for the Department of Nursing Homes to be a member of the American Association of Nurse Assessment Coordinators (AANAC) for a fee of \$124.00 per year, and

WHEREAS, membership in this organization is beneficial to the County and serves a public purpose, and

WHEREAS, through the aforementioned membership, the Department of Nursing Homes will be provided broken-down updates on complex CMS regulations and requirements, as well as need-to-know information on the changing long-term care landscape, now, therefore, be it

RESOLVED, that Cattaraugus County authorizes a membership in the American Association of Nurse Assessment Coordinators (AANAC).

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

Adopted April 24, 2019 by voice vote.

ACT NO. 193-2019 by Mr. Breton, Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ERIE 1 BOCES TECHNOLOGY SERVICES
FOR CLEARTRACK COUNTY MEDICAID MODULE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 215-2018 authorized a contract with Erie 1 BOCES Technology Services, 355 Harlem Road, West Seneca, New York 14224, for the access to the ClearTrack County Medicaid Module for the Special Needs Pre-K Program for the 2018-2019 school year, the term of which expires June 30, 2019, and

WHEREAS, Erie 1 BOCES can provide access to the ClearTrack County Medicaid Module, for an amount not to exceed \$4,965.86 for the 2019-2020 school year, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned module, 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 Erie 1 BOCES Technology Services for the provision of the above-described services, for a term commencing July 1, 2019 and terminating June 30, 2020, according to the above-described terms.

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

Adopted April 24, 2019 by voice vote.

ACT NO. 194-2019 by Mr. Breton, Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
LEAGUE FOR THE HANDICAPPED FOR
PEDIATRIC SKILLED NURSING SERVICES**

Pursuant to 450 of the County Law.

WHEREAS, Act 217-2018 authorized a contract with the League for the Handicapped, 393 North Street, Springville, New York 14141, for the provision of pediatric skilled nursing services for one preschool child during transport to and from school in the Gowanda Central School District, the term of which expires June 30, 2019, and

WHEREAS, the Youth Bureau is desirous of renewing the aforementioned contract, and

WHEREAS, the League for the Handicapped has personnel who can provide the aforementioned services for an amount of \$45.00 per one way trip on an as-needed basis, as requested by the Youth Bureau, and

WHEREAS, the League for the Handicapped shall also provide periodic medical evaluations/reviews to determine whether the pediatric skilled nursing services are still necessary during transport to and from school in the Gowanda Central School District, 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 the League for the Handicapped, for the provision of the above-described services, for a term commencing July 1, 2019 and terminating June 30, 2020, 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 7 members of the Human Services Committee.

Adopted April 24, 2019 by voice vote.

ACT NO. 195-2019 by Mr. Breton, Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS HANDICAPPED EDUCATION PROVIDERS FOR
YOUTH BUREAU CHILDREN WITH SPECIAL NEEDS PROGRAM**

Pursuant to Section 236 of the Family Court Act and
Section 450 of the County Law.

WHEREAS, Act 216-2018 authorized contracts with various handicapped education providers for the provision of educational and evaluation services for various County preschool-aged children with special needs, the terms of which expire June 30, 2019, and

WHEREAS, the Family Court Act mandates that the County provide payment for the educational and evaluation services which are approved by the Court, and

WHEREAS, contracts are necessary with education providers, related-service providers, and evaluators which are accredited by the New York State Education Department, and

WHEREAS, payments to the education providers, related-service providers, and evaluators will be in accordance with the budgetary tuition rate approved by the County and/or the State, and

WHEREAS, these services are 59.5% State funded and 40.5% County funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various education providers, related-service providers, and evaluators for the provision of the above-described services, for a term commencing July 1, 2019 and terminating June 30, 2020, 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 7 members of the Human Services Committee.

Adopted April 24, 2019 by voice vote.

ACT NO. 196-2019 by Ms. Vickman and Ms. Hastings

APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND PRIME CARE COORDINATION, LLC FOR CARE MANAGEMENT SERVICES

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

WHEREAS, Prime Care Coordination, LLC, 860 Hard Road, Webster, New York 14580, has been designated by the New York State Department of Health and the Office for Persons with a Developmental Disability as a lead Health Home to serve individuals with a developmental disability, and

WHEREAS, the County Department of Community Services is desirous of joining the Prime Care Coordination provider network in order to become a preferred provider of mental health services, at no cost to the County, and

WHEREAS, as a member of the provider network, the County Department of Community Services will receive referrals from Prime Care Coordination, LLC, for the provision of mental health services, 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, with Prime Care Coordination, LLC, to signify the County's approval, to join the provider network, for a term commencing May 1, 2019 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

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

Adopted April 24, 2019 by voice vote.

ACT NO. 197-2019 by Mr. Klancer
and Labor Relations Committee:
*Ms. Vickman, Mr. Breton, Mr. Higgins,
Mr. Marsh and Mr. Giardini
and Mr. Burr, Mr. Helmich, Mr. Snyder, Jr., Mr. Snyder, Sr.,
Ms. Hastings, Mr. Koch and Mrs. Labuhn¹*

APPOINTMENT OF DIRECTOR OF INFORMATION SERVICES

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Patricia A. Davison, 9354 Potter Hill Road, Cattaraugus, New York 14719 be, and hereby is, appointed Director of Information Services, for a term commencing May 16, 2019 and terminating May 15, 2023, to be compensated at such salary which has heretofore been, or may hereafter be, established, and be it further

RESOLVED, that Patricia A. Davison be afforded all benefits in such compensation and benefit package as established for Managerial and Confidential Officers and Employees.

Approved by 7 members of the Finance Committee, 7 members of the County Operations/Public Safety Committee and 5 members of the Labor Relations Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Labor Relations Committee: Ms. Vickman, Mr. Breton, Mr. Higgins, Mr. Marsh and Mr. Giardini, and Mr. Burr, Mr. Helmich, Mr. Snyder, Jr., Mr. Snyder Sr., Ms. Hastings, Mr. Koch and Mrs. Labuhn".

Adopted April 24, 2019 by voice vote.

ACT NO. 198-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
FOR TOWN OF ASHFORD JOINT SALT/SAND STORAGE BUILDING AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

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

WHEREAS, the Department of Public Works is desirous of constructing a new salt/sand building and access on property owned by the Town of Ashford, and

WHEREAS, the County has been awarded up to \$200,000.00 through the Water Quality Improvement Program for the aforementioned project (Contract #DEC01-C00897GG-3350000), and

WHEREAS, a contract is necessary with the New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233, in order to accept, and receive the aforementioned funding, and

WHEREAS, various appropriation and revenue accounts must be adjusted, 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 New York State Department of Environmental Conservation, in order to accept and receive the aforementioned funding, for a term commencing May 1, 2018 and terminating April 30, 2023, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

H.504.5142.0000.21080.3910.03	DEC Grant	\$200,000.00
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Increase Appropriation Account:

H.504.5142.0000.21080.41603	West Valley Salt Storage Shed	\$200,000.00.
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Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 24, 2019 by voice vote.

ACT NO. 199-2019 by Mrs. Labuhn and Mr. Koch
and Mr. Burr, Mr. Helmich, Mr. Higgins, Mr. Marsh, Mr. Snyder, Jr.,
Mr. Snyder, Sr., Ms. Vickman, Mr. Giardini, Ms. Hastings and Mr. Padlo¹

**DEMANDING THAT NYSDOT RECONSTRUCT ROUTES 219 AND 417
IN THE CITY OF SALAMANCA**

Pursuant to Section 153 of the County Law.

WHEREAS, Central Avenue (NYS Route 219) and Clinton Street, Broad Street and a portion of Wildwood Avenue (NYS Route 417) in the City of Salamanca are state arterial highways owned by the State of New York ("State") and are under the jurisdiction and control of the New York State Department of Transportation ("DOT"), and

WHEREAS, the City of Salamanca ("City") and the State have entered into an arterial maintenance agreement pursuant to which the City has accepted responsibility for the plowing and day-to-day maintenance, including the filling of potholes, along such roadways, and

WHEREAS, the State reimburses the City at the rate of \$0.85 per square yard in consideration for the City's services, for a total of \$90,281 annually, and

WHEREAS, since 1987 the State has failed and refused to increase such reimbursement rate, which is presently insufficient even to cover the cost of the minimal maintenance performed by the City, and

WHEREAS, DOT is responsible to construct, reconstruct and improve such arterial highways in the same manner as other State highways for the following reasons:

- A. Highway Law Section 349-c (2.2) provides that the Commissioner of Transportation “shall construct, reconstruct or improve such extensions or continuations, including said facilities and appurtenances, in the same manner as other state highways...”;
- B. Since DOT has reconstructed, repaved and/or otherwise improved such highways many times in the past, such highways constitute “built” arterial highways for the purpose of defining DOT’s responsibility with regard thereto;
- C. Highway Law Section 53 provides that DOT “shall have supervision and control, in the construction, maintenance and improvement of all highways and bridges constructed or to be constructed by the State on any Indian reservations...” and that “(t)he cost of such maintenance and construction and improvement...shall be paid by the state out of any moneys appropriated for the maintenance, construction and improvement of highways”;
- D. On July 25, 1976 a Memorandum of Understanding (MOU) was signed by DOT and the Seneca Nation of Indians (“Nation”) by which DOT agreed to “maintain roads located within the boundaries of the Nation’s reservations, and for which the [DOT] and the State....are obligated to provide maintenance”; and
- E. In *Jimerson & Van Aernam v. State of New York*, 158 A.D.3d 1334, the Appellate Division, Fourth Department of New York State Supreme Court determined that the State is charged with the “unambiguous” statutory duty to maintain (in that case, the Red House Bridge), located on the Nation’s Allegany Territory, which by logical extension applies to all state arterial highways located on Seneca Territory,

and

WHEREAS, Route 219 is a heavily traveled highway carrying traffic from central Pennsylvania to the City of Buffalo and beyond, and

WHEREAS, the roadways identified herein have for several years been and presently remain in defective, perilous and life-threatening condition by reason of the acute deterioration of the pavement thereon, including the formation of potholes in every size and description from a few inches in diameter to massive crater-like potholes, along the entire length thereof, and

WHEREAS, the State has neglected its duty to properly construct, maintain and improve said highways as required by law and thereby placed the traveling public in peril, causing innumerable flat tires, broken axles, bent frames and other damage to vehicles traveling thereon, and

WHEREAS, the actions of motorists attempting to avoid and dodge such potholes has further imperiled other motorists and pedestrians using the highways, and

WHEREAS, in 2018, DOT was served with written notice of the existence of the aforementioned dangerous and defective conditions existing along the entire length of said highways, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby provides official notice to the State and DOT of the continued existence of the above-mentioned hazardous and defective conditions along the entire length of NYS Routes 219 and 417 within the City of Salamanca, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby demands that DOT, in fulfillment of the duty to protect the traveling public in this state, take immediate action to remove said conditions by paving and reconstructing these arterial highways in the City of Salamanca, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Andrew Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Assembly Majority Leader Carl Heastie; Assemblyman Joseph Giglio; Senate Transportation Committee Chairman Timothy Kennedy and Ranking Member Joseph Robach; Assembly Transportation Committee Chairman William Magnarelli and Ranking Member David McDonough; DOT Acting Commissioner Paul Karas; DOT Region 5 Regional Director Francis P. Cirilio, DOT Region 5 Regional Design Engineer Craig Mozrall, P.E.;

DOT Region 5 Resident Engineer for Cattaraugus County Amy Storer, P.E.; City of Salamanca Mayor Michael Smith; the Olean Times Herald; the Salamanca Press; and the Buffalo News.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Burr, Mr. Helmich, Mr. Higgins, Mr. Marsh, Mr. Snyder, Jr., Mr. Snyder, Sr., Ms. Vickman, Mr. Giardini, Ms. Hastings and Mr. Padlo".

Adopted April 24, 2019 by voice vote.

ACT NO. 200-2019 by Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Hale, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr. Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman, Mr. Giardini, Ms. Hastings, Mr. Koch, Mrs. Labuhn and Mr. Padlo

**CONGRATULATING RANDOLPH CARDINALS BOYS SOCCER TEAM
ON 2018 SECTION VI CLASS C CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Randolph High School Cardinals boys soccer team won the Section VI Class C Championship on October 26, 2018 at Tonawanda High School defeating Maple Grove 2-1, and

WHEREAS, this was their first Section VI Class C Final since 1989, and

WHEREAS, the Randolph Cardinals finished the season with an impressive 10-9-1 overall record and a 5-4-1 league record, and

WHEREAS, the team and coach should be commended for their hard work and dedication, which led to their successful season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Dave Levandowski and Assistant Coach Cody Hubbard and the Randolph High School Cardinals Boys Soccer Team on the team's Section VI Class C Championship, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Randolph Superintendent of Schools Kaine Kelly, Coach Dave Levandowski, Assistant Coach Cody Hubbard and Athletic Director Robin Maycock.

Approved by 7 members of the Finance Committee.

Adopted April 24, 2019 by voice vote.

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MOTION made by Mr. Burr, seconded by Mr. Snyder, Jr., that the Chairman write a letter to Governor Cuomo regarding the Legislature's opposition to the Driver's License Access and Privacy Act as proposed by Senate Bill S.01747 and Assembly Bill A.03675. Carried by a unanimous vote.

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MR. GIARDINI moved, seconded by Mr. Burr, to adjourn until May 8, 2019 at 4:00 p.m. Carried.

Meeting adjourned at 4:33 p.m.

Ann M. Giglio
Journal Clerk