

September 9, 2020

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. LeFeber.

The Attendance Roll Call disclosed two Legislators absent – Burr and Smith.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the August 26, 2020 session stand approved as presented.

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COMMUNICATIONS:

Perrysburg Volunteer Fire Company No. 1: Acknowledging receipt of donation from the members of the Legislature in memory of Catherine VanRensselaer Smith.

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APPOINTMENTS:

AGRICULTURAL & FARMLAND PROTECTION BOARD
Indefinite Term

Megan Boberg, *to fill the vacancy created by the resignation of Brian Davis.*

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PUBLIC HEARINGS:

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on **Local Law Number 4-2020**, A Local Law Amending Local Law Number 18-1991 (Intro Number 24-1991), as Amended, to Modify Refuse Disposal Fees, and that anyone wishing to speak for or against this may now do so.

Sufficient notice was provided pursuant to Article 7 of the Public Officers Law and pursuant to New York State Executive Order 202.1, that public in-person access was not permitted; however, the public hearing was broadcast live on the County website. Written comments could be submitted via electronic mail to the Commissioner of Public Works no later than 3:45 pm on September 9, 2020.

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

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on **Local Law Number 5-2020**, A Local Law Amending Local Law Number 1-1985 Providing for the Creation of

a Cattaraugus County Public Works Department and the Office of Cattaraugus County Commissioner of Public Works, and that anyone wishing to speak for or against this may now do so.

Sufficient notice was provided pursuant to Article 7 of the Public Officers Law and pursuant to New York State Executive Order 202.1, that public in-person access was not permitted; however, the public hearing was broadcast live on the County website. Written comments could be submitted via electronic mail to the Cattaraugus County Legislature no later than 3:45 pm on September 9, 2020.

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

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on **Local Law Number 6-2020**, A Local Law Amending Local Law Number 6-1992 Providing for the Creation of a Cattaraugus County Department of Economic Development, Planning and Tourism, and that anyone wishing to speak for or against this may now do so.

Sufficient notice was provided pursuant to Article 7 of the Public Officers Law and pursuant to New York State Executive Order 202.1, that public in-person access was not permitted; however, the public hearing was broadcast live on the County website. Written comments could be submitted via electronic mail to the Cattaraugus County Legislature no later than 3:45 pm on September 9, 2020.

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

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CHAIRMAN VANRENSELAER called up **Act No. 314-2020**, A Local Law Amending Local Law Number 18-1991 (Intro Number 24-1991), as Amended, to Modify Refuse Disposal Fees, and asked that it be read.

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

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 314-2020, as amended, which disclosed as follows:

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

Nays: none.

Act No. 314-2020, Local Law Number 4-2020, as amended, having received a unanimous vote of the Legislature, was declared Adopted.

CHAIRMAN VANRENSELAER called up **Act No. 340-2020**, A Local Law Amending Local Law Number 1-1985 Providing for the Creation of a Cattaraugus County Public Works Department and the Office of Cattaraugus County Commissioner of Public Works, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 340-2020, which disclosed as follows:

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

Nays: none.

Act No. 340-2020, Local Law Number 5-2020, having received a unanimous vote of the Legislature, was declared Adopted.

CHAIRMAN VANRENSELAER called up **Act No. 342-2020**, A Local Law Amending Local Law Number 6-1992 Providing for the Creation of a Cattaraugus County Department of Economic Development, Planning and Tourism, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 342-2020, which disclosed as follows:

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

Nays: none.

Act No. 342-2020, Local Law Number 6-2020, having received a unanimous vote of the Legislature, was declared Adopted.

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MR. HELMICH moved, seconded by Mr. Parker, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 355-2020 through Act No. 364-2020, inclusive. Carried.

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ACT NO. 355-2020 by Mr. Helmich and Mr. Koch
who ask immediate consideration

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 293-2020 authorized a contract with Young Galvanizing, Inc., P.O. Box 334, Route 551, 8281 Mercer Street, Pulaski, Pennsylvania 16143, for the services necessary to hot-dip galvanize eight (8) steel beams for the Department of Public Works, the term of which expired August 30, 2020, and

WHEREAS, the contract should be amended to allow for an adjustment to the contract total and also to extend the term to September 30, 2020, and

WHEREAS, Young Galvanizing, Inc., completed the hot-dip galvanizing services for an amount of \$18,636.42, which is an increase of \$329.70 more than what was authorized by Act 293-2020, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Young Galvanizing, Inc., for the provision of the above-described galvanizing services, for an original term which commenced July 22, 2020 and now terminates September 30, 2020, according to the above-described terms.

Adopted September 9, 2020 by voice vote.

ACT NO. 356-2020 by Mr. Helmich and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
GREENMAN-PEDERSEN, INC. FOR
FRANKLINVILLE BRIDGE NO. 22 REPLACEMENT PROJECT
CONSTRUCTION INSPECTION SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 454-2018, as amended by Act 341-2019, authorized a contract with Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, for the provision of construction inspection services for the Franklinville Bridge No. 22 replacement project, located on Five Mile Road (County Road No. 19) over Ischua Creek, the term of which expired December 31, 2019, and

WHEREAS, due to the receipt of a late invoice from Greenman-Pedersen, an extension of the aforementioned contract is necessary to January 31, 2020, in order to complete payments and paperwork, with 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 Greenman-Pedersen, Inc., to extend the term of the contract which commenced October 10, 2018 to terminate January 31, 2020, according to the above-described terms.

Adopted September 9, 2020 by voice vote.

ACT NO. 357-2020 by Public Works Committee:
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,
Mr. Morrow, Mr. Parker and Mr. Snyder
who ask immediate consideration

**AUTHORIZING L & R TRANSFER STATION, LLC TO OPERATE AS A
SOLID WASTE DISPOSAL FACILITY**

Pursuant to Cattaraugus County Local Law No. 10-2019 and 6 NYCRR Part 360.

WHEREAS, L & R Transfer Station, LLC, is operating a solid waste disposal facility at 11081 Galen Hill Road, Freedom, New York, and

WHEREAS, Section 7 of Local Law No. 10-2019 (Intro No. 11-2019) requires approval of the Cattaraugus County Legislature and the governing body of the Town in order to operate a solid waste disposal facility within Cattaraugus County, and

WHEREAS, L & R Transfer Station, LLC, must also comply with any rules and regulations required for the operation of such facilities by federal and state regulations, including, but not limited to, 6 NYCRR Part 360, and

WHEREAS, L & R Transfer Station, LLC, has obtained a permit under Environmental Conservation Law to operate a solid waste management facility, has obtained approval from the Town of Freedom, and is seeking approval from the Cattaraugus County Legislature for the operation of a solid waste disposal facility, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby grants approval to L & R Transfer Station, LLC, to operate a solid waste disposal facility in the Town of Freedom in Cattaraugus County, on the condition that L & R Transfer Station, LLC, complies with Cattaraugus County Local Law No. 10-2019, obtains the required authorizations, permits and/or licenses to operate, and further complies with federal and state regulations.

Adopted September 9, 2020 by voice vote.

ACT NO. 358-2020 by Mr. VanRensselaer
who asks immediate consideration

**WAIVING FEES ON CERTAIN PROPERTY
(Town of Allegany)**

Pursuant to Sections 550 and 554 of the Real Property Tax Law.

WHEREAS, due to a clerical error by the Town of Allegany, water usage fees were incorrectly levied on property owned by St. Bonaventure University identified as Tax Map No. 94.061-1-31.3, and

WHEREAS, it is necessary for the Cattaraugus County Legislature to waive the interest, penalties and relevy fee assessed to the parcel, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby waives the interest and penalties in the amount of \$33,335.35, plus the 5% relevy fee in the amount of \$16,600.53 which were incorrectly charged to St. Bonaventure University for property identified as Tax Map No. 94.061-1-31.3.

Adopted September 9, 2020 by voice vote.

ACT NO. 359-2020 by Mr. Klancer and Mr. Boberg
*and Mr. Morrow*¹
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
 NEW YORK STATE OFFICE OF HOMELAND SECURITY AND EMERGENCY SERVICES
 FOR 2020 STATE HOMELAND SECURITY PROGRAM GRANT**

Pursuant to Public Law 107-56, Department of Homeland Security
 Appropriations Act of 2005, Public Law 108-334 and
 Section 450 of the County Law.

WHEREAS, Act 373-2019 authorized the Chairman to execute grant documents with the New York State Office of Homeland Security and Emergency Services for a grant for the fiscal year 2019 State Homeland Security Program, and

WHEREAS, the County has been awarded \$152,740.00 under the fiscal year 2020 State Homeland Security Program that must be allocated as follows:

- Cattaraugus County Office of Emergency Services – A Homeland Security Program contract in the amount of \$114,555.00 will be initiated to provide funds to support the implementation of the State Homeland Security Strategy and address the identified planning, equipment, training and exercise needs for acts of terrorism and other catastrophic events;
- Cattaraugus County Sheriff's Office – A Law Enforcement Terrorism Prevention Program contract in the amount of \$38,185.00 will be initiated to provide funds for the law enforcement community to support terrorism prevention and preparedness efforts,

and

WHEREAS, grant documents must be executed in order to receive the aforementioned funding, and

WHEREAS, this program is 100% federally funded (CFDA #97.067), now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Office of Homeland Security and Emergency Services, in order to receive the above-described grant funding, for a term commencing September 1, 2020 and terminating August 31, 2023, according to the above-described terms, and be it further

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

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

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

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

Adopted September 9, 2020 by voice vote.

ACT NO. 360-2020 by Mr. Klancer and Mr. Boberg
*and Mr. Morrow*¹
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
 NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR
 SHERIFF'S DEPARTMENT TRAFFIC SAFETY PARTNERSHIP PROGRAM**

Pursuant to Section 1229-c of the Vehicle and
 Traffic Law and Section 450 of the County Law.

WHEREAS, Act 347-2019 authorized the Chairman to execute grant documents for the receipt of funding through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2019-2020 program year, and

WHEREAS, the Sheriff's Department has been awarded funding in the amount of \$11,750.00 through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2020-2021 program year, for the following components:

Child Passenger Safety Program	\$1,750.00
Police Traffic Services Program	\$9,000.00
Traffic Safety Education Program	\$1,000.00,

and

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

WHEREAS, this program includes funding from the New York State Governor's Traffic Safety Committee, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Governor's Traffic Safety Committee, in order to receive the aforementioned funding, for a term commencing October 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.

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

Adopted September 9, 2020 by voice vote.

ACT NO. 361-2020 by Mrs. Andreano and Mr. Helmich
*and Mr. Morrow*¹
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
 NEW YORK STATE DEPARTMENT OF HEALTH FOR
 IMMUNIZATION BUREAU FUNDING AND
 ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Department of Health)**

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

WHEREAS, the County Department of Health has been notified that it has been awarded an additional amount of \$16,969.00 through the New York State Department of Health Bureau of Immunization to expand and enhance influenza vaccine outreach, promotion and mass vaccination activities for the 2020-2021 flu season, to include COVID-19 mass vaccination activities when a vaccine becomes available, for a total grant amount of \$55,808.00, and

WHEREAS, a contract (IAP Contract #C-32504GG) is necessary in order to receive the aforementioned funding, including any supplemental funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health, in order to receive the above-described 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.401.4017.4034.4401.02	Fed Aid, Public Health Immunization Initiative	\$16,969.00
Increase Appropriation Accounts:		
A.401.4017.4034.12000	Part-Time Wages	\$5,000.00
A.401.4017.4034.13000	Overtime	\$3,469.00
A.401.4017.4034.45401	Small Tools & Equipment	\$3,500.00
A.401.4017.4034.47006	Operating Supplies	\$1,500.00
A.401.4017.4034.47035	Medical Supplies	\$1,500.00
A.401.4017.4034.48001	Advertising	\$2,000.00.

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

Adopted September 9, 2020 by voice vote.

ACT NO. 362-2020 by Mrs. Andreano and Mr. Helmich
*and Mr. Morrow*¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTH RESEARCH, INC. FOR PUBLIC HEALTH
PREPAREDNESS AND RESPONSE TO BIOTERRORISM**

Pursuant to Section 301 et seq. of the Public Health Service Act and
Section 450 of the County Law.

WHEREAS, Act 447-2019, as amended by Act 160-2020, authorized a contract with Health Research, Inc., in order to accept funding for the next phase of the terrorism emergency response and preparedness plan, the term of which expired June 30, 2020, and

WHEREAS, the County Health Department has been awarded funding through Health Research, Inc., Riverview Center, 150 Broadway, Suite 560, Menands, New York 12204, in the total contract amount of \$276,195.00, with a maximum reimbursement of \$76,195.00, for the period commencing July 1, 2020 and terminating June 30, 2021, and

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

WHEREAS, this program is 100% federally funded (CFDA# 93.074), 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 Health Research, Inc., in order to accept and receive the aforementioned grant funding, for a term commencing July 1, 2020 and terminating June 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.

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

Adopted September 9, 2020 by voice vote.

ACT NO. 363-2020 by Mrs. Andreano
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Department of Community Services received an invoice for court-ordered psychiatric hospitalizations in the amount of \$86,001.00 for one (1) month, and

WHEREAS, it is anticipated that the cost for court-ordered psychiatric hospitalizations for the remainder of 2020 will be approximately \$90,000.00 per month, and

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

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

Increase Estimated Revenue Account:

A.431.4310.0890.4401.10	Federal Aid, Public Health, DSRIP	\$300,000.00
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Increase Appropriation Account:

A.431.4360.0000.40205	Commitment for Mentally Ill	\$300,000.00.
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Adopted September 9, 2020 by voice vote.

ACT NO. 364-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
DOLLAR GENERAL ADVERTISING OUTREACH PILOT PROGRAM FUNDING**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department has been awarded funding in the amount of \$250.00 through the New York State Department of Health for participation in the Dollar General Advertising Outreach Pilot Program, and

WHEREAS, the funding provided through Dollar General Advertising Outreach Pilot Program will cover the costs associated with full-color advertising of the WIC program on the back of Family Dollar and Dollar General store receipts for twelve (12) weeks, and

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

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Department of Health, in order to accept funding through the Dollar General Advertising Outreach Pilot Program, according to the above-described terms, and be it further

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

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

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

Adopted September 9, 2020 by voice vote.

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MR. MORROW moved, seconded by Mr. Koch, to adjourn until September 23, 2020 at 4:00 p.m.
Carried.

Meeting adjourned at 4:20 p.m.

Ann M. Giglio
Journal Clerk