

September 26, 2018

The meeting was called to order by Chairman Snyder.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – Breton.

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CHAIRMAN SNYDER noted that the minutes of the September 12, 2018 session stand approved as presented.

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CHAIRMAN SNYDER asked the Journal Clerk to read the recommendation letter from the Cattaraugus County Republican Committee:

*The committee members from Legislative District 4 have, by a majority vote thereof, recommended that Norman L. Marsh, 121 First Street, Little Valley, New York 14755, fill the District 4 vacancy caused by Bob Neal's resignation.*

MR. VANRENSELAER moved, seconded by Mr. Snyder, Jr., to nominate Norman L. Marsh to fill the vacancy in Legislative District #4.

Mr. VanRensselaer moved, seconded by Mr. Snyder, Jr., to close the nominations. Carried.

By voice vote, Mr. Marsh was appointed by the Cattaraugus County Legislature to fill the vacancy in Legislative District #4.

COUNTY COURT JUDGE RONALD PLOETZ administered the oath of office to Norman L. Marsh.

\* \* \* \* \*

**COMMUNICATIONS:**

Cattaraugus County Republican Committee: Letter recommending the appointment of Norman L. Marsh to fill the vacancy in District #4.

\* \* \* \* \*

**APPOINTMENTS:**

**CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD**

Brian George  
 Human Resources Coordinator  
 Cutco Corporation  
 1116 East State Street  
 Olean, New York 14760,  
*to fill the remainder of Carrie Child's term through December 31, 2019*

Mary Trzcinski  
 Employment Specialist-1  
 New York State ACCES-VR  
 508 Main Street  
 Buffalo, New York 14202,  
*to fill the remainder of Chris Luly's term through December 31, 2020.*

CHAIRMAN SNYDER asked the Journal Clerk to read the following new 2018 Standing Committee assignments:

*County Operations/Public Safety Committee:* Mr. Klancer, Mr. Marsh, Mr. Boberg, Mr. Higgins, Mr. VanRensselaer, Mr. Koch and Mr. Padlo

*Human Services Committee:* Ms. Vickman, Mr. Snyder, Jr., Mr. Breton, Mr. Burr, Mr. Helmich, Mr. Marsh and Ms. Hastings

*Labor Relations Committee:* Ms. Vickman, Mr. Breton, Mr. Higgins, Mr. Marsh and Mr. Giardini

\* \* \* \* \*

**PUBLIC HEARING:**

CHAIRMAN SNYDER announced this is the time and place called for a public hearing on **Act No. 400-2018, Local Law Number 7-2018**, as amended, entitled "Amending Local Law Number 7-2013 Regarding Fee Schedule for Onoville Marina Boating and Camping Activities to Include Disabled Veterans, Active Military Personnel and Reservists Exemption", and that anyone wishing to speak for or against this local law may now do so.

There being no one wishing to speak, CHAIRMAN SNYDER declared the public hearing closed.

\* \* \* \* \*

**PRIVILEGE OF THE FLOOR:**

CHAIRMAN SNYDER granted Privilege of the Floor to Greg Sten, Safety Engineer, and Judith Braden, Safety Trainer, who presented an update on Safety Plans and training for the County.

CHAIRMAN SNYDER presented Anthony Turano, Social Services Commissioner, with a Certification of Appreciation from Genesis House of Olean for Outstanding Service to their Mission. Genesis House provides shelter for homeless people and collaborates with the Department of Social Services.

\* \* \* \* \*

CHAIRMAN SNYDER called up **Act No. 400-2018, Local Law Number 7-2018**, as amended, Amending Local Law Number 7-2013 Regarding Fee Schedule for Onoville Marina Boating and Camping Activities to Include Disabled Veterans, Active Military Personnel and Reservists Exemption, and asked that it be read.

CHAIRMAN SNYDER requested a Roll Call vote on Act No. 400-2018, which disclosed as follows:  
 Ayes: Boberg, Burr, Giardini, Hale, Hastings, Helmich, Higgins, Klancer, Koch, Labuhn, Marsh, Padlo, Snyder, Jr., Snyder, Sr., VanRensselaer, Vickman - 16.  
 Nays: none.

Act No. 400-2018, Local Law Number 7-2018, as amended, having received a two-thirds vote of the Legislature, was declared Adopted.

\* \* \* \* \*

**ACT NO. 419-2018** by Mr. Klancer and Mr. Neal

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
 NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR  
 INDIGENT LEGAL SERVICES FUNDING  
 (January 1, 2017 – December 31, 2019 Grant - Round 7)**

Pursuant to Article 30 of the Executive Law,  
 Article 18-B and Section 450 of the County Law.

WHEREAS, Act 473-2015 authorized a three-year contract (Round 4) with the New York State Office of Indigent Legal Services in order to accept Indigent Legal Services funding totaling \$242,199.00 to improve the quality of legal representation under Article 18-B of the County Law, and

WHEREAS, the New York State Office of Indigent Legal Services has announced that it is accepting proposals for a three-year distribution of funds from the Indigent Legal Services Fund (ILSF) for the period January 1, 2017 through December 31, 2019 – Round 7, which is a renewal of the Round 4 funding, and

WHEREAS, a three-year plan must be submitted to the Office of Indigent Legal Services which demonstrates that the funding provided will be utilized to improve the quality of legal representation under Article 18-B of the County Law, and

WHEREAS, Cattaraugus County has been notified that it shall receive an amount of \$80,733.00 per year for three (3) years, for a total three-year grant in the amount of \$242,199.00 for the period January 1, 2017 through December 31, 2019, and

WHEREAS, the application for the aforementioned funding shall reflect the following proposed uses as have been agreed upon by the Public Defender, the Administrator of Assigned Counsel, and Legal Assistance of Western New York, with the approval of the Chairman of the Cattaraugus County Legislature:

<u>Description</u>	<u>3 Year Total</u>
Regional Appellate Program (continuation)	\$105,000.00
Pay Equity for Assistant Public Defenders and Administrator of Assigned Counsel (continuation)	\$ 92,910.00
Pay Equity-Fringe Benefits for Assistant Public Defenders and Administrator of Assigned Counsel (continuation)	\$ 16,875.00
Internet Access for Public Defender Office Staff (renewal)	\$ 2,883.00

Education and Training Efforts for Public Defender's Office, Administrator of Assigned Counsel and Legal Aid of Western New York (continuation)	\$ 10,431.00
Internship for Public Defender's Office and Assigned Counsel Office	\$ 12,000.00
Worker's Compensation and	\$ 2,100.00

WHEREAS, it is in the best interests of Cattaraugus County to submit the aforementioned three-year proposal and apply for the ILSF funding at no cost to the County, now, therefore, be it

RESOLVED, that the Public Defender's Office, with the agreement of the Administrator of Assigned Counsel and Legal Assistance of Western New York, be, and hereby is, authorized and directed to submit to the New York State Office of Indigent Legal Services a three-year proposal for its proposed use of the aforementioned funds within the parameters set forth herein, and be it further

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 Indigent Legal Services, in order to apply for, accept and receive the aforementioned funds, and commit Cattaraugus County to their use as prescribed by such office, for a term commencing January 1, 2017 and terminating December 31, 2019, with automatic one-year extension periods until the grant funds have been expended, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the County Operations/  
Public Safety Committee.

Adopted September 26, 2018 by voice vote.

**ACT NO. 420-2018** by Mr. Klancer and Mr. Neal

**AUTHORIZING PLAN FOR DISBURSEMENT OF  
CERTAIN FUNDS RECEIVED FROM THE  
NEW YORK STATE INDIGENT LEGAL SERVICES FUND (ILSF)  
(January 1, 2017 – December 31, 2019 Grant - Round 7)**

Pursuant to Section 363 of the County Law.

WHEREAS, Act 419-2018 authorized the Chairman to execute grant documents in order to receive a three (3) year Indigent Legal Services Funding grant from the New York State Office of Indigent Legal Services for the purpose of improving the availability and quality of indigent legal services for the period January 1, 2017 through December 31, 2019, and

WHEREAS, in order to receive such funds, the County needs to submit a plan to the Office of Indigent Legal Services for the disbursement of such funds, and

WHEREAS, Act 419-2018 further authorized a plan for the disbursement of ILSF funds for the purpose of salary enhancements for Assistant Public Defenders and the Administrator of Assigned Counsel, which will be made on a quarterly basis, covering services provided January 1, 2017 through December 31, 2019, and

WHEREAS, the criteria established in the Office of Indigent Legal Services Standards and Criteria for the Provision of Mandated Representation effective January 1, 2013, provides that counties

must ensure that attorneys and programs providing mandated legal services have and use adequate resources and procedures to receive or provide compensation commensurate with that of opposing counsel and opposing counsel's office, and

WHEREAS, the salary enhancements were made in accordance with the aforementioned criteria and provide equity in the assistant attorney salaries between the Public Defender's Office and the District Attorney's Office, and

WHEREAS, the County will receive the amount of \$80,733.00 per year, for a three (3) year period, for the purpose of improving the availability and quality of indigent legal services, and

WHEREAS, the ILSF grant provides for the reimbursement to the County on a quarterly basis, now, therefore, be it

RESOLVED, that in addition to the regular compensation of the Assistant Public Defenders and the Administrator of Assigned Counsel (AAC), the following amounts be disbursed as indicated on the following chart, so long as the employee has been employed for the complete preceding calendar quarter, minus withholding tax, FICA, retirement and other required withholdings therefrom:

<u>Stipend Number</u>	<u>Paid on a Bi-Weekly Pay Schedule</u>	
	<u>1/1/18 – 12/31/18</u>	<u>Bi-Weekly Amount as</u>
	<u>Total Amount including</u>	<u>adjustment to pay</u>
	<u>county share of FICA and</u>	
	<u>Retirement</u>	
001	\$9,214.41	\$287.08
002	\$2,119.06	\$ 69.69
003	\$7,177.53	\$223.62
004	\$6,546.93	\$215.31
005	\$5,882.84	\$193.47
AAC	\$5,651.82	\$201.93

<u>Stipend Number</u>	<u>1/1/19 – 12/31/19</u>	
	<u>Total Amount including</u>	<u>Bi-Weekly Amount as</u>
	<u>county share of FICA and</u>	<u>adjustment to pay</u>
	<u>Retirement</u>	
001	\$9,214.41	\$287.08
002	\$2,119.06	\$ 69.69
003	\$7,177.53	\$223.62
004	\$6,546.93	\$215.31
005	\$5,882.84	\$193.47
AAC	\$5,651.82	\$201.93

<u>Stipend Number</u>	<u>1/1/20 – 12/31/20</u>	
	<u>Total Amount including</u>	<u>Bi-Weekly Amount as</u>
	<u>county share of FICA and</u>	<u>adjustment to pay</u>
	<u>Retirement</u>	
001	\$9,214.41	\$287.08
002	\$2,119.06	\$ 69.69
003	\$7,177.53	\$223.62
004	\$6,546.93	\$215.31
005	\$5,882.84	\$193.47
AAC	\$5,651.82	\$201.93

and be it further

RESOLVED, that upon cessation of this three-year program all positions of Assistant Public Defender and Administrator of Assigned Counsel shall revert back to their 2012 salary subject to any authorized salary adjustments and cost of living increases, and be it further

RESOLVED, that upon termination of state funding for this program, then this program and the salary enhancements hereby authorized shall be automatically abolished, and be it further

RESOLVED, that upon the reduction of any such funding, the County, in its sole discretion, may terminate such program and salary enhancements.

Approved by 7 members of the Finance Committee and 6 members of the County Operations/  
Public Safety Committee.

Adopted September 26, 2018 by voice vote.

**ACT NO. 421-2018** by Mr. VanRensselaer and Mr. Koch  
*and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS  
WITH NORTH PARK INNOVATIONS GROUP, INC., FOR  
INVENTORY AND MARKETING EXPENSES**

Pursuant to Section 99-h of the State Finance Law and Section 450 of the County Law.

WHEREAS, Cattaraugus County has designated casino funds for economic development in the approved spending plan to address projects such as business retention and expansion by providing incentives to companies that retain and expand employment within Cattaraugus County, and

WHEREAS, the County is desirous of retaining and expanding employment in Cattaraugus County, and

WHEREAS, North Park Innovations Group, Inc., 6442 Route 242 East, Ellicottville, New York 14731, has plans to purchase inventory for a new product line and is in need of working capital, which includes inventory and marketing expenses, and

WHEREAS, North Park Innovations Group, Inc., projects that 2.5 full-time equivalent (FTE) positions will be hired with the loan with a total of five (5) FTE positions to be created as a result of this project within three (3) years, and

WHEREAS, the County administers its economic development loan program, using casino funds for economic development projects in the County, and

WHEREAS, it is proposed that the County loan to North Park Innovations Group, Inc., the sum of \$75,000.00, at a 5% fixed interest rate per annum, to be repaid in monthly installments over a seven (7) year period, with the following conditions:

- Payments for months 1 (one) through 84 (eight-four) shall be principal and interest;
- Upon the County's receipt of acceptable documentation verifying the creation of at least 2.5 full-time equivalent positions (FTE) being hired within six (6) months of loan closing and an additional 2.5 FTE employees being hired within three (3) years of loan closing, North Park Innovations Group, Inc., would be eligible for loan principal forgiveness in the amount of \$25,000.00 after sixty (60) consecutive, on-time monthly payments,
- North Park Innovations Group, Inc., shall provide job creation documentation once

per year, and such loan principal forgiveness will be pro-rated for the preceding 12 month period, and

- To maintain eligibility for loan principal forgiveness, loan repayments must be made on time,

and

WHEREAS, sufficient funds are included in the economic development fund from casino proceeds for this project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute loan documents, on behalf of Cattaraugus County, with North Park Innovations Group, Inc., for a term commencing upon signing of the loan documents and terminating seven (7) years thereafter, according to the above-described terms.

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

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

Adopted September 26, 2018 by voice vote.

**ACT NO. 422-2018** by Mr. VanRensselaer and Mr. Koch  
and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS  
WITH FUSION ON MAIN, LLC FOR  
INVENTORY AND MARKETING EXPENSES**

Pursuant to Section 99-h of the State Finance Law and Section 450 of the County Law.

WHEREAS, Cattaraugus County has designated casino funds for economic development in the approved spending plan to address projects such as business retention and expansion by providing incentives to companies that retain and expand employment within Cattaraugus County, and

WHEREAS, the County is desirous of retaining and expanding employment in Cattaraugus County, and

WHEREAS, Fusion on Main, LLC, 115 West Main Street, Allegany, New York 14706, has plans to purchase equipment and provide renovations, and

WHEREAS, Fusion on Main, LLC, projects that 8-12 full-time equivalent (FTE) employees will be hired as a result of this project, and

WHEREAS, the County administers its economic development loan program, using casino funds for economic development projects in the County, and

WHEREAS, it is proposed that the County loan to Fusion on Main, LLC, the sum of \$75,000.00, at a 5% fixed interest rate per annum, to be repaid in monthly installments over a seven (7) year period, with the following conditions:

- Payments for months 1 (one) through 84 (eight-four) shall be principal and interest,

and

WHEREAS, sufficient funds are included in the economic development fund from casino proceeds for this project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute loan documents, on behalf of Cattaraugus County, with Fusion on Main, LLC, for a term

commencing upon signing of the loan documents and terminating seven (7) years thereafter, according to the above-described terms.

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

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

Adopted September 26, 2018 by voice vote.

**ACT NO. 423-2018** by Ms. Vickman and Mr. Snyder, Jr.

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

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

WHEREAS, the County Department of Social Services (DSS) has the responsibility of placing children at risk into foster care and is in need of institutional foster care for children in Cattaraugus County, and

WHEREAS, contracts with various residential foster care institutions are necessary with rates based upon usage in accordance with the New York State fee schedule for the approved listing of residential institutions throughout New York State, and

WHEREAS, this program is 62% state and 38% county funded, now, therefore, be it

RESOLVED, that the Chair of the Cattaraugus County Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various residential foster care institutions for the provision of the above-described services for a term commencing October 1, 2018 and terminating December 31, 2019, with the County's option to renew for additional one-year periods, according to the above-described terms, and be it further

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

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

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

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

Adopted September 26, 2018 by voice vote.

**ACT NO. 424-2018** by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING  
WITH OLEAN GENERAL HOSPITAL FOR  
GEROPSYCHIATRIC EVALUATIONS FOR DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Nursing Homes is desirous of obtaining geropsychiatric evaluations for its residents, and

WHEREAS, the Olean General Hospital, 515 Main Street, Olean, New York 14760, can provide the aforementioned geropsychiatric evaluations as requested by the County at no cost to the County, 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, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Memorandum of Understanding, on behalf of Cattaraugus County, with the Olean General Hospital, for the provision of the above-described geropsychiatric services, for a term commencing January 1, 2019 to continue in full force and effect for one year with automatic one year renewals, unless amended or terminated by either party, according to the above-described terms.

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

Adopted September 26, 2018 by voice vote.

**ACT NO. 425-2018** by Mr. Higgins and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
PETRUZZI INSURANCE AGENCY, LLC FOR BROKER OF RECORD SERVICES  
FOR COUNTY INSURANCE PROGRAM**

Pursuant to Sections 52 and 78 of the General Municipal Law and Sections 215 and 450 of the County Law.

WHEREAS, Act 610-2017 authorized a contract with Petruzzi Insurance Agency, LLC, 825 East State Street, Olean, New York 14760, for the provision of brokerage services for the County's Commercial Property, Boiler & Machinery, Commercial Crime, Excess Workers' Compensation & Employer's Liability, Excess Public Entity Liability 1st Layer, Excess Public Entity Liability 2nd Layer, Cyber Security Liability Policy, Nursing Home Policy Renewal, and Marina Coverages, as well as Risk Management Consulting services, the term of which expires December 31, 2018, and

WHEREAS, the County Department of Human Resources is desirous of renewing the aforementioned contract for another year for the provision of brokerage services, and

WHEREAS, Petruzzi Insurance Agency, LLC, can provide brokerage services for the County's Commercial Property, Boiler & Machinery, Commercial Crime, Excess Workers' Compensation & Employer's Liability, Excess Public Entity Liability 1st Layer, Excess Public Entity Liability 2nd Layer, Cyber Security Liability Policy, Nursing Home Policy Renewal, and Marina Coverages, as well as Risk

Management Consulting services, for an annual amount of \$70,000.00, to be paid as invoiced, 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 Petruzzi Insurance Agency, LLC, contingent upon and subject to the inclusion in the 2019 budget of sufficient funds to cover the costs of the aforementioned services, for the provision of the above-described brokerage services, for a term commencing January 1, 2019 and terminating December 31, 2019, according to the above-described terms.

Approved by 7 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted September 26, 2018 by voice vote.

**ACT NO. 426-2018** by Mr. VanRensselaer and Mr. Koch  
*and Mr. Padlo<sup>1</sup>*

**AUTHORIZING PUBLIC HEARING ON  
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION  
(Ellicottville Brewery-Little Valley Project)**

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, Act 445-2016 authorized a public hearing to consider citizen comments regarding the Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal for funding to support the development of a brewery that will include bottling operations, a restaurant and a museum to be located at 202 Second Street in the Village of Little Valley, New York (the "Project"), and

WHEREAS, the County is required to hold a second public hearing on the Ellicottville Brewery-Little Valley project to obtain citizen views regarding any aspect of the Project's implementation, including, but not limited to any construction, financing, and employment opportunities resulting from the Project, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature to consider citizen comments regarding the implementation of a brewery that will include bottling operations, a restaurant and a museum to be located at 202 Second Street in the Village of Little Valley, New York, on the 24th day of October, 2018, at 4:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least ten (10) 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 7 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

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

Adopted September 26, 2018 by voice vote.

**ACT NO. 427-2018** by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH WINTER EQUIPMENT COMPANY, INC. FOR  
CARBIDE INSERTS & PLOW BLADES, PLOW GUARDS AND ACCESSORIES**

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

WHEREAS, the County Department of Public Works is desirous of purchasing carbide inserts & plow blades, plow guards and accessories for snow removal equipment, and

WHEREAS, pursuant to Section 103(3) of the General Municipal Law, the County is authorized to piggyback on a contract between Oneida County and Winter Equipment Company, Inc., which allows local municipalities and agencies authorized by New York State to purchase carbide inserts & plow blades, plow guards and accessories during the period November 9, 2017 through October 31, 2018, and

WHEREAS, Winter Equipment Company, Inc., 1900 Joseph Lloyd Parkway, Willoughby, Ohio 44094, can provide the following snow removal equipment to Cattaraugus County in accordance with the Oneida County contract pricing, as follows:

<u>Quantity</u>		<u>Part ID No.</u>	<u>Part Description</u>	<u>Unit Cost</u>	<u>Total Cost</u>
22	set	1200 0073	Blade, Plow, Winter 3-piece Razor XL, 11'	\$1,624.00	\$35,728.00
22	each	1200 0090	Plowguard, Straight, 8" x 12" O/C, Winter	\$ 93.320	\$ 2,053.04

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Winter Equipment Company, Inc., for the provision of the above-described snow removal equipment, for a term commencing September 26, 2018 and terminating upon delivery, and acceptance by the County, within 90 days of receipt of order, according to the above-described terms.

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

Adopted September 26, 2018 by voice vote.

**ACT NO. 428-2018** by Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT  
WITH WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING &  
LANDSCAPE ARCHITECTURE, P.C. FOR CONDITIONS ASSESSMENT FOR THE  
PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS**

Pursuant to Sections 215 and 450 of the County Law and Americans with Disabilities Act.

WHEREAS, Act 562-2017 authorized a contract with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. ("Wendel"), Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, for a conditions assessment for The Pines Healthcare and Rehabilitation Center-Olean Campus, for a total amount of \$19,400.00, which includes reimbursable expenses, the term of which expires December 31, 2018, and

WHEREAS, a modification of the services to be provided is necessary in order to delete some services which were included in the original contract, while adding others, and

WHEREAS, the County Department of Nursing Homes is desirous of amending the aforementioned contract to include renovations to the resident bariatric toilet rooms, the resident lounge spaces and the main kitchen, as well as, reassess the nurse call system, and

WHEREAS, Wendel shall provide the following additional engineering services for an amount of \$36,750.00, which includes reimbursable expenses:

Resident Bariatric Toilet Rooms	Develop an assessment of the scope of renovations required to convert two (2) private rooms and toilets at each wing (six total) for bariatric resident use
Resident Lounge Spaces	Re-image the resident lounge space in A, B & C wings
Main Kitchen Conditions Assessment	Upgrade meal service methods, replace equipment and provide renovations
Nurse Call System Assessment and	Redesign and update Nurse Call System,

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 Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described services, to amend the original contract which commenced January 1, 2018 to terminate *December 31, 2019*<sup>1</sup>, according to the above-described terms.

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

<sup>1</sup>MS. VICKMAN moved, seconded by Mr. Burr, to amend as follows: In the Resolved, delete: "June 30, 2019", and replace with: "December 31, 2019". Carried.

Adopted, as amended, September 26, 2018 by voice vote.

**ACT NO. 429-2018** by Mr. Hale, Mr. Snyder, Jr. and Mr. VanRensselaer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATALOG & COMMERCE SOLUTIONS, LLC D/B/A DISCOVER EGOV  
FOR CATTARAUGUS COUNTY WEBSITE DEVELOPMENT AND  
TRANSFER OF FUNDS  
(Contingent Fund - Consultant Services)**

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

WHEREAS, the County is desirous of updating the County website to better emphasize the County's strengths and graphically reflect the County, and

WHEREAS, Catalog & Commerce Solutions, LLC, d/b/a Discover eGov, 263 East Street, Pittsford, New York 14534, can provide for the development of the new website bringing forth existing content and images into a new design, as well as provide onsite training for staff working directly with the website for an amount as follows:

<u>Website Development</u>	\$29,950.00
(includes website design and development, product content/component conversion, and training and "Train the Trainer" sessions)	
<u>Annual Support, Maintenance &amp; Hosting</u>	\$ 6,000.00/year 1
(includes hardware, dedicated servers, bandwidth	
storage, security, software updates, support,	\$ 6,200.00/year 2
training and software licenses)	\$ 6,400.00/year 3

Additional Programming – outside of scope of work is billable at \$125.00/hour,

and

WHEREAS, a transfer of funds is necessary 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 Catalog & Commerce Solutions, LLC, d/b/a Discover eGov, for the provision of the above-described website development and support services, for a term commencing September 26, 2018 and terminating December 31, 2021, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$29,950.00
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Increase Appropriation Account:

A.642.6420.0000.41611	Consultant Services	\$29,950.00.
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Approved by 7 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted September 26, 2018 by voice vote.

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MR. SNYDER, JR., moved, seconded by Mrs. Labuhn, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 430-2018 through Act No. 431-2018, inclusive. Carried.

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**ACT NO. 430-2018** by Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Hale, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman, Mr. Giardini, Ms. Hastings, Mr. Koch, Mrs. Labuhn and Mr. Padlo who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH WENDEL WD, ARCHITECTURE, ENGINEERING, SURVEYING &  
LANDSCAPE ARCHITECTURE, P.C. FOR ENGINEERING DESIGN SERVICES FOR  
FRANKLINVILLE PUBLIC WORKS FACILITY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of building a new Public Works Facility to replace the existing truck storage and light maintenance facility, located in Franklinville, New York, that was damaged by fire, and

WHEREAS, engineering design services are necessary for the new facility, and

WHEREAS, Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, can provide the immersion, preliminary design and final design services necessary for the new Public Works Facility, for an amount not to exceed \$240,000.00, to be paid as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned 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 Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described services, for a term commencing within five (5) days of the written Notice to Proceed and terminating December 31, 2019, according to the above-described terms.

Adopted September 26, 2018 by voice vote.

**ACT NO. 431-2018** by Mr. Klancer  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR  
EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM**

Pursuant to P.L. 81-920 and Section 450 of the County Law.

WHEREAS, Act 373-2017 authorized a contract with the New York State Emergency Management Office, 1220 Washington Street, Building 22, Suite 101, Albany, New York 12226-2251, for the 2017 Emergency Management Performance Grant Program, the term of which expires September 30, 2018, and

WHEREAS, the County desires to, and should continue to, participate in the program for federal fiscal year 2018, and

WHEREAS, under this agreement, the County will receive \$34,827.00 from the State Department of Homeland Security and Emergency Services for the Emergency Management Performance Grant, and

WHEREAS, this program is 50% federally funded (CFDA #97.042), 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 Emergency Management Office for the above-described program, for a term commencing October 1, 2017 and terminating September 30, 2019, 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 September 26, 2018 by voice vote.

\* \* \* \* \*

MR. KOCH moved, seconded by Ms. Hastings, to adjourn until October 10, 2018 at 4:00 p.m. Carried.

Meeting adjourned at 4:34 p.m.

Ann M. Giglio  
Journal Clerk