



August 25, 2021

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

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

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the July 28, 2021 session stand approved as presented.

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**COMMUNICATIONS:**

New York State Assemblyman Joseph M. Giglio: Acknowledging receipt of Act No. 306-2021.

Orleans County Legislature: Resolution No. 353-721, Resolution Calling on the Governor to Complete Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Reconciliations that are Years Overdue and Immediately Release the Federal Funds Owed to Counties and New York City.

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**PRIVILEGE OF THE FLOOR:**

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Sean Perry, Area Representative for Alle-Catt Wind Farm who provided an update on the project. Mr. Perry introduced Marguerite Wells, Project Manager, who delivered a presentation on the project and the necessity of a road use agreement.

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**ACT NO. 308-2021** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR  
2021 STREAMBANK STABILIZATION PROJECTS**

Pursuant to Section 9 of the Soil and Water Conservation  
Districts Law and Section 450 of the County Law.

WHEREAS, inspection and technical services are needed for various emergency streambank repair projects for the 2021 Streambank Stabilization Program, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District (SWCD) has agreed to provide the inspection and technical services necessary for the following projects for an amount not to exceed \$6,875.00, to be paid on a percent-of-completion basis as invoiced:

- Project 1 County Road #47 (Lyndon Center Road)  
Town of Lyndon, streambank protection
- Project 2 County Road #5 (New Albion Road)  
Town of New Albion, streambank protection
- Project 3 County Road #6 (Leon Road)  
Town of New Albion, streambank protection
- Project 4 County Road #63 (East Hill Road)  
Town of Franklinville, streambank protection,

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 Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and bank protection inspection and technical services, for a term commencing June 17, 2021 and terminating December 31, 2021, according to the above-described terms.

Approved by 5 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 309-2021** by Public Works Committee:  
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,  
Mr. Morrow, Mr. Parker and Mr. Snyder

**LOCAL LAW NUMBER 8 - 2021**  
**COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 226-b of the County Law and  
Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NO. 2-1990, AS PREVIOUSLY AMENDED,  
ENTITLED "A LOCAL LAW REGARDING THE STORAGE, COLLECTION, RECYCLING AND  
DISPOSAL OF SOLID WASTE IN CATTARAUGUS COUNTY"**

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

SECTION 1. Legislative Intent. The intent of this Local Law is to include additional definitions in Section 2. Definitions, and make clarifications in Section 4. Source Separation, Section 5. Solid Waste Collection, Section 11. Yard Waste Disposal, Section 12. Commercial and Industrial Waste and Commercial and Industrial Recyclable Material, and Section 23. Enforcement: Penalties, contained in Local Law No. 2-1990 (Intro No. 1-1990), as amended, entitled "A Local Law Regarding the Storage, Collection, Recycling and Disposal of Solid Waste in Cattaraugus County".

SECTION 2. Amendment of Local Law No. 2-1990 (Intro No. 1-1990), as Amended. Section 2 of Local Law No. 2-1990 (Intro No. 1-1990), as amended, entitled "A Local Law Regarding the Storage, Collection, Recycling and Disposal of Solid Waste in Cattaraugus County", adopted by the Cattaraugus County Legislature on June 27, 1990, is hereby amended as follows:

- In Section 2. Definitions., delete current subsection 'ZZ. Yard Waste', and replace with the following new subsection: "ZZ. Yard Waste: A type of solid waste to include grass clippings, leaves, cuttings from shrubs, hedges and trees that are less than four (4) inches in diameter and less than four (4) feet in length, excluding stumps; yard waste does not include household waste or recyclable material, as defined herein."
- In Section 4. Source Separation., delete current subsection b., and replace with the following new subsection b.: "The transfer stations established, licensed, or contracted with, by the County shall be for the exclusive use of residents of the County, with the exception of the Village of Gowanda Erie County residents. The County reserves the right to contract with other municipalities for the use of such sites by persons within those municipalities."
- In Section 5. Solid Waste Collection., subsection 5.5, delete: "requirements", and replace with: "specifications:".
- In Section 11. Yard Waste Disposal., delete subsections 11.1 and 11.2, and replace with: "11.1 Yard waste shall not be disposed of in any manner that is not in accordance with this Section. Yard waste may be disposed of in a quantity and quality upon such terms and conditions as designated by the Commissioner of Public Works. Stumps of any kind are strictly prohibited from being disposed of at Transfer Stations."
- In Section 11. Yard Waste Disposal., renumber subsection 11.3 to "11.2".
- In Section 12. Commercial and Industrial Waste and Commercial and Industrial Recyclable Material., delete from section title: "Commercial and Industrial".
- In Section 12., subsection 12.1, add: "waste and" before "recyclable".
- In Section 23. Enforcement: Penalties., subsection 23.1, after: "6.2", delete: "and 9", and replace with: ", 9 and 11".
- In Section 23. Enforcement: Penalties., make the following changes:
  - subsection 23.6, delete: "22.5", and replace with: "23.5";
  - subsection 23.7, delete: "22.5", "22.6", "22.1", "22.2", and "22.3", and respectively replace with: "23.5", "23.6", "23.1", "23.2" and "23.3".

SECTION 3. Severability. If any provision of this Local Law, or the application thereof to any person or circumstance, shall be held invalid, the remainder of such Local Law, or the application of such provision to any other person or circumstance, shall not be affected thereby.

SECTION 4. Effective Date. This Local Law shall become effective immediately.

Approved by 5 members of the Finance Committee.

No further action taken at this time.

**ACT NO. 310-2021** by Public Works Committee:  
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,  
Mr. Morrow, Mr. Parker and Mr. Snyder

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 8 - 2021**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 25, 2021, a proposed Local Law entitled "A Local Law Amending Local Law Number 2-1990, As Previously Amended, Entitled 'A Local Law Regarding the Storage, Collection, Recycling and Disposal of Solid Waste in Cattaraugus County'" (Intro Number 1-1990), and

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

RESOLVED, that a public hearing shall be held on the proposed Local Law by this County Legislature on the 8th day of September, 2021, at 5:01 p.m. at the Legislature's Chambers, Cattaraugus County Center, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 5 members of the Finance Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 311-2021** by Mr. Benson

**AMENDING ACT 294-2021 REGARDING CONTRACT WITH  
CPL: ARCHITECTURE-ENGINEERING-PLANNING FOR  
LEGISLATIVE CHAMBER RENOVATIONS PROJECT – ENGINEERING DESIGN  
AND TRANSFER OF FUNDS  
(Contingent Fund – Legislature)**

Pursuant to Sections 363, 365 and 450 of the County Law.

WHEREAS, Act 294-2021 authorized a contract with CPL: Architecture-Engineering-Planning, for the provision of architectural-engineering design services for the Legislative Chamber Renovations Project, and

WHEREAS, Act 294-2021 should be amended to more accurately reflect necessary budgetary adjustments, now, therefore, be it

RESOLVED, Act 294-2021 be, and hereby is, amended as follows:

Add: "Increase Estimated Revenue Account:		
H.990.9950.0000.5031	Interfund Transfers	\$4,040.00",
and under "Increase Appropriation Account:", add the following:		
"A.990.9950.0000.90504	Transfer to Capital Project Fund	\$4,040.00."

Approved by 5 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 312-2021** by Mr. Helmich and Mr. Koch

**AMENDING ACT 292-2021 REGARDING  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
FOR ALLEGANY HIGHWAY/REFUSE FACILITY FEASIBILITY STUDY  
(Department of Public Works)**

Pursuant to Sections 215, 363 and 366 of the County Law.

WHEREAS, Act 292-2021 authorized the adjustment to various appropriation and revenue accounts to cover the cost of a feasibility study for the site layout of the Allegany Highway/Refuse facility, and

WHEREAS, Act 292-2021 should be amended to more accurately reflect necessary budgetary adjustments, now, therefore, be it

RESOLVED, that Act 292-2021 be, and hereby is, amended as follows:

delete:

"Increase Estimated Revenue Account:

H.540.5130.5198.21105.41603	Allegany Highway Barn, Contracted Services	\$30,000.00."
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and replace with:

"Increase Estimated Revenue Account:

H.990.9950.0000.5031	Interfund Transfers	\$30,000.00
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Increase Appropriation Accounts:

A.990.9950.0000.90504	Transfer to Capital Project Fund	\$30,000.00
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H.504.5130.5198.21105.41603	Allegany Highway Barn, Contracted Services	\$30,000.00."
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Approved by 5 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 313-2021** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE UNIFIED COURT SYSTEM FOR  
COUNTY COURTROOM RENOVATION PROJECT AND  
AREA CLEANING SERVICES, REPAIRS AND MAINTENANCE  
(NYS Contract # C300467)**

Pursuant to Chapter 686 of the Laws of 1996, 22 NYCRR Part 34.1 and Section 450 of the County Law.

WHEREAS, Act 377-2018, as amended by Act 299-2019, authorized a five (5) year contract with the NYS Unified Court System for the cleaning of court facilities as well as repairs and maintenance, the term of which expires March 31, 2023, and

WHEREAS, Chapter 686 of the Laws of 1996, as amended, gives the State of New York the fiscal responsibility of managing the interior cleaning of court facilities and the performance of minor and emergency repairs, and

WHEREAS, the New York State Unified Court System shall reimburse the County an amount of \$86,037.00 for the cleaning of court facilities, repairs and maintenance for the period April 1, 2021 through March 31, 2022, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned cleaning, repairs and 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 the New York State Unified Court System for the provision of the above-described services and to accept reimbursement funds, covering the period April 1, 2021 through March 31, 2022, 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 5 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 314-2021** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH GENERATIONS FORESTRY, INC.  
FOR FORESTRY MANAGEMENT SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 651-2016, as amended by Act 342-2019, authorized a contract with Generations Forestry, Inc., P.O. Box 319, 26 Paynes Road, Kane, Pennsylvania 16735, for the provision of services necessary to manage the County's forest lands, the term of which expires November 30, 2021, and

WHEREAS, the County Department of Public Works is desirous of renewing the aforementioned contract, and

WHEREAS, Generations Forestry, Inc., shall provide general professional forestry management services for the County, on an as-needed basis, which shall include the following:

- Provide professional forestry consulting services as requested by Cattaraugus County,
- Provide insect and disease control monitoring,

- Provide forestry regeneration recommendations and monitoring, such as deer fencing and herbiciding,
- Marking property boundaries,
- Timber stand improvement work,
- Management of water runoff and erosion controls,
- Placement of signage, and
- Other services that may be needed,

and

WHEREAS, the aforementioned consultant services shall be provided in accordance with the following fee schedule:

Senior Forester (25+ years' experience)	\$85.00 per hour
Account Manager Forester (10-25 years' experience)	\$71.00 per hour
Forester (2-10 years' experience)	\$60.00 per hour
Forest Technicians (1-5 years' experience)	\$48.00 per hour,

and

WHEREAS, Generations Forestry, Inc., shall receive from the County a 10% commission on all timber sold for Cattaraugus County, which fee also includes the following services:

- Pre-salvage harvest;
- Selectively mark all trees to be harvested;
- Prepare Timber Sale Prospectus which will include all details of the timber sale, including an inventory by diameter class, species and volume of the trees to be sold, and GPS map of defined sale area, which is subject to the approval of the County Legislature;
- Market sale to all reputable buyers in the area;
- Organize a sealed bid opening under the supervision of the Clerk of the County Legislature and the County Legislature shall award timber cutting contract to high bidder;
- Assure best management practices for New York State are implemented during harvesting, the sale and clean-up process;
- Hold performance bond from the timber buyer and close the contract after consultation and approval from the County; and
- Provide a long-term forest management plan for timbered tracts, including recommended future work and scheduled intervals,

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 Generations Forestry, Inc., for the provision of the above-described forestry management services, for a term commencing December 1, 2021 and terminating December 31, 2023, according to the above-described terms.

Approved by 5 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted August 25, 2021 by voice vote.



ACT NO. 315-2021 by Mr. Klancer and Mr. Boberg

**AUTHORIZING WITHDRAWAL OF PARCELS FROM FORECLOSURE PROCEEDINGS AND  
DIRECTING COUNTY TREASURER TO COMMENCE SUPPLEMENTARY PROCEEDINGS  
(Towns of Allegany, Carrollton, Hinsdale, New Albion and Olean)**

Pursuant to Sections 558, 990 and 1138 of the Real Property Tax Law.

WHEREAS, Section 1138 of the Real Property Tax Law authorizes the withdrawal of parcels from foreclosure under certain circumstances, and

WHEREAS, the Cattaraugus County Legislature has examined the reasons for the proposed withdrawal from foreclosure and is in agreement therewith, and

WHEREAS, it is necessary for the County Legislature to withdraw the parcels described below from foreclosure, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature finds as valid and appropriate the following: there are oil and gas wells on the properties listed below and if the County were to acquire the parcels, there are significant risks that the County could be exposed to liability substantially in excess of the amount that could be recovered by enforcing the tax liens, and be it further

RESOLVED, that the Cattaraugus County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to withdraw the parcels listed below from foreclosure, and be it further

RESOLVED, that the County Treasurer is hereby directed to commence supplementary proceedings to collect the delinquent taxes listed below in the manner provided by Real Property Tax Law Section 990:

<b>TOWN OF ALLEGANY</b>			
<u>Parcel No.</u>	<u>Owner</u>	<u>Address &amp; Tax Map No.</u>	<u>Delinquency + Penalties</u>
01	Cal Ban Corp. 1405 West Sullivan St. Olean, NY 14760	Five Mile Road-Calban Farm 84.004-2-13./4	\$9,341.14
02	Cal Ban Corp. 1405 West Sullivan St. Olean, NY 14760	Smith Hollow Wi 85.003-1-1.2/4	\$10,738.80
03	Copper Ridge Company P.O. Box 626 Olean, NY 14760	Shoreman Lease 85.003-1-3.1/4	\$2,486.62
04	Copper Ridge Company P.O. Box 626 Olean, NY 14760	Thropp,Edstrom 85.003-1-10./4	\$7,303.18
05	Copper Ridge Company P.O. Box 626 Olean, NY 14760	Kodiak 94.001-1-11./11	\$25,548.08

06	Dimes Energy GP, Inc. 757 East State St. Olean, NY 14760	All Dimes Parcels 102.004-1-2.1/1	\$205,638.56
<b>TOWN OF CARROLLTON</b>			
07	McCaffery & Krampf Oil	Chipmonk Rd 92.004-1-26./1	\$30,705.46
08	McCaffery & Krampf Oil	Chipmonk Rd Horse Shoe Lease 92.004-1-26./3	\$54,216.63
09	M. J. McCaffery Oil Co. 1875 Chipmonk Road Allegany, NY 14706	1875 Chipmonk Rd 92.004-1-25./1	\$39,403.49
10	Chautauqua Energy, Inc. P.O. Box 100 8850 West 20 Rte Westfield, NY 14787	Gas Well Ulmer G.1 25.001-2-2./1	\$1,620.13
11	Chautauqua Energy, Inc. P.O. Box 100 8850 West 20 Rte Westfield, NY 14787	Gas Well Dahl #1 16.003-2-10./1	\$1,546.70
15	Chautauqua Energy, Inc. P.O. Box 100 8850 West 20 Rte Westfield, NY 14787	Gas Well Gable, D1	\$1,157.48
<b>TOWN OF HINSDALE</b>			
17	Copper Ridge Oil, Inc. P.O. Box 626 Olean, NY 14760	11039,071 Dutton #1, 6, 8, 12 85.002-2-27./1	\$3,019.14
<b>TOWN OF NEW ALBION</b>			
18	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Mosher C#1 Gas Well 35.004-1-25./1	\$235.67
19	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Peters F #1 Gas Well 44.002-1-14.5/1	\$235.67
20	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Baker, F1 53.002-1-14.1/1	\$235.67

21	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Marcus, J1 35.003-1-4.3/1	\$235.67
22	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Wright, W1 53.001-1-25.1/1	\$235.67
23	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Irish, I1 35.003-1-13.1/1	\$235.67
24	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Pfitzer 2 35.003-1-14.1/2	\$235.67
25	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Pfitzer 1 35.003-1-14.1/1	\$235.67
26	Pefley Oil & Gas P.O. Box 102 West Falls, NY 14170	Frentz, A1 44.003-1-12.1/1	\$235.67
<b>TOWN OF OLEAN</b>			
27	Cal Ban Corp 224 North 14 <sup>th</sup> St Olean, NY 14760	Potter-Kinley 85.003-2-1./1	\$4,368.89
28	Copper Ridge Company P.O. Box 626 Olean, NY 14760	Lunn, Place & Stopfel 25 85.003-2-20./1	\$13,631.08
29	Copper Ridge Company P.O. Box 626 Olean, NY 14760	Trescott 85.003-2-3.7/1	\$9,371.49
30	Copper Ridge Company P.O. Box 626 Olean, NY 14760	Willoughby 1-2, 4-5, 7-8 94.001-1-1./1	\$1,959.95
31	Copper Ridge Company P.O. Box 626 Olean, NY 14760	Weis 85.003-2-16./2	\$26,585.15

Approved by 5 members of the Finance Committee and 6 members of the County Operations/  
Public Safety Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 316-2021** by Mr. Marsh and Mr. Higgins

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
FOR MICROENTERPRISE ASSISTANCE PROGRAM  
(Economic Development, Planning & Tourism)**

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

WHEREAS, Act 67-2021 authorized the Chairman to apply for funding through the New York State Office of Homes and Community Renewal (the "OCR") for the Community Development Block Grant ("CDBG") Microenterprise Assistance Program (the "Program"), and

WHEREAS, the County Department of Economic Development, Planning and Tourism has been awarded the amount of \$300,000.00 to implement the aforementioned Program, and

WHEREAS, a contract is necessary with the OCR in order to accept and receive the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Office of Homes and Community Renewal in order to accept, and receive the Community Development Block Grant for the Microenterprise Assistance Program, for a term commencing on the effective date of the contract and terminating July 14, 2023, 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 5 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 317-2021** by Mrs. Andreano and Mr. Helmich  
*and Mr. Koch*<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SALAMANCA HOUSING AUTHORITY FOR HEALTH DEPARTMENT OFFICE SPACE**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public  
Health Law and Sections 215 and 450 of the County Law.

WHEREAS, Act 360-2018 authorized a contract with the Salamanca Housing Authority, 69 Iroquois Drive, Salamanca, New York 14779, for the rental of office space in Hillview Homes in the City of Salamanca for Health Department office/clinic space, the term of which expires October 31, 2021, and

WHEREAS, the Health Department is desirous of renewing the aforementioned contract,  
and

WHEREAS, the Salamanca Housing Authority has agreed to continue leasing the above-described space for an amount of \$1,113.00 per month, and

WHEREAS, the office space rental is partially funded through state aid and generated revenues, 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 Salamanca Housing Authority, for the provision of the above-described services, for a term commencing November 1, 2021 and terminating October 31, 2024, according to the above-described terms, and be it further

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

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

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

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

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

Adopted August 25, 2021 by voice vote.

**ACT NO. 318-2021** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE DEPARTMENT OF HEALTH FOR  
EARLY INTERVENTION PROGRAM ADMINISTRATION (EIP)  
(Grants Gateway #DOH01-EIADM2-2021)**

Pursuant to Public Law 98-8 and Section 450 of the County Law.

WHEREAS, Act 558-2016 authorized the Chair to execute a contract with the New York State Department of Health and various entities for the Early Intervention Program (EIP) administration, the term of which expires September 30, 2021, and

WHEREAS, the New York State Department of Health, Bureau of Child and Adolescent Health, has approved funding for a five-year contract term in the amount of \$259,795.00 to cover the period October 1, 2021 through September 30, 2026 (Contract #C36392GG), and

WHEREAS, the annual funding for the County Health Department is \$51,959.00 to continue a system to gather quality information about children with special health care needs in Cattaraugus County, and

WHEREAS, a contract is necessary with the New York State Department of Health in order to obtain the aforementioned funding (Grants Gateway #DOH01-EIADM2-2021/Early Intervention Administration), and

WHEREAS, this program is 100% federally funded (CFDA #93.069), 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 Health, in order to obtain the aforementioned funding for the Early Intervention Programs, for a term commencing October 1, 2021 and terminating September 30, 2026, 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 319-2021** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
HEALTHY COMMUNITY ALLIANCE, INC. FOR  
HEALTH DEPARTMENT WOMEN INFANT AND CHILDREN (WIC) PROGRAMS**

Pursuant to 10 NYCRR Part 40-1 and  
Section 450 of the County Law.

WHEREAS, Act 373-2020 authorized a contract with Healthy Community Alliance, Inc., One School Street, Suite 1, Gowanda, New York 14070, for the provision of the following components of the Health Department WIC program, the term of which expires September 30, 2021:

- Two (2) Breastfeeding Peer Counselors (part-time), and
- One (1) Nutrition Program Aide (full-time),

and

WHEREAS, the County Health Department is desirous of continuing the services of part-time breastfeeding peer counselors and full-time nutrition program aide, and

WHEREAS, Healthy Community Alliance, Inc., has agreed to provide the aforementioned WIC program components, in accordance with the following:

<u>Breastfeeding Peer Counselor (two part-time)</u>	Total not to exceed	\$26,206.00
*to be paid on a monthly basis, as invoiced		
*Approved work-related expenses will be reimbursed, including approved work-related cell phone usage		
*Mileage will be reimbursed at a rate not to exceed the County's rate		

<u>Nutrition Program Aide (one full-time)</u>	Total not to exceed	\$52,672.50 <sup>1</sup>
*to be paid on a monthly basis, as invoiced		
*Approved work-related expenses will be reimbursed, including approved work-related cell phone usage		
*Mileage will be reimbursed at a rate not to exceed the County's rate		

and

WHEREAS, these programs are 100% funded through the WIC 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 2022, 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

<sup>1</sup>MRS. ANDREANO moved, seconded by Mr. Helmich, to amend as follows: In the third Whereas, delete: "\$50,872.50", and replace with: "\$52,672.50". Carried.

Adopted August 25, 2021, as amended, by voice vote.

**ACT NO. 320-2021** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. FOR  
WIC NUTRITIONIST**

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

WHEREAS, Act 403-2020 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of a qualified nutritionist for the County's WIC Program, the term of which expires September 30, 2021, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned contract, and

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide a full-time qualified nutritionist for the County's WIC Program for an amount of \$60,649.51, to be paid on a monthly basis as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 2022, 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 321-2021** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH THE  
NEW YORK STATE DEPARTMENT OF HEALTH TO ACCEPT  
COVID VACCINE RESPONSE FUNDING AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(COVID-19 – Health Department)**

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

WHEREAS, the New York State Department of Health (NYSDOH) has awarded COVID Vaccine Response Funding (Contract #C36918GG) to the Cattaraugus County Health Department in the amount of \$85,226.28 to promote and increase COVID-19 vaccine and other vaccine uptake, and

WHEREAS, at least 20% of the \$85,226.28 must be used to conduct activities to promote and increase COVID-19 and other vaccine uptake in racial and ethnic minority groups and to increase accessibility for people with disabilities, and

WHEREAS, this funding may be used for COVID-19 vaccine implementation expenses retroactive to January 1, 2021 and is available through June 30, 2024, and

WHEREAS, this program is 100% federally funded (CFDA #93.268), and



WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Department of Health, in order to accept, and receive, the COVID Vaccine Response funding, for a contract term commencing January 1, 2021 and terminating June 30, 2024, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.401.4095.4085.4401.14	Federal Aid, PH COVID-19 Immunization	\$21,306.57
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Increase Appropriation Accounts:

A.401.4095.4085.11000	PH COVID-19 Immunization – Full Time	\$ 4,791.98
A.401.4095.4085.12000	PH COVID-19 Immunization – Part Time	\$ 1,600.00
A.401.4095.4085.13000	PH COVID-19 Immunization – Overtime	\$ 2,500.00
A.401.4095.4085.81000	PH COVID-19 Immunization – FICA	\$ 718.49
A.401.4095.4085.82000	PH COVID-19 Immunization – Retirement	\$ 1,004.95
A.401.4095.4085.83000	PH COVID-19 Immunization – Health Insurance	\$ 2,631.44
A.401.4095.4085.84000	PH COVID-19 Immunization – Dental	\$ 158.23
A.401.4095.4085.46102	PH COVID-19 Immunization – Employee Mileage	\$ 3,500.00
A.401.4095.4085.48001	PH COVID-19 Immunization – Advertising	\$ 1,000.00
A.401.4095.4085.47035	PH COVID-19 Immunization – Medical Supplies	\$ 1,200.00
A.401.4095.4085.44105	PH COVID-19 Immunization – Waste Disposal	\$ 201.48
A.401.4095.4085.47006	PH COVID-19 Immunization – Operating Supplies	\$ 1,000.00
A.401.4095.4085.45401	PH COVID-19 Immunization – Small Equipment/Tool	\$ 1,000.00.

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

Adopted August 25, 2021 by voice vote.

**ACT NO. 322-2021** by Mrs. Andreano and Mr. Helmich

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Contracted Nursing Services-Department of Nursing Homes)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the increasing costs associated with temporary contracted nursing services for the Department of Nursing Homes, now, therefore, be it

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

Decrease Appropriation Accounts:

EI.453.4530.6020.00004.11000	LPN Full-Time Wages	\$ 70,000.00
EI.453.4530.6020.00005.11000	Aides Full-Time Wages	\$140,000.00

## Increase Appropriation Accounts:

EI.453.4530.6020.41220	Nursing Services Contracted	\$161,000.00
EI.453.4530.6020.41240	Certified Nurse Aides	\$ 49,000.00.

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

Adopted August 25, 2021 by voice vote.

**ACT NO. 323-2021** by Ms. Schröder

**ESTABLISHING NEW SALARY TABLE N FOR NON-BARGAINING UNIT,  
PART-TIME, TEMPORARY AND SUBSTITUTE EMPLOYEES ASSIGNED TO  
THE DEPARTMENTS OF HEALTH AND NURSING HOMES**

Pursuant to Section 205 of the County Law.

WHEREAS, certain positions of employment within the County are assigned to the part-time, temporary and substitute non-bargaining unit and are compensated on an hourly basis, and

WHEREAS, it has been increasingly difficult to recruit and retain such part-time, temporary and substitute employees, and

WHEREAS, it has been determined that the hourly rate for Licensed Practical Nurses, Registered Professional Nurses, Community Health Nurse and Nurse Practitioner should be increased for Steps 1 through 5, as follows:

LPN - Grade 20 will increase to \$24.00/hour

RN - Grade 24 will increase to \$30.07/hour

Community Health Nurse – Grade 26 will increase to \$32.22/hour

Nurse Practitioner – Grade 34 will increase to \$45.68/ hour,

and

WHEREAS, a new Salary Table N has been established to enact these salary rates, now, therefore, be it

RESOLVED, that effective June 28, 2021, a new Salary Table N is hereby established for non-bargaining unit part-time, temporary and substitute County employees.

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

Adopted August 25, 2021 by voice vote.

**ACT NO. 324-2021** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH LEVANT WESLEYAN CHURCH  
FOR FATHERS SUPPORT/PARENTING GROUP**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 331-2020 authorized a contract with the Levant Wesleyan Church for the provision of a weekly support/parenting group for fathers who are currently working with or under the supervision of the Department of Social Services to focus on family, child and service engagement, the term of which expires August 31, 2021, and

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

WHEREAS, the purpose of the aforementioned program is to reduce re-involvement with Child Protective Services, the Support Collection Unit and Family Court, and

WHEREAS, the Levant Wesleyan Church, 1670 Lundquist Drive, Falconer, New York 14733, can provide a weekly two-hour support/parenting group for male residents of Cattaraugus County who are involved with the Department of Social Services through Child Protective Services, the Child Welfare Unit, Adult Protection Unit, Support Collection Unit, and as parents to youth involved in the juvenile justice/probation system by providing education, parenting services and support, and

WHEREAS, the Levant Wesleyan Church can provide the aforementioned services for a total amount not to exceed \$18,000.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), 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 Levant Wesleyan Church, for the provision of the above-described services, for a term commencing September 1, 2021 and terminating August 31, 2022, 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 325-2021** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES AND  
ESTABLISHING FEES FOR DEPARTMENT OF SOCIAL SERVICES BURIALS**

Pursuant to Section 141 of the Social Services Law  
and Section 450 of the County Law.

WHEREAS, Act 318-2018 authorized contracts with various entities and established burial fees paid by the County Department of Social Services, the term of which expire August 31, 2021, and

WHEREAS, the County is desirous of renewing the aforementioned contracts for a five-year term, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various entities for the provision of the above-described burial services, for a term commencing September 1, 2021 and terminating August 31, 2026, according to the above-described terms, and be it further

RESOLVED, that the following fee schedule, which was established September 1, 2021, shall continue through August 31, 2026 for Department of Social Services indigent burials:

Burial:

including casket, embalming, plot, grave liner and grave opening/closing      \$3,000.00

Cremation:

including cremation, container, plot and grave opening/closing      \$3,000.00.

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

Adopted August 25, 2021 by voice vote.

**ACT NO. 326-2021** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD, INC.  
FOR YEAR-ROUND YOUTH PROGRAMS (2021-2022)**

Pursuant to Workforce Innovation and Opportunity Act (Public Law 113-128)  
and Section 450 of the County Law.

WHEREAS, Act 335-2020 authorized a contract with the Cattaraugus-Allegany Workforce Development Board, Inc. (CAWDB), for the provision of services necessary to operate year-round youth programs, the term of which expired June 30, 2021, and

WHEREAS, the County Department of Social Services is desirous of continuing the provision of services to youth and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the Cattaraugus-Allegany Workforce Development Board, Inc. (CAWDB) will pay to the County an amount not to exceed \$203,979.00 for the provision of the above-described youth services for the period July 1, 2021 through June 30, 2022, and

WHEREAS, this program is 100% federally funded (CFDA# 17.250), now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Development Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2021 and terminating June 30, 2022, 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 25, 2021 by voice vote.

**ACT NO. 327-2021** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD, INC.  
FOR WIOA CAREER SERVICES**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,  
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 334-2020 authorized a contract with the Cattaraugus-Allegany Workforce Development Board, Inc., One Blue Bird Square, Lower Level, Olean, New York 14760, (CAWDB), for the operation of the WIOA One-Stop Career Services program, the term of which expired June 30, 2021, and

WHEREAS, the County Department of Social Services is desirous of continuing the One Stop Operator Career Services program, and

WHEREAS, the CAWDB will pay the County for the administration of the above-described program the sum of \$331,242.00 for the program year July 1, 2021 through June 30, 2022, to be paid on a monthly basis, as invoiced, and as follows:

Adult	\$162,004.00
Dislocated Worker	\$151,042.00
Administration	\$ 18,196.00,

and

WHEREAS, this program is 100% federally funded (CFDA #17.250), now, therefore, be it  
RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Development Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2021 and terminating June 30, 2022, 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 25, 2021 by voice vote.

ACT NO. 328-2021 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND OLEAN MEDICAL GROUP, LLP  
FOR DEPARTMENT OF COMMUNITY SERVICES OFFICE SPACE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 323-2019 authorized a lease agreement with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the leasing of general medical office space and access to common area space in its facility for individual counseling services to children, adolescents and adults at the Olean Medical Group, the term of which expires August 31, 2021, and

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

WHEREAS, the Olean Medical Group, LLP, shall lease approximately 360 square feet of general medical space and grant access to approximately 1,890 square feet of common area space in its facility to the Cattaraugus County Community Services Board for an amount of \$400.00 per month, for an amount of \$4,800.00 per year, to be paid on a monthly basis, as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, between the Cattaraugus County Community Services Board and Olean Medical Group, LLP, to signify the County's approval, for the provision of the above-described leased space, for a term commencing September 1, 2021 and terminating August 31, 2022, with the option to extend the lease for one (1) additional year to August 31, 2023 at the same rates, terms and conditions, if acceptable to both parties, according to the above-described terms.

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

Adopted August 25, 2021 by voice vote.

**ACT NO. 329-2021** by Mrs. Andreano, Mr. Benson, Mrs. Hunt, Mr. Morrow, Ms. Schröder, Mr. Snyder and Mr. VanRensselaer and Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Parker, Mr. Smith and Mr. Koch<sup>1</sup>

**OPPOSING INFRINGEMENTS ON THE INALIENABLE RIGHTS OF THE PEOPLE AND  
DECLARING CATTARAUGUS COUNTY A CONSTITUTIONAL COUNTY AND  
AMENDING THE MISSION STATEMENT OF THE COUNTY TO CONFORM THEREWITH**

Pursuant to Section 153 of the County Law.

WHEREAS, members of the Cattaraugus County Legislature, being elected to represent the people of Cattaraugus County, are duly sworn by their oath of office to uphold the Constitution of the United States and the New York State Constitution and Laws, including the New York State Civil Rights Law, and

WHEREAS, the Cattaraugus County Legislature is determined to stand as a Constitutional County to protect the rights provided to its citizens under the U.S. Constitution and its amendments, and

WHEREAS, such protections will extend to rights specifically enumerated in the Constitution and its amendments, including, but not limited to, rights to freedom of expression, speech, association, religion, press and petition, the right to keep and bear arms, the right to protection of person and property from government overreach and the right not to be deprived of life, liberty or property without due process of law, and

WHEREAS, such protections will also extend to all other rights neither enumerated in the Constitution nor its amendments, but which exist alongside the same as inalienable, basic, fundamental rights that are so deep rooted in our society that they are deserving of protection from governmental infringement and are thus protected by the Ninth Amendment, including, but not limited to, the right to equality, liberty and the pursuit of livelihood and happiness, and

WHEREAS, the Cattaraugus County Legislature wishes to express its profound commitment to the rights of all citizens of Cattaraugus County to keep and bear arms and proclaim that it is determined to stand as a Constitutional County that recognizes, respects and upholds Second Amendment rights, and states that it will use all legal means at its disposal to oppose, within the limits of the Constitution of the United States and the Civil Rights Law of the State of New York, any efforts to unconstitutionally restrict such rights in order to assure that its citizens will be able to keep and bear arms and use the same in defense of life, liberty and property, whether in a well-regulated militia, or individually, and

WHEREAS, the Cattaraugus County Legislature stands and will continue to stand in strong opposition to any law that would unconstitutionally restrict, or infringe upon, the above recognized rights, and

WHEREAS, the goal statement on the Cattaraugus County webpage ([www.cattco.org/government](http://www.cattco.org/government)) currently states: "The goal of County government and the [County Legislature](#) is to provide the traditional role as an arm of State government, while also taking a more non-traditional role which seeks to establish the County as an agency that analyzes service needs, sorts them in an orderly manner, and realigns and consolidates services so they may be performed most effectively and financed most economically", and

WHEREAS, this current mission (goal) statement fails to recognize the Constitutional, historical, and rightful role of the Legislature to act as a check and balance upon not only local executive and judicial branches, but upon the State government itself, and

WHEREAS, this current mission (goal) statement fails to recognize the Constitutional, historical, and rightful role of the legislature as a voice of the People of Cattaraugus County and a guarantor of their liberties, now, therefore, be it

RESOLVED, that the mission (goal) statement shall be revised to state: "The goal of the Cattaraugus County Government is to support and respect the Constitution of the United States of America and its amendments, and to provide essential services financed most economically to its citizens. Also, it is to establish an environment in which the citizens of Cattaraugus County can pursue life, liberty, and happiness unencumbered by excessive and oppressive governmental mandates and intrusions into their day-to-day lives. The goal of the government of this County is to uphold the freedoms enshrined in the Bill of Rights. The County Legislature recognizes that governments in the United States of America - at all levels - are to be restrained and limited and that the power of government resides in the people. The Legislators of this County, accept with humility and gratitude the reality that they serve at the consent of the governed and at the will of the people. The Legislators believe in the rule of law, equality before the law, due process, private property protections, and the rights of citizens to pursue their livelihoods without excessive governmental oversight. Wherever possible, the Legislature will encourage local solutions, local funding, and creative approaches to the problems our community encounters. The

Legislature stands as a protector between the citizens of this County and the tendency of governments at state and federal levels to advance into territory not their own and consume, rather than secure, the liberties endowed to the people by the Constitution and the Bill of Rights. The County's guide and standard will be the Constitution of the United States and the Founding Documents upon which our Nation, our State, and the local communities of Cattaraugus County are built", and be it further

RESOLVED, that the Cattaraugus County Legislature hereby expresses its intent to uphold all such rights of the citizens of Cattaraugus County and that public funds, resources, employees, buildings or offices not be used to restrict such rights or to aid or assist in the enforcement of any restriction of the rights granted under the Constitution or its Bill of Rights (such constitutionality to be determined by the Courts), and be it further

RESOLVED, that the Cattaraugus County Legislature recognizes that Government must be limited and that the people must be free from unnecessary and arbitrary Governmental overreach and intrusions, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby declares Cattaraugus County, New York, a Constitutional County, unwavering in its commitment to protect the constitutional rights of its citizens.

Approved by 5 members of the Finance Committee.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Parker, Mr. Smith and Mr. Koch".

MR. BRISKY and MR. BURR requested a Roll Call vote, which disclosed as follows:

Ayes: Andreano, Benson, Boberg, Brisky, Burr, Helmich, Higgins, Koch, Marsh, Morrow, Parker, Schröder, Smith, Snyder, VanRensselaer -15.

Nays: none.

Act No. 329-2021, having received a unanimous vote of the Legislature, was declared Adopted.

\* \* \* \* \*

MR. MARSH moved, seconded by Mr. Koch, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 330-2021 through Act No. 336-2021. Carried.

\* \* \* \* \*

**ACT NO. 330-2021** by Mr. VanRensselaer  
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 July 23, 2021:



Brigette Ross, to fill the unexpired term of Gail Hammond, term expiring December 31, 2023;  
Peggy Keller, to fill the unexpired term of Leonard Liguori, term expiring 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 Cattaraugus County Community Services Board.

Adopted August 25, 2021 by voice vote.

**ACT NO. 331-2021** by Labor Relations Committee:

Ms. Schröder, Mr. Marsh, Mr. Brisky,  
Mr. Helmich and Mr. Koch  
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF ASSISTANT PAYROLL SPECIALIST (NH) IN THE  
DEPARTMENT OF NURSING HOMES AND ESTABLISHING COMPENSATION FOR THE SAME  
(Nursing Homes)**

Pursuant to Sections 204 and 205 of the County Law and  
Section 22 of the Civil Service Law.

WHEREAS, the impending retirement of the current payroll specialist in the Department  
of Nursing Homes creates the necessity to train and have coverage in place for a replacement, and

WHEREAS, the position of Assistant Payroll Specialist (NH) can fill this need, and

WHEREAS, a New Position Duties Statement has been submitted to the Cattaraugus  
County Personnel Officer, who has approved the title of Assistant Payroll Specialist (NH) in accordance  
with Civil Service Law Section 22, and

WHEREAS, sufficient funds are included in the Department of Nursing Homes budget to  
accommodate this position, now, therefore, be it

RESOLVED, that effective July 1, 2021, there is hereby created one (1) position of Assistant  
Payroll Specialist (NH) to be filled on a full-time basis in the Department of Nursing Homes in the  
Managerial and Confidential Officers and Employees Salary Schedule, Pay Grade 21 (\$26.57 per hour),  
Position No. 200-023-001.

Adopted August 25, 2021 by voice vote.

**ACT NO. 332-2021** by Labor Relations Committee:

Ms. Schröder, Mr. Marsh, Mr. Brisky,  
Mr. Helmich and Mr. Koch  
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF INVESTIGATOR (RISK MANAGEMENT)  
IN THE COUNTY ATTORNEY'S OFFICE, ESTABLISHING COMPENSATION  
FOR THE SAME AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(County Attorney's Office – Risk Management)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and  
Section 22 of the Civil Service Law.

WHEREAS, the County Attorney's Office recently took over the functions of Risk Management, and

WHEREAS, there is insufficient staff to investigate complaints of workplace violence, sexual harassment, employee misconduct, and discrimination as well as assist the Privacy, Security and Compliance Officer and the County Attorney in such matters; assist the Safety Engineer in investigating accidents involving County personnel or equipment; and assure compliance with indemnification requirements and risk management specifications, and

WHEREAS, the position of Investigator can perform such functions as well as related duties, and

WHEREAS, a New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title of Investigator (Risk Management) in accordance with Civil Service Law Section 22, and

WHEREAS, various appropriation accounts must be adjusted in order to accommodate the aforementioned position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Investigator (Risk Management) to be filled on a full-time basis in the County Attorney's Office in the Managerial and Confidential Officers and Employees Salary Schedule, Pay Grade 24 (\$29.22 per hour), Position No. 142-175-001, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$25,249.84 from Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Accounts:

A.144.1445.0000.11000	Full Time Wages	\$16,363.20
A.144.1445.0000.81000	FICA	\$ 1,251.78
A.144.1445.0000.82000	Retirement	\$ 1,750.86
A.144.1445.0000.83000	Health Insurance	\$ 5,782.88
A.144.1445.0000.84000	Dental	\$ 101.12.

Adopted August 25, 2021 by voice vote.

**ACT NO. 333-2021** by Labor Relations Committee:

Ms. Schröder, Mr. Marsh, Mr. Brisky,  
Mr. Helmich and Mr. Koch  
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF HUMAN RESOURCES SPECIALIST TRAINEE  
IN THE HUMAN RESOURCES' OFFICE AND ESTABLISHING COMPENSATION FOR THE SAME  
(Human Resources)**

Pursuant to Sections 204 and 205 of the County Law and  
Section 22 of the Civil Service Law.

WHEREAS, due to restructuring within the Human Resources Department, there is a need for a position to assist with civil service, labor relations and human resources functions, and

WHEREAS, the position of Human Resources Specialist Trainee can perform such functions as well as related duties, and

WHEREAS, a New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title of Human Resources Specialist Trainee in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds are available in the Department of Human Resources budget to accommodate this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Human Resources Specialist Trainee to be filled on a full-time basis in the Department of Human Resources in the Managerial and Confidential Officers and Employees Salary Schedule, Pay Grade 24 (\$29.22 per hour), Position No. 143-167-003.

Adopted August 25, 2021 by voice vote.

**ACT NO. 334-2021** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
REHABILITATION TODAY SERVICES, PLLC, FOR  
HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM OCCUPATIONAL THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law  
and Section 450 of the County Law.

WHEREAS, Act 475-2020 authorized a contract with Rehabilitation Today Services, PLLC, 2416 Constitution Avenue, Olean, New York 14760, for the provision of occupational therapy services to patients of the County Health Department Home Health Care Program, the term of which expires September 30, 2021, and

WHEREAS, the County Health Department is desirous of renewing the aforementioned contract, and

WHEREAS, Rehabilitation Today Services, PLLC, has agreed to provide occupational therapy services to Cattaraugus County Health Department patients at the following rates:

<u>Service</u>	<u>2020-2021 Rate</u>	<u>2021-2022 Rate</u>
Occupational Therapist	\$77.52 per visit	\$79.07 per visit
Occupational Therapy Assistant	\$77.52 per visit	\$79.07 per visit
Attendance at Meetings	\$31.62 per hour	\$32.25 per hour
Office Visits:		
per standard visit - (any combination of modalities and/or procedures; CHAA or patient to provide all dressings and ointments)	\$61.20 per visit	\$62.42 per visit
per short visit - (less than 15 minutes)	\$40.80 per visit	\$41.61 per visit
Office Visit Evaluations	\$76.91 per visit	\$78.44 per visit
Recruitment & Retention (to be determined by NYSDOH), and		

WHEREAS, if Rehabilitation Today Services, PLLC, refuses any occupational therapy visits during the term of the 2022 contract, then the rates for such services shall revert back to the base rate of \$68/visit for the duration of the contract, and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Rehabilitation Today Services, PLLC, for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 2022, according to the above-described terms, and be it further

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

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

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

Adopted August 25, 2021 by voice vote.

**ACT NO. 335-2021** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS  
WITH U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES  
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION  
FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC EXPANSION GRANT  
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 520A of Public Health Service Act and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Community Services has been awarded a two-year grant from the U.S. Department of Health & Human Services Substance Abuse and Mental Health Services Administration for the Certified Community Behavioral Health Clinic Expansion (CCBHC) Grant, and

WHEREAS, the two-year grant amounts awarded for the CCBHC are as follows:

August 31, 2021 through August 30, 2022	\$1,277,916.00
August 31, 2022 through August 30, 2023	\$1,198.849.00,

and

WHEREAS, funding received under the CCBHC Expansion Grant can be used for preparation and initiation of an integrated behavioral health clinic in Cattaraugus County, and

WHEREAS, a contract is necessary in order to accept the aforementioned grant funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the U.S. Department of Health & Human Services Substance Abuse and Mental Health Administration, in order to accept, and receive, the Certified

Community Behavioral Health Clinic Expansion Grant, for the project period commencing August 31, 2021 and terminating August 30, 2023, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:

A.431.4335.2110.4490.05	Federal Aid, Mental Health - SAMSHA Grant	\$868,600.00
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Increase Appropriation Accounts:

A.431.4335.2110.11000	Full Time Wages	\$ 90,000.00
A.431.4335.2110.41215	Medical Director	\$ 6,000.00
A.431.4335.2110.41220	Nursing Services Contracted	\$ 75,000.00
A.431.4335.2110.41229	Social Worker Contracted	\$210,000.00
A.431.4335.2110.41244	Clinical Supervisor	\$ 20,000.00
A.431.4335.2110.41249	Psychiatric Services	\$ 50,000.00
A.431.4335.2110.41603	Contracted Services	\$ 40,000.00
A.431.4335.2110.41606.05	Contracted Services, CS - Technical Assistance	\$ 25,000.00
A.431.4335.2110.41611	Consultant Services	\$100,000.00
A.431.4335.2110.41636	Support Staff	\$ 32,000.00
A.431.4335.2110.43002	Telephone Shared Service	\$ 2,000.00
A.431.4335.2110.43003	Information Shared Services	\$ 15,000.00
A.431.4335.2110.43005	Records Management Shared Services	\$ 4,000.00
A.431.4335.2110.43006	Maintenance Shared Services	\$ 15,000.00
A.431.4335.2110.44203	Rent	\$ 8,000.00
A.431.4335.2110.45203	Software Licenses and Maintenance	\$ 12,000.00
A.431.4335.2110.45309	Equipment Lease	\$ 2,500.00
A.431.4335.2110.45401	Small Equipment	\$ 5,000.00
A.431.4335.2110.46102	Employee Mileage Reimbursement	\$ 5,000.00
A.431.4335.2110.46106	Training	\$ 22,000.00
A.431.4335.2110.46108	Cell Phone	\$ 1,200.00
A.431.4335.2110.47001	Postage	\$ 2,000.00
A.431.4335.2110.47002	Office Supplies	\$ 5,400.00
A.431.4335.2110.47036	Nursing Supplies	\$ 2,500.00
A.431.4335.2110.48112	Client Incentives	\$ 5,000.00
A.431.4335.2110.48402.02	Other Exp CCA	\$ 40,000.00
A.431.4335.2110.48402.03	Other Exp JP	\$ 40,000.00
A.431.4335.2110.81000	FICA	\$ 7,500.00
A.431.4335.2110.82000	Retirement	\$ 13,500.00
A.431.4335.2110.83000	Health Insurance	\$ 12,000.00
A.431.4335.2110.84000	Dental Insurance	\$ 1,000.00.

Adopted August 25, 2021 by voice vote.

**ACT NO. 336-2021** by Mr. Boberg and Mr. Klancer  
who ask immediate consideration

**TRANSFER OF FUNDS  
(Contingent Fund – Information Services)**

Pursuant to Sections 363 and 365 of the County Law.

WHEREAS, the County desires to purchase two (2) video conference units for use in meetings, and

WHEREAS, First Light can provide the aforementioned video conference units through New York State Contract #PM20800, and

WHEREAS, a transfer of funds is necessary in order to cover the cost of the aforementioned units, now, therefore, be it

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$24,794.80
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Increase Appropriation Accounts:

A.101.1010.0000.20006	Computer Equipment/Software	\$12,397.40
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A.123.1230.0000.20006	Computer Equipment/Software	\$12,397.40.
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Adopted August 25, 2021 by voice vote.

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MR. BURR moved, seconded by Mr. Brisky, to adjourn until September 8, 2021 at 5:00 p.m.  
Carried.

Meeting adjourned at 5:50 p.m.

Ann M. Giglio  
Journal Clerk