

July 22, 2020

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Richard Helmich.

The Attendance Roll Call disclosed one Legislator absent - Hunt.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the June 24, 2020 session stand approved as presented.

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**COMMUNICATIONS:**

Livingston County Board of Supervisors: Resolution No. 2020-136, Authorizing the Development and Implementation of an Early Retirement Incentive.

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**APPOINTMENTS:**

**CATTARAUGUS COUNTY PLANNING BOARD**  
*Term to expire July 31, 2021*

Daniel Brown, *to fill the vacancy created by the resignation of John Sayegh.*

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**RECOGNITION:**

CHAIRMAN VANRENSELAER recognized the service of Patricia A. Davison to Cattaraugus County as Director of Information Services with a Chairman’s Certificate of Recognition. Mrs. Davison resigned her position on July 17, 2020.

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**PRIVILEGE OF THE FLOOR:**

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Daniel DeMarte, President of Jamestown Community College, who presented a power point on the community college’s 6-year Master Facility Plan and the future direction of the community college.

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ACT NO. 257-2020 by Mr. Helmich and Mr. Koch

**BID ACCEPTANCE FOR GENERATOR MAINTENANCE FOR COUNTY BUILDINGS  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for generator maintenance for County Buildings, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Penn Detroit Diesel Allison, LLC, d/b/a Penn Power Systems, 8330 State Road, Philadelphia, Pennsylvania 19136, with a local office at 350 Bailey Avenue, Buffalo, New York 14210, as follows:

Semi-Annual Service:	(8/1/2020– 7/31/2021)	(8/1/2021- 7/31/2022)	(8/1/2022- 7/31/2023)
DPW Facility	\$862.00	\$1,552.00	\$872.00
Pump Station	\$615.00	\$1,011.00	\$625.00
County Center-LV & Jail	\$795.00	\$1,804.00	\$810.00
County Office Building-Olean	\$972.00	\$1,636.00	\$986.00
The Pines – Olean	\$972.00	\$1,684.00	\$986.00
The Pines – Machias	\$764.00	\$1,626.00	\$1,296.00
Five Points Landfill (lower pump station)	\$566.00	\$870.00	\$700.00
Allegany Highway Barn	\$553.00	\$772.00	\$553.00
Franklinville Highway Barn	\$660.00	\$800.00	\$665.00
Radio Towers:			
Dutch Hill	\$566.00	\$870.00	\$700.00
McCarty	\$566.00	\$870.00	\$700.00
Yorkshire-Machias	\$566.00	\$870.00	\$700.00
Dayton	\$566.00	\$870.00	\$700.00
Knapps Creek	\$566.00	\$870.00	\$700.00
4 <sup>th</sup> Street	\$553.00	\$650.00	\$564.00
Lyndon	\$566.00	\$870.00	\$700.00
Nickolas	\$566.00	\$870.00	\$700.00
Allegany State Park	\$566.00	\$870.00	\$700.00
Oldro Hill Tower (Cold Spring)	\$566.00	\$870.00	\$700.00
Total	\$12,406.00	\$20,235.00	\$14,357.00
Straight Time Labor Charges: M-F 8:00 am – 4:30 pm	\$139.00	\$139.00	\$139.00
Not Covered by Contract Overtime	\$169.00	\$169.00	\$169.00
Sundays & Holidays	\$199.00	\$199.00	\$199.00
Mileage Rate: Per mile	\$2.50	\$2.50	\$2.50

and

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

RESOLVED, that the bid of Penn Detroit Diesel Allison, LLC, d/b/a Penn Power Systems be, and the same hereby is, accepted, for a term commencing August 1, 2020 and terminating July 31, 2023, and be it further

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

No State Bid.

Five (5) sets of specifications were sent out.

Three bids were received.

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 258-2020** by Mr. Helmich and Mr. Koch

**BID ACCEPTANCE FOR HMWM HEALER/SEALER DECK TREATMENTS  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for HMWM Healer/Sealer Deck Treatments for eight (8) bridges, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned HMWM Healer/Sealer Deck Treatments was the bid of Oakgrove Construction, Inc., P.O. Box 103, Elma, New York 14059, for an amount of \$116,391.00, to be paid as invoiced and as determined by the Department of Public Works, and

WHEREAS, the award of the aforementioned project is contingent upon approval by the New York State Department of Transportation, and

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

RESOLVED, that the bid of Oakgrove Construction, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract and terminating October 30, 2020, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Seven sets of specifications were sent out.

Four bids were received that met specifications.

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 259-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION SUPPORT AND INSPECTION  
SERVICES FOR HMWM HEALER/SEALER DECK TREATMENTS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Works is in need of construction support and inspection services for the HMWM Healer/Sealer Deck Treatments for eight (8) bridges, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, can provide the aforementioned construction support and inspection services for an amount not to exceed \$37,500.00, to be paid as invoiced and approved by the Commissioner of the Department of Public Works, and

WHEREAS, this program is 80% federal (CFDA #20.205), 20% county funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described construction support and inspection services, for a term commencing July 22, 2020 and terminating November 30, 2020, according to the above-described terms.

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 260-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION  
WITH BERGMANN ASSOCIATES FOR  
EVALUATION AND INSPECTION OF CABIC POND DAM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 159-2018 authorized a contract with Bergmann Associates, 280 East Broad Street, Suite 200, Rochester, New York 14604, for the provision of evaluation, inspection and reclassification services for the Cabic Pond Dam, which is a Class B dam, the term of which expired December 31, 2019, and

WHEREAS, a contract extension is necessary to complete the aforementioned services, at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Bergmann Associates, for the provision of the above-described services, to extend the term of the original contract which commenced March 28, 2018, to terminate September 30, 2020, according to the above-described terms.

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 261-2020** by Mr. Burr

**AUTHORIZING COUNTY ATTORNEY TO RETAIN NAPOLI SHKOLNIK, PLLC  
AND JOIN GENERIC DRUG LITIGATION ON BEHALF OF CATTARAUGUS COUNTY**

Pursuant to Section 153 of the County Law.

WHEREAS, the attorney general of 48 states have brought a civil action alleging price fixing, market division, and other antitrust violations by twenty (20) defendant pharmaceutical companies related to more than 100 different drugs, and

WHEREAS, many, if not the majority, of counties in New York, like the County of Cattaraugus, "self-insure," meaning that they themselves pay the costs of workers' compensation, health insurance and pharmaceuticals for their employees, dependents and retirees, and

WHEREAS, since the County of Cattaraugus directly purchases, indirectly reimburses for, or otherwise pays for the generic drugs at issue, the County of Cattaraugus should join the legal action that other counties are contemplating now to recover the amounts the County may have overpaid, and

WHEREAS, the County Attorney has received a proposal for retaining counsel regarding the aforementioned legal action and, after review, has recommended to this Legislature a retainer proposal providing reasonable compensation for counsel from any proceeds of an award out of this action, now, therefore, be it

RESOLVED, that the County of Cattaraugus be, and hereby is, authorized to join the other counties of New York State in civil litigation alleging price fixing, market division, and other antitrust violations and any other related causes of action, and be it further

RESOLVED, that the County of Cattaraugus accepts the proposed Special Counsel Agreement from the law firm of Napoli Shkolnik PLLC, and the County Attorney is authorized to execute the Special Counsel Agreement on behalf of the County of Cattaraugus.

Approved by 6 members of the Finance Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 262-2020** by Mr. VanRensselaer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
JAMESTOWN COMMUNITY COLLEGE FOR  
LUMP SUM PAYMENT RATHER THAN PAYMENTS BASED ON CHARGEBACKS**

Pursuant to Sections 6304 and 6305 of the Education Law  
and Section 450 of the County Law.

WHEREAS, Act 592-2018 authorized a lump sum payment in the amount of \$1.9 million to Jamestown Community College rather than payments based on chargebacks, and

WHEREAS, the County shall appropriate a 2% increase each year commencing January 1, 2020 until terminated by either party hereto for Jamestown Community College, and

WHEREAS, a contract with Jamestown Community College is necessary in order to make such lump sum payment, 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 Jamestown Community College, for a lump sum payment to the College of \$1.938 million for a term commencing January 1, 2020 and terminating December 31, 2020, with automatic annual renewals based on a 2% increase each year, according to the above-described terms.

Approved by 6 members of the Finance Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 263-2020** by Mr. Brisky and Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
DRESCHER & MALECKI, LLP FOR AUDITING SERVICES**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 532-2015 authorized a contract with the firm of Drescher & Malecki, LLP, for the provision of certain auditing services for Cattaraugus County for fiscal years 2015, 2016, 2017 and 2018, with the County's option to renew for years ending 2019 and 2020, and

WHEREAS, the County Treasurer is desirous of contracting with Drescher & Malecki to provide the aforementioned services in 2021, 2022, 2023 and 2024, and

WHEREAS, the firm of Drescher & Malecki, LLP, 3083 William Street, Suite 5, Cheektowaga, New York 14227, can provide audit services for the County for an amount not to exceed as follows:

Fiscal year ending December 31, 2021	\$56,786.00
Fiscal year ending December 31, 2022	\$57,786.00
Fiscal year ending December 31, 2023	\$58,886.00 (option to renew)
Fiscal year ending December 31, 2024	\$59,886.00 (option to renew),

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned audit 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 firm of Drescher & Malecki, LLP, for the provision of the above-described auditing services, for a term commencing January 1, 2020 and terminating December 31, 2022, with the option at the County's discretion to renew for an additional two years, according to the above-described terms.

Approved by 6 members of the Finance Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 264-2020** by Mr. Brisky

**CANCELING UNENFORCEABLE LIENS  
(Towns of Allegany and Carrollton)**

Pursuant to Sections 404 and 448 of the Real Property Tax Law.

WHEREAS, there are certain properties located in Cattaraugus County containing vacated oil and gas wells which are no longer producing, or have been capped, and are no longer on the tax rolls, and

WHEREAS, it is necessary and prudent for the Cattaraugus County Legislature to cancel the unpaid taxes where the lien of such taxes is unenforceable, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby cancels the lien of taxes for the properties below, as being unenforceable:

<u>Name of Owner</u>	<u>Tax Map #</u>	<u>Amount</u>	<u>Tax Years</u>
Drillers, LLC	102.002-1-51.5/4	\$ 9.80	2016
Drillers, LLC	102.002-1-50.5/4	\$ 12.15	2016
Miller Oil Co.	111.002-1-28.2/4	\$ 655.12	2019
Jerry Brenan	101.002-2-13.1/4	\$ 1,212.86	2013-2014
Michael McCaffery	92.004-1-27.1/1	\$ 976.39	1994-1998
Michael McCaffery	92.004-1-26.12	\$ 363.34	1994-1998
Hemlock Oil & Gas	101.002-1-6./2	\$11,749.65	2009-2013

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 265-2020** by Mr. Brisky

**CANCELING UNENFORCEABLE LIENS  
(Villages of Gowanda, Franklinville, Cattaraugus and Little Valley,  
Town of Dayton and City of Olean)**

Pursuant to Section 558 of the Real Property Tax Law.

WHEREAS, it is necessary and prudent for the Cattaraugus County Legislature to cancel unpaid taxes where the lien of such taxes is unenforceable, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby cancels the lien of taxes on the following properties as being unenforceable due to environmental reasons:

<u>Name of Owner</u>	<u>Location</u>	<u>Tax Map No.</u>	<u>Amount</u>	<u>Tax Years</u>
Lorna Blakely	51 Washington Street Cattaraugus, NY	35.082-1-25.1	\$109,715.02	2006-2014
Barrett Ellison Rhonda Ellison	305 Sixth Street Little Valley, NY	54.064-1-2.2	\$ 8,855.48	2014, 2017, 2019

Buffalo Turbine Agricultural Equipment Co.	Industrial Place Gowanda, NY	16.028-1-1.3	\$ 27,305.66	2010-2013
Buffalo Turbine Co.	Industrial Place Gowanda, NY	16.027-2-12	\$ 25,864.04	2010-2013
Kraig Munzert	29 Elm Street Franklinville, NY	40.062-2-15	\$ 21,883.79	2004-2013
VanDerHorst Properties, LLC	314 Penn Avenue Olean, NY	94.048-1-60	\$ 1,332.39	2009-2019
Peter Cooper Markhams, LLC	Bentley Road Dayton, NY	25.001-1-32	\$ 37,940.36	1998-2019

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 266-2020** by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ESRI FOR SMALL MUNICIPAL AND COUNTY GOVERNMENT  
ENTERPRISE LICENSE AGREEMENT PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 268-2017 authorized a contract with ESRI, 380 New York Street, Redlands, California 92373, for the provision of GIS software through the Small Municipal and County Governments Enterprise License Agreement (ELA) program, the term of which expires August 9, 2020, and

WHEREAS, the County Office of Real Property Tax Services is desirous of renewing the County's GIS software license agreement, and

WHEREAS, ESRI can provide GIS software through the Small Municipal and County Governments Enterprise License Agreement (ELA) program for an amount of \$57,000.00 per year for a three (3) year term, for a total not to exceed \$171,000.00, and

WHEREAS, the Small Municipal and County Governments Enterprise License Agreement (ELA) program includes the ESRI products and services listed below:

- ArcGIS desktop products –ArcInfo, ArcEditor, ArcView;
- ArcGIS desktop extensions – 3D Analyst, Spatial Analyst, Geostatistical Analyst, ArcScan, Publisher, Maplex, Network Analyst, Schematics and Job Tracking Extension;
- ArcGIS server-based products – ArcGIS Server (advanced, standard, basic/workgroup enterprise);
- ArcIMS;
- ArcGIS Server Extensions – 3D Analyst, network Analyst, Spatial Analyst;
- ArcGIS Engine Runtime Deployments;
- ArcGIS Engine Runtime extensions – 3D Analyst, Spatial Analyst, Geodatabase Update network Analyst, ArcGIS Schematics and Maplex;

- ESRI Developer Network – 1 annual subscription to the ESRI Developer Network; and
- Instructor-Led Training – 5% discount on all courses at ESRI facilities,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with ESRI, for the provision of the above-described services, for a term commencing August 10, 2020 and terminating August 9, 2023, according to the above-described terms.

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 267-2020** by Mr. Boberg and Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS  
WITH COUNCIL ON ADDICTION RECOVERY SERVICES, INC.  
FOR HEALTHY CATTARAUGUS COUNTY: A DRUG FREE COALITION  
(Probation Department)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 245-2017 authorized a contract with Council on Addiction Recovery Services, Inc. ("CAREs"), for the provision of the Healthy Cattaraugus County: A Drug Free Coalition Program, the term of which expired September 30, 2019, and

WHEREAS, grant funding has been awarded to CAREs for the provision of the Healthy Cattaraugus County: A Drug Free Coalition Program in Cattaraugus County, and

WHEREAS, the funding for the Drug Free Coalition Program is provided through the following two (2) separate funding sources and will be administered by the Centers for Disease Control and Prevention:

Drug Free Communities Grant, and  
STOP ACT Grant,

and

WHEREAS, goals of the Healthy Cattaraugus County: A Drug Free Coalition Program are as follows:

- Prevent the onset and reduce the progression of alcohol and substance abuse by adolescents and young adults, and reduce alcohol and substance abuse related consequences,
- Demonstrate a reduction in risks and increase in protective factors in the sub-recipient communities, and
- Build prevention capacity and infrastructure at the state and community levels,

and

WHEREAS, CAREs has partnered with the Cattaraugus County Probation Department to fulfill the mission and requirements of the aforementioned Healthy Cattaraugus County: A Drug Free Coalition Program, and

WHEREAS, the Cattaraugus County Probation Department shall implement additional education and prevention efforts, through increased residence checks, public engagement efforts and community presence, in efforts to minimize underage substance abuse, and

WHEREAS, CARES shall provide reimbursement to the Probation Department at the rate of the hourly wage of the officers involved, for a total amount not to exceed \$5,000.00 per grant per year (or an amount appropriated through the grant), as long as funding is available for each of the following grant programs: Drug Free Communities Grant and STOP ACT Grant, 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 Council on Addiction Recovery Services, Inc., for the provision of the above-described services, for a term commencing August 1, 2020 and terminating October 30, 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 6 members of the Finance Committee and 6 members of the County Operations/ Public Safety Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 268-2020** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
NEW YORK STATE DEPARTMENT OF HEALTH FOR  
FAMILY PLANNING PROGRAMS  
(Contract #C35191GG)**

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

WHEREAS, Act 518-2017 authorized a contract with the New York State Department of Health, Division of Family & Local Health, Corning Tower, Empire State Plaza, Room 878, Albany, New York 12237-0675, for the provision of a Family Planning Program in the County's Health Department, the term of which expired December 31, 2019, and

WHEREAS, the New York State Health Department has awarded the County Health Department grant extensions for the continuation of the aforementioned Family Planning Program, as follows:

<u>Period</u>	<u>Amount</u>
January 1, 2020 to June 30, 2020	\$137,116.00
July 1, 2020 to June 30, 2021	\$274,232.00

and

WHEREAS, this program is 8.5% federal (CFDA #93.994) and 91.5% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended contracts, on behalf of Cattaraugus County, with the New York State Department of Health for the provision of a Family Planning Program in Cattaraugus County, for a term commencing January 1, 2020 and terminating June 30, 2021, according to the above-described terms, and be it further

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

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

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

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

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 269-2020** by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
KATHY OVERHOFF FOR REGISTERED DIETICIAN SERVICES FOR  
PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 162-2019 authorized a contract with Medatrition, LLC, 1656 Haskell Road, Olean, New York 14760, for the provision of registered dietician services for the residents of The Pines Healthcare and Rehabilitation Center-Machias Campus, and

WHEREAS, effective July 23, 2020, Medatrition, LLC, will no longer provide the aforementioned services, and

WHEREAS, Kathy Overhoff, 5326 Shero Road, Hamburg, New York 14075, has agreed to provide registered dietician services at a rate of \$55.00 per hour for up to six (6) hours per week for the residents of The Pines Healthcare and Rehabilitation Center-Machias Campus, to be paid on a monthly basis, as invoiced, and

WHEREAS, Kathy Overhoff has also agreed to provide registered dietician services for the Olean Campus, at the rate of \$55.00 per hour, on an as-needed basis, 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 Kathy Overhoff, for the provision of the above-described registered dietician services, for a term commencing July 23, 2020 and terminating July 31,

2021, with the County's option to renew for two (2) additional one-year periods at the same rates, terms and conditions, according to the above-described terms.

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 270-2020** by Mrs. Andreano

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Nursing Homes)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, additional services were necessary for the resident toilet & staff locker room renovations project at The Pines Healthcare and Rehabilitation Center-Olean Campus, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned additional services, now, therefore, be it

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

Decrease Appropriation Account:

EF.453.4530.1160.20002	Capital Expenditures	\$11,090.00
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Increase Appropriation Account:

EF.453.4530.1216.20002	ADA Upgrade	\$11,090.00.
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Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 271-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND  
DESIGNATING GRANT ADMINISTRATOR**

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 361-2019 authorized an application for tourism promotion and designated the grant administrator, and

WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

WHEREAS, before an application for matching funds for the promotion of tourism can be submitted, it is required that the Cattaraugus County Legislature designate a tourist promotion agency to make such application and to receive grants for the purposes specified in the law, and

WHEREAS, Cattaraugus County should contribute a local share of \$70,000.00 in Fiscal Year 2020 to leverage additional funds from the New York State I Love New York Matching Funds Program, now, therefore, be it

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to submit all the required applications and other documents, on behalf of Cattaraugus County, necessary for the purpose of receiving these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to receive grants from the State of New York for, and on behalf of, Cattaraugus County for the purposes herein specified, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby designated as the administrator of these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000.00 for the program year October 1, 2020 through September 30, 2021, and be it further

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

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York and the Marketing Manager, Matching Funds, New York State Department of Economic Development, 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 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 272-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION AND  
CONTRACT WITH DEFENSE LOGISTICS AGENCY FOR  
PROCUREMENT TECHNICAL ASSISTANCE PROGRAM**

Pursuant to 10 USCS Section 2411, et seq., and  
Section 450 of the County Law.

WHEREAS, Act 359-2019 authorized the Chair to execute a grant application and contract with the Defense Logistics Agency, 8725 John J. Kingman Road, Ft. Belvoir, Virginia 22060-6221, in order to secure funding for the continuation of the Procurement Technical Assistance Program and such funding was received, and

WHEREAS, Cattaraugus County is again eligible for funding through the Defense Logistics Agency in order to maintain the Procurement Technical Assistance Program, and

WHEREAS, it is estimated that the project cost will not exceed \$183,240.00, of which Cattaraugus County's cash contribution and in-kind contribution will not exceed \$62,819.00, and

WHEREAS, Cattaraugus County will be responsible for the share of any third-party agency which fails to contribute its portion to the program, and

WHEREAS, this program is 75% federally funded (CFDA #12.002) and 25% County funded, plus in-kind contributions and sufficient funds are included in the budget to cover the County's cost of the aforementioned program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application and contract, on behalf of Cattaraugus County, with the Defense Logistics Agency in order to secure funding for the continuation of the Procurement Technical Assistance Program, and be it further

RESOLVED, that the Procurement Technical Assistance Program will commence January 16, 2021 and terminate January 15, 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 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 273-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE MODIFIED LOAN DOCUMENTS  
WITH HIDE-A-WAY RESTAURANT, LLC FOR  
EXPANSION PROJECT**

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

WHEREAS, Act 180-2015 authorized the Chair to execute loan documents with the Hide-A-Way Restaurant, LLC, located at 2597 NYS Route 394, Steamburg, New York 14783, for an expansion project to improve efficiency and streamline food service operations, improve accessibility, and enhance the appearance of the facility's exterior, and

WHEREAS, it is necessary to modify the loan forgiveness terms of the aforementioned loan and execute modified loan documents, now, therefore, be it

RESOLVED, that the loan forgiveness terms are hereby modified as follows:

- One year following the date of the Note, the borrower shall provide, and continue to provide on an annual basis, documentation of employment to Lender in written and/or electronic format. Acceptable documentation includes payroll or tax records, such as Form NYS-45 Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return. Lender's acceptance of any such documentation shall not be unreasonably withheld. The Borrower is required to report and document to the Lender a minimum of five (5) new full-time equivalent (FTE) employment positions to be eligible for loan principal forgiveness.
- In addition, the Borrower is eligible for loan principal forgiveness after sixty (60) consecutive monthly payments are made on time and the loan remains current and in good standing.
- Upon receipt of the Borrower's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000 (calculated as \$5,000 per one (1) FTE position),

and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute modified loan documents, on behalf of Cattaraugus County, with the Hide-A-Way Restaurant, LLC, for a term commencing upon signing of the original loan documents and terminating seven (7) years thereafter, according to the above-described terms.

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 274-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE MODIFIED LOAN DOCUMENTS  
WITH SOUTHERN TIER ELECTRIC SUPPLY, INC. FOR  
A RENOVATION AND EXPANSION PROJECT**

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

WHEREAS, Act 260-2015 authorized the Chair to execute loan documents with Southern Tier Electric Supply, Inc., 123 North Clark Street, Olean, New York 14760, for a renovation and expansion project, and

WHEREAS, it is necessary to modify the loan forgiveness terms of the aforementioned loan and execute modified loan documents, now, therefore, be it

RESOLVED, that the loan forgiveness terms are hereby modified as follows:

- One year following the date of the Note, the borrower shall provide, and continue to provide on an annual basis, documentation of employment to Lender in written and/or electronic format. Acceptable documentation includes payroll or tax records, such as Form NYS-45 Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return. Lender's acceptance of any such documentation shall not be unreasonably withheld. The Borrower is required to report and document to the Lender a minimum of five (5) new full-time equivalent (FTE) employment positions to be eligible for loan principal forgiveness.

- In addition, the Borrower is eligible for loan principal forgiveness after sixty (60) consecutive monthly payments are made on time and the loan remains current and in good standing.
- Upon receipt of the Borrower's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000 (calculated as \$5,000 per one (1) FTE position),

and be it further

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

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 275-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE MODIFIED LOAN DOCUMENTS  
WITH PREMO LIMOUSINE SERVICE OF WNY, LLC FOR  
AN EXPANSION PROJECT**

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

WHEREAS, Act 263-2015 authorized the Chair to execute loan documents with Premo Limousine Service of WNY, LLC, 301 South Union Street, Olean, New York 14760, for an expansion project, and

WHEREAS, it is necessary to modify the loan forgiveness terms of the aforementioned loan and execute modified loan documents, now, therefore, be it

RESOLVED, that the loan forgiveness terms are hereby modified as follows:

- One year following the date of the Note, the borrower shall provide, and continue to provide on an annual basis, documentation of employment to Lender in written and/or electronic format. Acceptable documentation includes payroll or tax records, such as Form NYS-45 Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return. Lender's acceptance of any such documentation shall not be unreasonably withheld. The Borrower is required to report and document to the Lender a minimum of five (5) new full-time equivalent (FTE) employment positions to be eligible for loan principal forgiveness.
- In addition, the Borrower is eligible for loan principal forgiveness after sixty (60) consecutive monthly payments are made on time and the loan remains current and in good standing.
- Upon receipt of the Borrower's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000 (calculated as \$5,000 per one (1) FTE position),

and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute modified loan documents, on behalf of Cattaraugus County, with the Premo Limousine Service of WNY, LLC, for a term commencing upon signing of the original loan documents and terminating seven (7) years thereafter, according to the above-described terms.

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 276-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE MODIFIED LOAN DOCUMENTS  
WITH DM KRESS, LLC FOR A  
BUSINESS DEVELOPMENT AND EQUIPMENT ACQUISITION PROJECT**

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

WHEREAS, Act 300-2015 authorized the Chair to execute loan documents with DM Kress, LLC, P.O. Box 637, Ellicottville, New York 14731, which operates Groove Fitness in Ellicottville, for a development project, and

WHEREAS, it is necessary to modify the loan forgiveness terms of the aforementioned loan and execute modified loan documents, now, therefore, be it

RESOLVED, that the loan forgiveness terms are hereby modified as follows:

- One year following the date of the Note, the borrower shall provide, and continue to provide on an annual basis, documentation of employment to Lender in written and/or electronic format. Acceptable documentation includes payroll or tax records, such as Form NYS-45 Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return. Lender's acceptance of any such documentation shall not be unreasonably withheld. The Borrower is required to report and document to the Lender a minimum of five (5) new full-time equivalent (FTE) employment positions to be eligible for loan principal forgiveness.
- In addition, the Borrower is eligible for loan principal forgiveness after sixty (60) consecutive monthly payments are made on time and the loan remains current and in good standing.
- Upon receipt of the Borrower's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000 (calculated as \$5,000 per one (1) FTE position),

and be it further

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

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 277-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE MODIFIED LOAN DOCUMENTS  
WITH SOUTHERN TIER DAIRY SERVICES, LLC  
FOR EXPANSION PROJECT**

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

WHEREAS, 416-2015 authorized the Chair to execute loan documents with Southern Tier Dairy Services, LLC, 4920 Route 241, Conewango Valley, New York 14726, for an expansion project that renovates and expands the property located at the above address including an FDA-approved chemical handling and storage area, an FDA-approved lab area for control of samples, an employee training area and employee office space, and

WHEREAS, it is necessary to modify the loan forgiveness terms of the aforementioned loan and execute modified loan documents, now, therefore, be it

RESOLVED, that the loan forgiveness terms are hereby modified as follows:

- One year following the date of the Note, the borrower shall provide, and continue to provide on an annual basis, documentation of employment to Lender in written and/or electronic format. Acceptable documentation includes payroll or tax records, such as Form NYS-45 Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return. Lender's acceptance of any such documentation shall not be unreasonably withheld. The Borrower is required to report and document to the Lender a minimum of five (5) new full-time equivalent (FTE) employment positions to be eligible for loan principal forgiveness.
- In addition, the Borrower is eligible for loan principal forgiveness after sixty (60) consecutive monthly payments are made on time and the loan remains current and in good standing.
- Upon receipt of the Borrower's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000 (calculated as \$5,000 per one (1) FTE position),

and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute modified loan documents, on behalf of Cattaraugus County, with the Southern Tier Dairy Services, LLC, for a term commencing upon signing of the original loan documents and terminating seven (7) years thereafter, according to the above-described terms.

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 278-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE MODIFIED LOAN DOCUMENTS  
WITH GRAND SLAM GRILL, INC. FOR  
DEVELOPMENT AND CONSTRUCTION PROJECT**

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

WHEREAS, Act 184-2016 authorized the Chair to execute loan documents with Grand Slam Grill, Inc., 3132 NYS Route 417, Olean, New York 14760, for a development and construction project for the creation of a 3,000 square foot, 60 seat restaurant and bar, and

WHEREAS, it is necessary to modify the loan forgiveness terms of the aforementioned loan and execute modified loan documents, now, therefore, be it

RESOLVED, that the loan forgiveness terms are hereby modified as follows:

- One year following the date of the Note, the borrower shall provide, and continue to provide on an annual basis, documentation of employment to Lender in written and/or electronic format. Acceptable documentation includes payroll or tax records, such as Form NYS-45 Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return. Lender's acceptance of any such documentation shall not be unreasonably withheld. The Borrower is required to report and document to the Lender a minimum of five (5) new full-time equivalent (FTE) employment positions to be eligible for loan principal forgiveness.
- In addition, the Borrower is eligible for loan principal forgiveness after sixty (60) consecutive monthly payments are made on time and the loan remains current and in good standing.
- Upon receipt of the Borrower's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000 (calculated as \$5,000 per one (1) FTE position),

and be it further

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

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 279-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE MODIFIED LOAN DOCUMENTS WITH  
S&W COMPANY, LLC D/B/A ELLICOTTVILLE BREWING CO. FOR PURCHASE OF  
MACHINERY AND EQUIPMENT FOR BREWERY LAB AND CATERING OPERATIONS AREA**

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

WHEREAS, 481-2016 authorized the Chair to execute loan documents with S&W Company, LLC d/b/a Ellicottville Brewing Co., 28 Monroe Street, P.O. Box 1421, Ellicottville, New York 14731, for the creation of a brewery lab and catering operations area on the second floor of its existing building at 28 Monroe Street, and

WHEREAS, it is necessary to modify the loan forgiveness terms of the aforementioned loan and execute modified loan documents, now, therefore, be it

RESOLVED, that the loan forgiveness terms are hereby modified as follows:

- One year following the date of the Note, the borrower shall provide, and continue to provide on an annual basis, documentation of employment to Lender in written and/or electronic format.

Acceptable documentation includes payroll or tax records, such as Form NYS-45 Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return. Lender's acceptance of any such documentation shall not be unreasonably withheld. The Borrower is required to report and document to the Lender a minimum of five (5) new full-time equivalent (FTE) employment positions to be eligible for loan principal forgiveness.

- In addition, the Borrower is eligible for loan principal forgiveness after sixty (60) consecutive monthly payments are made on time and the loan remains current and in good standing.
- Upon receipt of the Borrower's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000 (calculated as \$5,000 per one (1) FTE position),

and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute modified loan documents, on behalf of Cattaraugus County, with the S&W Company, LLC d/b/a Ellicottville Brewing Co., for a term commencing upon signing of the original loan documents and terminating seven (7) years thereafter, according to the above-described terms.

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 280-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE MODIFIED LOAN DOCUMENTS  
WITH STILLHOUSE OF BUFFALO, LLC, FOR THE  
RENOVATION AND PURCHASE OF MACHINERY AND EQUIPMENT  
FOR TASTING ROOM AND TAP ROOM**

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

WHEREAS, 177-2017 authorized the Chair to execute loan documents with Stillhouse of Buffalo, LLC, 6600 Route 219, Ellicottville, New York 14731, for an expansion project including the creation of a new tasting room and tap room, and

WHEREAS, it is necessary to modify the loan forgiveness terms of the aforementioned loan and execute modified loan documents, now, therefore, be it

RESOLVED, that the loan forgiveness terms are hereby modified as follows:

- One year following the date of the Note, the borrower shall provide, and continue to provide on an annual basis, documentation of employment to Lender in written and/or electronic format. Acceptable documentation includes payroll or tax records, such as Form NYS-45 Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return. Lender's acceptance of any such documentation shall not be unreasonably withheld. The Borrower is required to report and document to the Lender a minimum of five (5) new full-time equivalent (FTE) employment positions to be eligible for loan principal forgiveness.
- In addition, the Borrower is eligible for loan principal forgiveness after sixty (60) consecutive monthly payments are made on time and the loan remains current and in good standing.
- Upon receipt of the Borrower's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000 (calculated as \$5,000 per one (1) FTE position),

and be it further

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

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 281-2020** by Mr. VanRensselaer

**AMENDING ACT 235-2020 REGARDING CONTRACTS WITH  
U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES FOR  
CARES PROVIDER RELIEF FUND PROGRAM  
(COVID-19 Response Funding)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 235-2020 authorized contracts with the U.S. Department of Health & Human Services CARES Provider Relief Fund Program for the provision of federal funding, and

WHEREAS, the County has been awarded additional federal funding in the amount of \$116,048.76, and

WHEREAS, Act 235-2020 should be amended to include the additional funding, now, therefore, be it

RESOLVED, that Act 235-2020 be, and hereby is, amended as follows: In the 1<sup>st</sup> Whereas, delete: "\$236,838.98" and replace with: "\$352,887.74".

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

Adopted July 22, 2020 by voice vote.

**ACT NO. 282-2020** by Mr. Higgins and Mr. Marsh

**DESIGNATING CERTIFYING OFFICER FOR  
ENVIRONMENTAL RESPONSIBILITY CERTIFICATION**

Pursuant to Section 153 of the County Law.

WHEREAS, Act 577-2019 authorized the Chairman to execute grant documents with the New York State Homes and Community Renewal Community Development Block Grant Program (CDBG) for Cattaraugus County Manufactured Housing Replacement Program, and

WHEREAS, Cattaraugus County MHRI is the grant recipient through the CDBG, and

WHEREAS, the aforementioned grant program requires that a certifying officer be designated for the environmental review process in conjunction with the Manufactured Housing Replacement Program, now, therefore, be it

RESOLVED, that Patrick McGlew, Development Specialist, is hereby designated as the Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG Project Number 199MH438-19 awarded to Cattaraugus County MHRI, as grant recipient.

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 283-2020** by Mr. Higgins and Mr. Marsh

**DECLARING NYS COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES  
TO BE CLASSIFIED AS TYPE II SEQR ACTIONS**

Pursuant to 6 NYCRR Sections 617.5 and 617.11 and 24 CFR Section 58.35.

WHEREAS, Cattaraugus County Department of Economic Development, Planning and Tourism shall act as the lead agency on a grant application provided under the New York State Homes and Community Renewal Community Development Block Grant Program (CDBG) for the Manufactured Housing Replacement Program, and

WHEREAS, Cattaraugus County MHRI is the grant recipient through the NYS CDBG Project Number 199MH438-19, and

WHEREAS, Act 282-2020 designated a Certifying Officer for the environmental review process in conjunction with the Manufactured Housing Replacement Program Project, and

WHEREAS, the Certifying Officer has established an environmental review record with regard to the activities associated with NYS CDBG Project Number 199MH438-19 awarded to Cattaraugus County MHRI, and

WHEREAS, the findings of Cattaraugus County show that the activities proposed in its 2020 NYS CDBG Project, Cattaraugus County MHRI, are Categorically Excluded as defined in 24 CFR 58.35 with some activities being affected by federal environmental statutes and executive orders, and

WHEREAS, activities that are Categorically Excluded under 24 CFR 58.35 are not required to undergo an environmental assessment, public notice, or comment period because they do not typically trigger compliance with any of the related laws and regulations, and

WHEREAS, Categorically Excluded and exempt activities include the rehabilitation of buildings and improvements for residential use where the density is not increased beyond four units, the land use is not changed, and the footprint of the building isn't increased in a floodplain or a wetland, now, therefore, be it

RESOLVED, that the activities posed for NYS CDBG Project Number 199MH438-19 awarded to Cattaraugus County MHRI, are classified as a Type II Action and will not result in a significant impact on the quality of the human environment.

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 284-2020** by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
AGRICULTURAL & COMMUNITY DEVELOPMENT SERVICES, LLC FOR  
UPDATE OF COUNTY AGRICULTURE AND FARMLAND PROTECTION PLAN**

Pursuant to Article 25AAA of the Agriculture and Markets Law and  
Section 450 of the County Law.

WHEREAS, Act 122-2019, as amended by Act 49-2020, authorized a contract with the NYS Department of Agriculture and Markets to accept, and receive, a \$40,000.00 farmland protection planning grant to be used to update the Agricultural and Farmland Protection Plan for Cattaraugus County, the term of which expires August 29, 2020, and

WHEREAS, due to the County's response to the COVID-19 Pandemic, it is necessary to extend the term of the aforementioned contract to October 31, 2020, at no additional cost to the County, and

WHEREAS, Agricultural & Community Development Services, LLC, has agreed to the aforementioned contract extension, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Agricultural & Community Development Services, LLC, for the provision of the above-described services, to extend the term of the original contract which commenced March 1, 2019 to terminate October 31, 2020, according to the above-described terms.

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted July 22, 2020 by voice vote.

**ACT NO. 285-2020** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE OFFICE FOR AGING FOR  
AGING AND DISABILITY RESOURCE CENTER FUNDING  
(Department of Aging – COVID-19 Response Funding)**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus County has been awarded federal funding through the New York State Office for the Aging for the Aging and Disability Resource Center Program (ADRC-COVID-19), in the amount of \$27,255.00, and

WHEREAS, a contract is necessary in order to accept and receive the federal funding for the aforementioned program, and

WHEREAS, this program is 100% federally funded (CFDA# 93.045), now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Office for Aging, in order to

accept and receive the aforementioned grant funding, for a term commencing April 1, 2020 and terminating September 30, 2021, 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.

Held in the Finance Committee and the Human Services Committee.

**ACT NO. 286-2020** by Mr. Boberg and Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE HOMELAND SECURITY AND EMERGENCY SERVICES FOR  
EMERGENCY MANAGEMENT PERFORMANCE GRANT COVID-19 SUPPLEMENTAL FUNDING  
AND TRANSFER OF FUNDS  
(Contingent Fund - Office of Emergency Services for COVID-19 Response)**

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

WHEREAS, Cattaraugus County has been awarded funding through New York State Homeland Security and Emergency Services for the Emergency Management Performance Grant COVID-19 Supplemental Program (EMPG-S) in the amount of \$17,558.00, and

WHEREAS, a contract is necessary in order to accept and receive the funding for the aforementioned EMPG-S program, and

WHEREAS, this program is 50% state funded with a 50% County match, and

WHEREAS, a transfer of funds is necessary to cover the 50% County match, 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 New York State Homeland Security and Emergency Services, in order to accept and receive the aforementioned grant funding, for a term commencing January 27, 2020 and terminating July 31, 2021, 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:

Decrease Appropriation Account:		
A.901.1990.0000.40601	Contingent Fund	\$17,558.00
Increase Appropriation Account:		
A.876.8760.0000.41603	Emergency Disaster Work Contracted Services	\$17,558.00.

Held in the Finance Committee and the County Operations/ Public Safety Committee.

**ACT NO. 287-2020** by Mr. Brisky

**DIRECTING COUNTY TREASURER TO ISSUE  
CERTIFICATES OF PROSPECTIVE CANCELLATION**

Pursuant to Section 1138(6)(d) of the Real Property Tax Law.

WHEREAS, there are two (2) parcels of property on the assessment rolls for which there is no practical method to enforce the collection of delinquent tax liens arising hereafter against the parcel, and

WHEREAS, the County Treasurer should issue Certificates of Prospective Cancellation, and

WHEREAS, the parcels shall thereby become exempt from taxation notwithstanding any other provision of law, and shall remain exempt until the County Legislature determines that the parcels should be restored to the taxable portion of the assessment rolls, now, therefore, be it

RESOLVED, that the County Treasurer is hereby directed to issue Certificates of Prospective Cancellation for the following properties:

<u>Town</u>	<u>Owner</u>	<u>Tax Map No.</u>
Dayton	Peter Cooper	25.001-1-32
City of Olean	VanDerHorst Properties, LLC	94.048-1-60

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

Adopted July 22, 2020 by voice vote.

\* \* \* \* \*

MR. MARSH moved, seconded by Mr. Higgins, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 288-2020 through Act No. 312-2020, inclusive. Carried.

\* \* \* \* \*

**ACT NO. 288-2020** by Mr. VanRensselaer  
who asks immediate consideration

**APPOINTMENT TO CATTARAUGUS COUNTY ETHICS BOARD**

Pursuant to Local Law Number 8-1990 of the Cattaraugus County Legislature.

RESOLVED, that Wendy M. Brand is hereby appointed to the Cattaraugus County Ethics Board to fill the unexpired term of Sharon A. John, who resigned, the term of which expires December 31, 2022.

Adopted July 22, 2020 by voice vote.

**ACT NO. 289-2020** by Mr. Burr and Mr. VanRensselaer  
and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky,  
Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow,  
Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr. and Mr. Koch<sup>1</sup>  
who ask immediate consideration

#### **APPOINTMENT OF TEMPORARY DIRECTOR OF INFORMATION SERVICES**

Pursuant to Sections 204 and 205 of the County Law.

WHEREAS, the Director of the Department of Information Services has submitted her resignation effective July 17, 2020, and

WHEREAS, a permanent replacement has yet to be appointed to the Director position,  
and

WHEREAS, a designation of Temporary Director, Department of Information Services should be made until a permanent appointment is made for the Director's position in order to ensure the efficient operation and conduct of the department, now, therefore, be it

RESOLVED, that effective July 18, 2020, Dawn Pezzimenti is hereby designated as Temporary Director of the Department of Information Services, at a bi-weekly amount of \$2,923.08 for a term of six (6) months or until such time as a permanent Director shall be appointed, and be it further

RESOLVED, that effective upon the permanent appointment of the Director, Department of Information Services, Dawn Pezzimenti shall return to her prior position and salary without loss of any benefits and/or accruals.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr. and Mr. Koch".

Adopted July 22, 2020 by voice vote.

**ACT NO. 290-2020** by Public Works Committee:  
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,  
Mr. Morrow, Mr. Parker and Mr. Snyder  
who ask immediate consideration

#### **BID ACCEPTANCE FOR REPLACEMENT OF LEON BRIDGE NO. 8 (Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the replacement of Leon Bridge No. 8, located on Leon-New Albion Road (CR 6) over Mud Creek, BIN 3-32212-0, in the Town of Leon, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned bridge replacement project was the bid of Union Concrete & Construction Corp., P.O. Box 410, 435 Meyer Road, West Seneca, New York 14224, for an amount of \$834,378.40, to be paid as invoiced and as determined by the Department of Public Works, and

WHEREAS, the award of the aforementioned project is contingent upon approval by the New York State Department of Transportation, and

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

RESOLVED, that the bid of Union Concrete & Construction Corp., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract with project completion on or before November 19, 2021, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Thirteen sets of specifications were sent out.

Nine bids were received meeting specifications.

Adopted July 22, 2020 by voice vote.

**ACT NO. 291-2020** by Public Works Committee:  
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,  
Mr. Morrow, Mr. Parker and Mr. Snyder  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH WATTS ARCHITECTURE & ENGINEERING FOR  
LEON BRIDGE NO. 8 CONSTRUCTION ADMINISTRATION SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 239-2019 authorized a contract with Watts Architecture & Engineering, 95 Perry Street, Suite 300, Buffalo, New York 14203, for the provision of engineering design services for the Leon Bridge No. 8 Replacement Project, located on County Road No. 6 over Mud Creek in the Town of Leon, and

WHEREAS, construction administration services are necessary for the aforementioned project, and

WHEREAS, Watts Architecture & Engineering can provide the aforementioned construction administration services for a total amount not to exceed \$27,330.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, the aforementioned project is contingent upon approval by the New York State Department of Transportation, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned construction administration 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 Watts Architecture & Engineering, for the provision of the above-described construction administration services, for a term commencing July 22, 2020 and terminating December 31, 2021, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 292-2020** by Public Works Committee:  
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,  
Mr. Morrow, Mr. Parker and Mr. Snyder  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION INSPECTION SERVICES  
FOR LEON BRIDGE NO. 8 FEDERAL-AID REPLACEMENT PROJECT**

Pursuant to Section 131-b of the Highway Law and  
Section 450 of the County Law.

WHEREAS, construction inspection services are necessary for the Leon Bridge No. 8 federal-aid replacement project, located on Leon-New Albion Road (CR 6) over Mud Creek, BIN 3-32212-0, in the Town of Leon, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, can provide the necessary construction inspection services for the aforementioned replacement project for an amount not to exceed \$151,000.00 to be paid periodically as determined by the Department of Public Works, and

WHEREAS, the aforementioned project is contingent upon approval by the New York State Department of Transportation, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described construction inspection services for the construction phase of the above-described replacement project, for a term commencing upon execution of the contract and terminating December 31, 2021, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 293-2020** by Mr. Helmich and Mr. Koch  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH YOUNG GALVANIZING, INC. FOR  
HOT-DIP GALVANIZING OF STEEL BRIDGE BEAMS**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Public Works is in need of eight (8) 48.5' long galvanized beams, and

WHEREAS, Young Galvanizing, Inc., P.O. Box 334, Route 551, 8281 Mercer Street, Pulaski, Pennsylvania 16143, can provide the aforementioned services necessary to hot-dip galvanize eight (8) steel beams for an amount based on a cost-per-pound of \$0.33 for beams over 48 feet, for a total contract price not to exceed \$18,309.72, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Young Galvanizing, Inc., for the provision of the above-described galvanizing services, for a term commencing July 22, 2020 and terminating August 30, 2020, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 294-2020** by Mr. Boberg and Mr. Burr  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE HOMELAND SECURITY AND EMERGENCY SERVICES FOR  
EMERGENCY MANAGEMENT PERFORMANCE GRANT COVID-19 SUPPLEMENTAL FUNDING  
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Office of Emergency Services for COVID-19 Response)**

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

WHEREAS, Cattaraugus County has been awarded funding through New York State Homeland Security and Emergency Services for the Emergency Management Performance Grant COVID-19 Supplemental Program (EMPG-S) in the amount of \$17,558.00, and

WHEREAS, a contract is necessary in order to accept and receive the funding for the aforementioned EMPG-S program, and

WHEREAS, this program is 50% federally funded with a 50% in-kind County match, and

WHEREAS, a transfer of funds is necessary to cover the 50% in-kind County match, 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 New York State Homeland Security and Emergency Services, in order to accept and receive the aforementioned grant funding, for a term commencing January 27, 2020 and terminating July 31, 2021, 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.876.8760.0000.4305.04	Federal Aid, Civil Defense EMPG-S (COVID-CARES)	\$17,558.00
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Increase Appropriation Account:

A.876.8760.0000.20008	Tools and Equipment	\$17,588.00.
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Adopted July 22, 2020 by voice vote.

**ACT NO. 295-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE OFFICE FOR AGING FOR  
AGING AND DISABILITY RESOURCE CENTER FUNDING AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Aging – COVID-19 Response Funding)**

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

WHEREAS, Cattaraugus County has been awarded federal funding through the New York State Office for the Aging for the Aging and Disability Resource Center Program (ADRC-COVID-19) in the amount of \$27,255.00, and

WHEREAS, a contract is necessary in order to accept and receive the federal funding for the aforementioned program, and

WHEREAS, this program is 100% federally funded (CFDA# 93.045), and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Office for Aging, in order to accept and receive the aforementioned grant funding, for a term commencing April 1, 2020 and terminating September 30, 2021, 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.677.6731.0000.4772.24	Federal Aid, Programs for Aging-ADRC (CPRSAA Funds)	\$27,255.00
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Increase Appropriation Account:

A.677.6731.0000.47006.CV	Operating Supplies Coronavirus	\$27,255.00.
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Adopted July 22, 2020 by voice vote.

**ACT NO. 296-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
MEALS ON WHEELS AMERICA FOR  
MEALS ON WHEELS COVID-19 RESPONSE FUND GRANT  
(Office for the Aging – COVID-19 Response Funding)**

Pursuant to Older Americans Act and New York State Office for the Aging  
and Section 450 of the County Law.

WHEREAS, Cattaraugus County, through Office for the Aging, has been awarded round one grant funding in the amount of \$25,000.00, as well as round two grant funding in the amount of \$50,000.00, through the Meals on Wheels America for the COVID-19 Response Fund Grant, and

WHEREAS, grant documents are necessary in order to accept and receive the aforementioned funding, and

WHEREAS, this program is funded through the Meals on Wheels America COVID-19 Response Fund Grant, 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 Meals on Wheels America, in order to accept and receive the aforementioned grant funding, 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.677.6737.0000.2705.39	Gifts and Donations Coronavirus	\$75,000.00
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Increase Appropriation Accounts:

A.677.6737.0000.20008	Tools and Equipment	\$39,529.00
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A.677.6737.0000.47006.CV	Operating Supplies Coronavirus	\$35,471.00.
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Adopted July 22, 2020 by voice vote.

**ACT NO. 297-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**BID ACCEPTANCE FOR FOOD SERVICES FOR  
THE PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS  
(Department of Nursing Homes)**

Pursuant to 10 NYCRR Section 415.14, Section 103 of the  
General Municipal Law and Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for food services for the Department of Nursing Homes Dietary Department at The Pines Healthcare & Rehabilitation Center – Olean Campus, according to specifications provided by the Human Services Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Good Times of Olean, LLC, 1 Leisure Lane, Olean, New York 14760, as follows:

OPTION A: Traditional Tray Service

<u>Service</u>	<u>Basis</u>	<u>Rate</u>
	Price per Patient Day for Meals Served to In-House Residents, not including those residents requiring Enteral Feeding and NPO*	Per Patient Day
Skilled Nursing Facility Resident Daily Meals	\$19.79	\$19.79
Food for Gratification costs (tube fed residents)	N/A	N/A
Employee/Visitor Meals Cost per Meal	\$4.00	\$4.00

\*The vendor will charge only for those meals served. Therefore, the Facility will not be charged for residents who are in the hospital on bed-hold, unoccupied beds, those residents who are nothing by mouth (NPOs), or those residents on tube-feeding.

OPTION B: Personal Directed Dining

<u>Service</u>	<u>Basis</u>	<u>Rate</u>
	Price per Patient Day for Meals Served to In-House Residents, not including those residents requiring Enteral Feeding and NPO*	Per Patient Day
Skilled Nursing Facility Resident Daily Meals	\$20.79	\$20.79
Food for Gratification costs (tube fed residents)	N/A	N/A
Employee/Visitor Meals Cost per Meal	\$4.50	\$4.50

\*The vendor will charge only for those meals served. Therefore, the Facility will not be charged for residents who are in the hospital on bed-hold, unoccupied beds, those residents who are nothing by mouth (NPOs), or those residents on tube-feeding.,

now, therefore, be it

RESOLVED, that the bids of Good Times of Olean, LLC, be, and the same hereby are, accepted for a term commencing September 1, 2020 and terminating August 31, 2022, with the County's sole option to renew for two (2) additional one-year terms, the last of which will end August 31, 2024, and be it further

RESOLVED, that there is allowed a 2% annual increase in the per patient day price and employee/visitor meal price, with such increases to be effective September 1st after each year this contract remains in effect, making the first increase to be September 1, 2021, and be it further

RESOLVED, that the vouchers accordingly certified by the Controller of the Department of Nursing Homes be audited by the Auditor and paid by the County Treasurer.

No State Bid.

11 sets of specifications were sent out.

One bid was received meeting specifications.

Adopted July 22, 2020 by voice vote.

**ACT NO. 298-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH LEADINGAGE NEW YORK PROCARE, LLC, FOR  
DEPARTMENT OF NURSING HOMES CONSULTANT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Nursing Homes would like to contract with LeadingAge New York ProCare, LLC, for a Directed Plan of Correction for the Department of Nursing Homes Pines Healthcare and Rehabilitation Center-Olean Campus, and

WHEREAS, LeadingAge New York ProCare, LLC, can provide a Directed Plan of Correction for the Department of Nursing Homes-Olean Campus for an amount of \$175.00 per hour (out-of-pocket charges are not expected since the consulting services are being conducted remotely), and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned consultant 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 LeadingAge New York ProCare, LLC, for the provision of the above-described consultant services, for a term commencing July 23, 2020 and terminating September 15, 2020, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 299-2020** by Mrs. Andreano  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BOSTON HEART DIAGNOSTICS CORPORATION FOR  
COVID-19 TESTING OF COUNTY EMPLOYEES**

Pursuant to NYS Executive Order 202.30 and Section 450 of the County Law.

WHEREAS, New York State has instituted mandatory COVID-19 testing of employees in nursing homes, and

WHEREAS, the County is in need of professional laboratory services to provide such mandated COVID-19 testing services, and

WHEREAS, Boston Heart Diagnostics Corporation, 175 Crossing Boulevard, Framingham, Massachusetts 01702, can provide professional COVID-19 testing services as requested by the County for an amount of \$100.00 per test for County nursing home employees, and

WHEREAS, funds to cover the cost of the aforementioned testing services will be provided through FEMA, 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 Boston Heart Diagnostics Corporation, for the provision of the above-described COVID-19 testing services, for a term commencing on the effective date of contract and terminating one year thereafter, with the County's option to renew for additional one-year terms thereafter under the same rates, terms and conditions, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 300-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED GRANT DOCUMENTS WITH  
NATIONAL ASSOCIATION OF CHRONIC DISEASE DIRECTORS FOR  
REACHING PEOPLE WITH DISABILITIES THROUGH HEALTHY COMMUNITIES PROJECT  
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Health Department)**

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

WHEREAS, Act 172-2019 authorized the Chair to execute grant documents with the National Association of Chronic Disease Directors (NACDD) for the Reaching People with Disabilities through Healthy Communities program, and

WHEREAS, the NACDD has increased the amount of the grant from \$7,500.00 to \$9,750.00 and has also extended the deliverables due date to March 31, 2021, and

WHEREAS, this project is 100% federally funded (CFDA #93.524), and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended grant documents, on behalf of Cattaraugus County, with the National Association of Chronic Disease Directors, in order to receive the aforementioned grant, for an original term which commenced March 1, 2019 and terminates March 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:

Increase Estimated Revenue Account:

A.401.4015.0000.4401.07	Fed Aid – Reaching People with Disabilities	\$2,250.00
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Increase Appropriation Account:

A.401.4015.0000.48001	Advertising	\$2,250.00.
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Adopted July 22, 2020 by voice vote.

**ACT NO. 301-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
SALAMANCA YOUTH BUREAU FOR NATIONAL ASSOCIATION OF CHRONIC DISEASE DIRECTORS  
REACHING PEOPLE WITH DISABILITIES THROUGH HEALTHY COMMUNITIES PROJECT  
(Agreement #6-NY38OT000286-01, NACDD MOU #2762019)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 172-2019, as amended by Act 300-2020, authorized the Chair to execute grant documents with the National Association of Chronic Disease Directors (NACDD) for the Reaching People with Disabilities through Healthy Communities program, for funding in the total amount of \$9,750.00, and

WHEREAS, Act 258-2019 authorized a contract with Salamanca Youth Bureau, 155 Wildwood Avenue, Salamanca, New York 14779, for the provision of services associated with the aforementioned grant, and

WHEREAS, the County Health Department has received additional funding through the NACDD and is desirous of passing 28% of the additional amount to the Salamanca Youth Bureau, and

WHEREAS, the Salamanca Youth Bureau will continue to collaborate with, and assist, the County Health Department to address leading risk factors for many chronic conditions, such as unhealthy eating, physical inactivity and tobacco use, so that persons with disabilities are included in policy and environmental initiatives, for an additional amount of \$630.00, for a total contract amount of \$2,730.00, to be paid as invoiced, and

WHEREAS, this project is 100% federally funded (CFDA #93.524), 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 the Salamanca Youth Bureau, for the provision of the above-described services, the original term of which commenced March 1, 2019 and now terminates March 31, 2021, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 302-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SALAMANCA YOUTH BUREAU FOR NATIONAL ASSOCIATION OF CHRONIC DISEASE DIRECTORS  
FOR DISABILITY INCLUSIVE HEALTHY COMMUNITIES SUMMIT TRAINING PROGRAM  
(Agreement #5-NU38OT000286-02, NACDD MOU #2762020)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 118-2020 authorized the Chair to execute grant documents with the National Association of Chronic Disease Directors for the Disability Inclusive Healthy Communities Summit Training Program for funding in the amount of \$4,150.00, and

WHEREAS, the aforementioned grant program will promote linkages between disability services and public health to increase awareness and support for the inclusion of people with disabilities in existing health promotion programs, and

WHEREAS, the project will yield healthier policies, systems and environments to address poor nutrition, physical inactivity, tobacco use, and chronic conditions with a priority on disability inclusion, and

WHEREAS, the Health Department is desirous of contracting with various agencies for the provision of services under the aforementioned grant, and

WHEREAS, the Salamanca Youth Bureau, 155 Wildwood Avenue, Salamanca, New York 14779, can collaborate with, and assist, the County Health Department to address leading risk factors for many chronic conditions, such as unhealthy eating, physical inactivity and tobacco use, so that persons with disabilities are included in policy and environmental initiatives, for an amount not to exceed \$1,162.00, to be paid as invoiced, and

WHEREAS, this project is 100% federally funded (CFDA #93.421), 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 Youth Bureau, for the provision of the above-described services, for a term commencing February 1, 2020 and terminating May 20, 2020, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 303-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

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

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

WHEREAS, the County Health Department is in need of physical therapy services for patients of the County Health Department Home Health Care Program, and

WHEREAS, Rehabilitation Today Services for Psychology, PLLC, 2416 Constitution Avenue, Olean, New York 14760, has agreed to provide physical therapy services to Cattaraugus County Health Department patients at the following rates:

<u>Service</u>	<u>2020-2021 Rate</u>
Physical Therapist	\$77.52 per visit
Attendance at Meetings	\$31.62 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
per short visit - (less than 15 minutes)	\$40.80 per visit
Office Visit Evaluations	\$76.91 per visit

Recruitment & Retention (to be determined by NYSDOH),  
and

WHEREAS, if Rehabilitation Today Services for Psychology, PLLC, refuses any physical therapy visits during the term of the 2020 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 for Psychology, PLLC, for the provision of the above-described services, for a term commencing July 15, 2020 and terminating July 14, 2021, 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 July 22, 2020 by voice vote.

**ACT NO. 304-2020** by Mr. Burr  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONSOLIDATED CLAIM AUTHORIZATION  
FORM ON BEHALF OF CATTARAUGUS COUNTY  
IN PURDUE PHARMA BANKRUPTCY PROCEEDING**

Pursuant to Section 153 of the County Law.

WHEREAS, Act 261-2020 authorized the County Attorney to retain Napoli Shkolnik, PLLC, as special counsel to represent Cattaraugus County in generic drug litigation, and

WHEREAS, Purdue Pharma, L.P., one of the pharmaceutical companies named in the aforementioned generic drug litigation, has filed a bankruptcy action, and

WHEREAS, as part of a consolidated claim against the Purdue Debtors, Cattaraugus County must file a consolidated claim authorization form in connection with Purdue's bankruptcy estate in the case entitled *In Re Purdue Pharma, L.P., et al.*, Case No. 19-23649 (RDD)(Bankr. S.D.N.Y.), now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized to execute and file the Consolidated Claim Authorization Form in connection with the bankruptcy proceeding involving Purdue Pharma, L.P.

Adopted July 22, 2020 by voice vote.

**ACT NO. 305-2020** by Mr. Helmich, Mr. Higgins and Mr. Koch  
who ask immediate consideration

**AUTHORIZING TRANSFER OF TAX FORECLOSURE PROPERTY TO  
CATTARAUGUS COUNTY LAND BANK CORPORATION**

Pursuant to Section 450 of the County Law.

WHEREAS, pursuant to Act 679-2014, as amended, Cattaraugus County established the Cattaraugus County Land Bank Corporation, which is now an authorized land bank corporation in New York State, and

WHEREAS, the Cattaraugus County Land Bank Corporation is able to acquire properties through a variety of means, which includes properties obtained through the in rem tax foreclosure process, as well as donated properties, now, therefore, be it

RESOLVED, the Chairman of the Legislature, upon approval of the County Treasurer, is hereby authorized to transfer the County-owned properties listed below to the Cattaraugus County Land Bank Corporation for rehabilitation *and/or demolition*<sup>1</sup>:

208 Worden Avenue, Olean, NY  
Tax Map No. 94.064-3-47

312 12<sup>th</sup> Street North, Olean, NY  
Tax Map No. 94.056-3-51

138 17<sup>th</sup> Street, Olean, NY  
Tax Map No. 94.063-5-1

215 Barry Street, Olean, NY  
Tax Map No. 94.073-4-26

209 South Main Street, Cattaraugus, NY  
Tax Map No. 44.025-1-31

24 Pine Street, Franklinville, NY  
Tax Map No. 40.063-3-12

20 St. Johns Street, Gowanda, NY  
Tax Map No. 8.083-1-8

5736 School Street, Ischua, NY  
Tax Map No. 58.020-1-19

11844 Buffalo Street, Perrysburg, NY  
Tax Map No. 2.013-1-6.1

and be it further

RESOLVED, that the Cattaraugus County Treasurer hereby agrees to waive any and all taxes, liens or other fees that may be due on the properties being transferred to the Cattaraugus County Land Bank, and be it further

RESOLVED, that the Cattaraugus County Clerk is hereby authorized and directed to waive all recording fees and transfer taxes for properties transferred to the Cattaraugus County Land Bank Corporation.

<sup>1</sup>MR. HELMICH moved, seconded by Mr. Burr, to amend as follows: In the First Resolved, add: "and/or demolition". Carried.

Adopted, as amended, July 22, 2020 by voice vote.

**ACT NO. 306-2020** by Mr. Burr  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
AUCTIONS INTERNATIONAL, INC. FOR AUCTIONEER SERVICES  
FOR SALE OF TAX FORECLOSED REAL PROPERTY**

Pursuant to Section 450 of the County Law.

WHEREAS, the County has title to several parcels of real property obtained through tax foreclosure proceedings, and

WHEREAS, the County is desirous of selling the aforementioned parcels at public auction, and

WHEREAS, the County is in need of auctioneer services to conduct the auctions for the sale of the real property, and

WHEREAS, Auctions International, Inc., 11167 Big Tree Road, East Aurora, New York 14052, can provide the aforementioned auctioneer services for an amount representing the buyer's premium, which is 6% of the bid amounts, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned auctioneer 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 Auctions International, Inc., for the provision of the above-described services, for a term commencing January 1, 2020 and terminating December 31, 2020, with the County's sole option to renew for additional one-year terms at the same rates, term and conditions, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 307-2020** by Mr. Burr  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LISTING CONTRACT WITH  
SOUTHERN TIER AGENCIES FOR SALE OF PROPERTY IN THE CITY OF OLEAN**

Pursuant to Section 215 of the County Law.

WHEREAS, the County has title to a certain parcel located at 111 Monroe Terrace in the City of Olean, designated as Tax Map No. 94.081-2-62, and

WHEREAS, it would be beneficial to the County to list the property with a real estate broker, and

WHEREAS, Southern Tier Agencies, 154 North Union Street, Olean, New York 14760, has agreed to list and sell the aforementioned property, with a minimum selling price set at \$50,000.00, for a brokerage fee of 5% of the gross selling price, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned realtor expenses, 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 Southern Tier Agencies, for the provision of the

above-described broker services to list and sell the above-described property for a minimum sale price of \$50,000.00, for a term commencing July 23, 2020 and terminating January 22, 2021, according to the above-described terms.

Adopted July 22, 2020 by voice vote.

**ACT NO. 308-2020** by Mr. Morrow and Mr. Snyder  
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO TOWN OF PORTVILLE AND  
WAIVING RULE 40 OF THE RULES OF ORDER  
(Town of Portville)**

Pursuant to Section 215 of the County Law, Rule 33 of the  
Rules of Order of the Cattaraugus County Legislature, and  
Section 72-h of the General Municipal Law.

WHEREAS, Cattaraugus County has tax title to certain property located at 1350 Portville-Olean Road in the Town of Portville, known as Tax Map Number 104.005-1-7 ("Property"), and

WHEREAS, the Town of Portville has requested that the County transfer title to the property listed above to the Town so that the Town may demolish and/or rehabilitate the property in an effort to fight blight in the Town, and

WHEREAS, it is in the County's best interest to convey the subject property to the Town of Portville for consideration in the amount of \$1.00 plus filing fees, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to convey the aforementioned parcel known as Tax Map Number 104.005-1-7 to the Town of Portville, and be it further

RESOLVED, that the County Treasurer is hereby directed to waive all delinquent taxes, penalties and interest due to the County upon conveyance of the property to the Town of Portville for consideration in the amount of \$1.00 plus filing fees, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus County Legislature is hereby waived for this sale.

No action taken at this time.

**ACT NO. 309-2020** by Mr. Brisky, Mr. Burr, Mr. Klancer and Ms. Schröder  
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS  
(Towns of Franklinville, Mansfield and New Albion)**

Pursuant to Section 215 of the County Law and Rule 40 of the  
Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain properties situated in the Towns of Franklinville, Mansfield and New Albion, and

WHEREAS, the former owners of the properties have offered to purchase the same at a cost which will cover the County’s financial involvement in these premises, and

WHEREAS, the costs involved for these premises have been tendered to the County Treasurer’s Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute County Treasurer’s Deeds conveying these properties to the following individuals:

**TOWN OF FRANKLINVILLE**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
273	49.001-1-1.5	Corey Syracuse	24414 Pine Canyon Drive Spring, TX 77380	\$2,941.22

**TOWN OF MANSFIELD**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
404	54.002-1-24.19	Andrew Stover	1301 E. 9 <sup>th</sup> Street, Suite 3700 Cleveland, OH 44114	\$39,194.69
405	54.002-1-24.2	Andrew Stover	1301 E. 9 <sup>th</sup> Street, Suite 3700 Cleveland, OH 44114	\$3,464.49

**TOWN OF NEW ALBION**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
433	35.082-5-11	Randolph Ortego	3840 Pumpkin Hollow Road Allegany, NY 14706	\$8,437.09
436	44.026-1-15	Steven Halftown	124 Buffalo Street Gowanda, NY 14070	\$8,579.03

Adopted July 22, 2020 by voice vote.

**ACT NO. 310-2020** by Mr. Burr  
*and Mrs. Andreano, Mr. Benson, Mr. Brisky, Mr. Helmich,  
 Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker,  
 Ms. Schröder, Mr. Smith, Mr. Snyder, Jr. and Mr. VanRensselaer<sup>1</sup>*  
 who ask immediate consideration

**OPPOSING GOVERNOR CUOMO’S EXECUTIVE ORDER 202.52 REQUIRING BUSINESSES  
 LICENSED BY THE STATE LIQUOR AUTHORITY TO SERVE AN ALCOHOLIC BEVERAGE ONLY  
 IF SUCH ALCOHOLIC BEVERAGE IS ACCOMPANIED BY A FOOD ITEM**

Pursuant to Section 153 of the County Law.

WHEREAS, on July 16, 2020, Executive Order 202.52 was issued by Governor Cuomo which requires businesses, licensed by the New York State Liquor Authority for on-premises service of

alcoholic beverages, to serve an alcoholic beverage only if the service is accompanied by the purchase of a food item by each individual that is being served an alcohol beverage, and

WHEREAS, Cattaraugus County has suffered significant economic losses due to the COVID-19 shutdown, and

WHEREAS, under Executive Order 202.52, small businesses will no longer be able to keep a bar open unless the kitchen is open, which will result in shorter hours, reduced revenue and reduction in employees, and

WHEREAS, small businesses are the key driver of our County's economy, and they have been disproportionately impacted by the shutdown and are in grave danger of failing and may never re-open, and

WHEREAS, the restrictions issued under Executive Order 202.52 cause undue hardship for bars and restaurants within Cattaraugus County and may cause some to close permanently, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby strongly urges Governor Cuomo to rescind Executive Order 202.52 immediately, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator George Borrello, Assembly Member Joseph Giglio, and New York State Association of Counties.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mrs. Andreano, Mr. Benson, Mr. Brisky, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr. and Mr. VanRensselaer".

Adopted July 22, 2020 by voice vote.

**ACT NO. 311-2020** by Public Works Committee:  
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,  
Mr. Morrow, Mr. Parker and Mr. Snyder  
who ask immediate consideration

#### **SUPPORTING AMENDMENT TO ELECTRONIC EQUIPMENT RECYCLING AND REFUSE ACT**

Pursuant to Section 153 of the County Law.

WHEREAS, the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) was to assist local governments with managing the fast growing end-of-life electronics waste stream by relying on electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs, and

WHEREAS, the Act has succeeded in significantly increasing electronics recovery and recycling in the state, but unfortunately the collection infrastructure is rapidly shrinking as governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs), and

WHEREAS, the consequence, specifically following the January 2015 Statewide Electronics Disposal Ban, is significant as a growing number of municipalities, including Cattaraugus County, are faced with bearing more of the financial responsibility for continued e-scrap collection in their communities, and

WHEREAS, the Act requires, and New York State relies on, electronics manufacturers to

fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state, and

WHEREAS, once manufacturers meet their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their programs, thus shifting management costs to unsuspecting and cash strapped local governments, and

WHEREAS, the issue is exacerbated by the fact that electronics currently sold today are much lighter than the obsolete CRT devices that make up about 70% of the weight of e-scrap generated, which are very cost intensive to responsibly manage, and

WHEREAS, as a result, many local governments across the state have grappled with the burden to fund or cease e-scrap collection, which has been particularly difficult in rural communities such as Cattaraugus County that do not benefit from retail collectors or economies of scale, now, therefore, be it

RESOLVED, that Cattaraugus County urges the New York State Department of Environmental Conservation (NYSDEC) and policy makers to adopt the following proposed statutory changes to the Act to provide for year round, convenient, no-cost collection of electronics, consistent with the Act's original legislative intent, and thereby stabilize and improve New York's electronics recycling system:

1. Strengthen the Performance Goals.
  - 1.1 Eliminate Business-to-Business material from the performance standard formula.
  - 1.2 Direct the Department of Environmental Conservation (DEC) to set performance requirements based on two (2) years prior data to the subject year.
  
2. Strengthen the Convenience Standards.
  - 2.1 Clarify that manufacturers are required to provide year-round, consistent support for collection sites included in their plans, regardless of whether their performance target has been met.
  - 2.2 Clarify that the convenience requirements for a geographic area shall be considered achieved if one manufacturer provides year-round support for collection that meet the requirements, provided that the collection site does not charge consumers a fee, or limit types of incoming e-scrap without providing other free collection accommodations for any e-scrap for which limitations are imposed.
  - 2.3 Establish in any county of 60,000 people or less, five (5) collection events per year can be considered to meet the convenience requirements.
  - 2.4 Set a standard for items that weigh greater than 20 pounds that mail back programs alone do not constitute convenient collection from consumers.
  - 2.5 Clarify that manufacturers are required to report to DEC when collection sites included in their electronic waste acceptance program (as provided in annual reports) cease collections or begin to charge for any CED as "material changes" to their programs.
  
3. Strengthen the Obligation to Provide Free Collection.
  - 3.1 Include provisions prohibiting manufacturers or their representatives from charging municipalities for e-scrap management.
  - 3.2 Allow recyclers to petition DEC for mediation/arbitration if manufacturers do not cover the full cost of recycling.

4. Strengthen Public Outreach and Reporting Requirements.
- 4.1 Delineate clear responsibilities for outreach and education including that manufacturers be required to implement outreach and education programs, in collaboration with their collection partners, and in cooperation with the DEC; such programs should be submitted to DEC for approval as a part of the annual reporting process.
- 4.2 Require that manufacturer annual reports provide the same information from out-of-state recyclers managing materials collected in New York as required from in-state recyclers.
- 4.3 Require e-scrap recyclers operating in the state to obtain third party certifications.,

and be it further

RESOLVED, that Clerk of the Cattaraugus County Legislature is hereby authorized and directed to forward copies of this resolution to Governor Cuomo, Senator Borrello, Assemblymember Giglio, Commissioner of New York State Department of Environmental Conservation, the New York State Association of Counties, and all others deemed necessary and appropriate.

Adopted July 22, 2020 by voice vote.

**ACT NO. 312-2020** by Mr. Helmich, Mr. Snyder, Jr. and Mr. Koch  
*and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky*  
*Mr. Burr, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow,*  
*Mr. Parker, Ms. Schröder, Mr. Smith and Mr. VanRensselaer<sup>1</sup>*  
 who ask immediate consideration

**BID ACCEPTANCE AND AUTHORIZING THE CHAIR TO  
 EXECUTE CONTRACT FOR SALE OF TIMBER  
 (Salamanca Timber Tract)**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the sale of timber from the Cattaraugus County Salamanca Timber Tract, according to specifications provided by Generations Forestry, and

WHEREAS, the highest bid received meeting specifications for the sale of marked timber from the Salamanca Timber Tract was the bid of Brush Run Lumber, 44942 Farrington Road, Spartansburg, Pennsylvania 16434, in the amount of \$292,812.00, and

WHEREAS, Generations Forestry, the County's Forest Manager, has indicated that the price offered is fair and reasonable and should therefore be accepted, and

WHEREAS, Brush Run Lumber will complete the harvest and cleanup/restoration of the property no later than September 30, 2021, now, therefore, be it

RESOLVED, that the bid of Brush Run Lumber be, and the same hereby is, accepted, 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 Brush Run Lumber for the above-described sale of timber.

Fifty-two sets of specifications were sent out.

Seven bids were received meeting specifications.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: “Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith and Mr. VanRensselaer”.

Adopted July 22, 2020 by voice vote.

\* \* \* \* \*

MR. BURR moved, seconded by Mr. Brisky, to go into Executive Session for the purpose of discussing the employment history of a particular person pursuant to Article 7 of the Open Meetings Law §105.1(f). Carried.

MR. BURR moved, seconded by Ms. Schröder, to reconvene as a Legislature. Carried.

\* \* \* \* \*

MR. KLANCER moved, seconded by Mr. Burr, to adjourn until August 26, 2020 at 4:00 p.m. Carried.

Meeting adjourned at 6:00 p.m.

Ann M. Giglio  
Journal Clerk