

October 14, 2020

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. LeFeber.

The Attendance Roll Call disclosed all Legislators present.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the September 23, 2020 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law Numbers 4, 5 and 6-2020 and the filing of the same on September 22, 2020.

Robert C. Keis, Sr., Chairman, Cattaraugus County Republican Committee: Recommendation of appointment of Cortney L. Spittler as a Commissioner of Elections for a four-year term effective January 1, 2021.

Frank V. Puglisi, Chair, Cattaraugus County Democratic Committee: Recommendation of appointment of Kevin C. Burleson as a Commissioner of Elections for a four-year term effective January 1, 2021.

Steuben County Legislature: Resolution No. 183-20, Urging the New York State Legislature to Terminate the Emergency Declaration Established to Address the COVID-19 Pandemic.

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APPOINTMENTS:

ROUTE 219 CORRIDOR DEVELOPMENT COMMITTEE

Four-year terms to expire December 31, 2023

Crystal J. Abers, Director
Department of Economic Development,
Planning & Tourism

Jay Bailey, Regional Director
Allegany State Park Region
NYSOPRHP

Joseph F. Boberg
Cattaraugus County Legislator

Daniel Brown, Supervisor
Town of Great Valley

John Burrell, Mayor
Village of Ellicottville

Hugh Dunne

Kathleen Ellis, Commissioner
Department of Public Works

Dennis Eshbaugh
Route 219 Association

Brandie Fuller, Councilman
City of Salamanca

Richard Helmich
Cattaraugus County Legislator

Tim Henderson
The New York Foundation for Fair Contracting

Robert Keis
Cattaraugus County Planning Board

David Koch
Cattaraugus County Legislator

Matthew McAndrew, Supervisor
Town of Ellicottville

John Pheffer, Supervisor
Town of Ashford

Sharon Ray, Transportation Manager
Seneca Nation of Indians

Robert Rinfrette, Supervisor
Town of Carrollton

Marie Myers Shearing
County Planner

Corey Wiktor, Executive Director
County of Cattaraugus IDA

David Zilker, Agriculture & Farmland
Protection Board

Richard Zink, Executive Director
Southern Tier West Regional Planning & Development Board

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PUBLIC HEARING:

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on **Local Law Number 7-2020**, A Local Law Amending Local Law Number 5-1985 (Intro Number 10-1985), as Amended, Regarding the Position of County Administrator, 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 October 14, 2020.

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

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PRIVILEGE OF THE FLOOR:

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Joe Pillittere, Public Relations Manager, CHBWW – West Valley Demonstration Project, who introduced John Rendall, President and General Manager, and Kelly Wooley, Deputy General Manager, who presented an update on the cleanup project.

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Andrew Burr who spoke on the current amphitheater project at Gateway Park in Gowanda.

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Kip Morrow who commented on the Sheriff’s shooting range and the tour given to the legislators after the last meeting. It is an impressive facility built by the Sheriff Department employees and will be a great training facility for the Department.

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CHAIRMAN VANRENSELAER called up **Act No. 379-2020**, A Local Law Amending Local Law Number 5-1985 (Intro Number 10-1985), as Amended, Regarding the Position of County Administrator, and asked that it be read.

The following Legislators requested their names be listed as additional sponsors: “Mr. Boberg, Mr. Benson and Mr. Helmich”.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 379-2020, which disclosed as follows:

Ayes: Andreano, Benson, Boberg, Brisky, Burr, Helmich, Higgins, Hunt, Klancer, Koch, Marsh, Morrow, Parker, Schröder, Smith, Snyder, VanRensselaer -17.

Nays: none.

Act No. 379-2020, Local Law Number 7-2020, having received a unanimous vote of the Legislature, was declared Adopted.

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ACT NO. 385-2020 by Mr. Helmich and Mr. Koch

**BID ACCEPTANCE FOR HOT DIP GALVANIZATION OF STEEL
(Department of Public Works)**

Pursuant to 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 hot dip galvanization of steel, according to specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for hot dip galvanization of steel was the bid of Frontier Hot Dip Galvanizing, Inc., 1740 Elmwood Avenue, P.O. Box 199, Buffalo, New York 14207-0199, in an amount as follows:

<u>Job Size</u>	<u>2019-2020 Amount</u>	<u>2020-2021 Amount</u>
Single Dip up to 27 feet in length:		
Less than 1,000 lbs	\$0.55/lb	\$0.55/lb
1,000 – 2,000 lbs	\$0.50/lb	\$0.50/lb
2,000 – 5,000 lbs	\$0.44/lb	\$0.44/lb

5,000 – 10,000 lbs	\$0.40/lb	\$0.40/lb
10,000 lbs & greater	\$0.29/lb	\$0.29/lb
Double Dip up to 40 feet in length:		
Less than 1,000 lbs	\$0.825/lb	\$0.825/lb
1,000 – 2,000 lbs	\$0.75/lb	\$0.75/lb
2,000 – 5,000 lbs	\$0.675/lb	\$0.675/lb
5,000 – 10,000 lbs	\$0.60/lb	\$0.60/lb
10,000 lbs & greater	\$0.35/lb	\$0.35/lb

Additional Charges:

1. Surcharge for double dip - For materials which are longer than tank length and which must be dipped first one end and then the other (double dip), any additional charges are included in the above pricing.	Included in above pricing	Included in above pricing
2. Handrails	\$ 0.75/lb	\$ 0.75/lb
3. Tanks	\$ 1.00/lb	\$ 1.00/lb
4. Additional Venting/Holes	\$50.00/hr	\$50.00/hr

now, therefore, be it

RESOLVED, that the bid of Frontier Hot Dip Galvanizing, Inc., be, and the same hereby is, accepted, for a term commencing November 1, 2020 and terminating October 31, 2021, 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 sets of specifications were sent out.

One bid was received.

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

Adopted October 14, 2020 by voice vote.

ACT NO. 386-2020 by Mr. Helmich and Mr. Koch

**BID ACCEPTANCE FOR SALT AND SAND PREMIX
(Department of Public Works)**

Pursuant to 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 salt and sand premix for the 2020-2021 season requirements, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for salt and sand premix was the bid of Gernatt Asphalt Products, Inc., 13870 Taylor Hollow Road, Collins, New York 14034 (Benz Drive Plant, Springville, New York) as follows:

<u>Ratio of Sand to Salt Per Ton</u>	2019-2020 Price Per Ton Premixed Material	2020-2021 Price Per Ton Premixed Material
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	<u>F.O.B. Plant</u>	<u>F.O.B. Plant</u>
4-1	\$22.60	\$21.50
5-1	\$20.80	\$19.80
6-1	\$19.65	\$18.60
7-1	\$18.85	\$17.80
8-1	\$17.95	\$17.10
9-1	\$17.45	\$16.50
10-1	\$17.00	\$16.00

now, therefore, be it

RESOLVED, that the bid of Gernatt Asphalt Products, Inc., be, and the same hereby is, accepted, for a term commencing September 1, 2020 and terminating April 30, 2021, 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.

Three sets of specifications were sent out.

Only one bid was received.

Approved by 4 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted October 14, 2020 by voice vote. Mr. Burr abstained from vote.

ACT NO. 387-2020 by Mr. Helmich and Mr. Koch

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS
FOR PURCHASE OF DODGE DURANGO SXT
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase of new and unused, 2020 or newer, Dodge Durango SXT, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, bids came in higher than anticipated for immediate delivery option and the bids received should be rejected, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for the purchase of new and unused, 2020 or newer, Dodge Durango SXT, which were opened on September 11, 2020, and authorizes all actions previously taken by the Department of Public Works regarding such rejection nunc pro tunc.

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

Adopted October 14, 2020 by voice vote.

ACT NO. 388-2020 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION INSPECTION SERVICES FOR
2020 BRIDGE DECK SEALING AND BRIDGE WASHING FEDERAL-AID PROGRAM**

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

WHEREAS, Act 146-2020 authorized a contract with Greenman-Pedersen, Inc. (GPI), 4950 Genesee Street, Suite 100, Buffalo, New York 14225, for the provision of construction inspection services for the 2020 Bridge Deck Sealing and Bridge Washing Federal-Aid Program, the term of which expires December 31, 2020, and

WHEREAS, due to the contractor's bridge washing operations being less efficient and taking longer than estimated, an increase in construction inspection time was necessary, and

WHEREAS, in order to finish all work required in the construction inspection contract, Greenman-Pedersen, Inc. (GPI), will require an estimated additional 72 hours, for an additional amount not to exceed \$6,000.00, and

WHEREAS, an amended contract is necessary to cover the additional services and cost, 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 Greenman-Pedersen, Inc. (GPI), for the provision of the above-described construction inspection services, for a term commencing March 25, 2020 and terminating December 31, 2020, according to the above-described terms.

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

Adopted October 14, 2020 by voice vote.

ACT NO. 389-2020 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
FOR MARKHAMS HIGHWAY FACILITY SALT/SAND BUILDING
WATER QUALITY IMPROVEMENT PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

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

WHEREAS, Act 289-2019 authorized the County Department of Public Works to apply for funding through the New York State Department of Environmental Conservation Water Quality Improvement Project (WQIP) Program for the construction of a salt/sand building at the Markhams Highway facility, and

WHEREAS, the County was awarded funding in the amount of \$230,000.00 for the aforementioned project, and

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

WHEREAS, Act 337-2020 transferred \$200,000.00 from Fund Balance in order to cover the expected expenses related to the Markhams Salt/Sand Storage Building – Contract A–Foundation System Project, with the understanding that upon receipt of reimbursement from New York State for the aforementioned Project, such funds shall be placed back into the Undesignated Fund Balance Account A.909.0000, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Environmental Conservation Water Quality Improvement Project (WQIP) Program, 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 increase Undesignated Fund Balance Account A.909.0000 by \$200,000.00 and make the following budgetary changes:

Increase Estimated Revenue Account:		
H.504.5142.0000.21094.3910.03	Markhams Salt Storage Shed	\$230,000.00
Increase Appropriation Account:		
H.504.5142.0000.21094.41603	Contracted Services	\$ 30,000.00
Decrease Estimated Revenue Account:		
H.990.9950.0000.5031	Interfund Transfer	\$200,000.00
Decrease Appropriation Account:		
A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$200,000.00.

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

Adopted October 14, 2020 by voice vote.

ACT NO. 390-2020 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CHAUTAUQUA COUNTY FOR OUT-OF-COUNTY WASTE DISPOSAL SERVICES**

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

WHEREAS, Act 640-2009 authorized a contract with Chautauqua County for the out-of-county disposal of waste, the term of which expires December 31, 2020, and

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

WHEREAS, the County of Chautauqua, Gerace Office Building, 3 North Erie Street, Mayville, New York 14757, has agreed to accept waste from the County of Cattaraugus for an amount in accordance with the following fee schedule, which is effective January 1, 2021:

Commercial Rates at Landfill (per ton)

Municipal Solid Waste	\$29.00
Industrial (Permitted) Waste	\$29.00
Refractory/Annealing Sand	\$21.50
Sludge - Municipal (POTW)	\$28.00
Sludge – Industrial	\$36.00
Construction & Demolition	\$36.00
Contaminated Soil	\$26.00
Asbestos (ACM) – Non-Friable (NFACM)	\$36.00
Asbestos (ACM) – Friable [(FACM) \$350 minimum charge]	\$70.00

Commercial Rates at Transfer Stations (per ton)

Municipal Solid Waste	\$39.00
Construction & Demolition	\$52.00

Other Charges

Excavate Load – Standard	\$30.00
Excavate Load – Large	\$60.00
Minimum Scale Charge	\$12.00

and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Chautauqua County, for the provision of the above-described out-of-county waste disposal services, for a term commencing January 1, 2021 and terminating December 31, 2025, according to the above-described terms.

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

Adopted October 14, 2020 by voice vote.

ACT NO. 391-2020 by Mr. Brisky

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

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 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:

<u>Name of Owner</u>	<u>Tax Map No.</u>	<u>Amount</u>	<u>Tax Years</u>
Roggenbaum J. Oil Company	92.004-1-28./1	\$3,574.51	1994-2020
P.H. Dieteman Oil Company	92.004-1-1./1	\$1,393.68	1994-2020
Seneca Resources Corporation	25.004-1-4./1	\$458.53	2017-2019

Approved by 5 members of the Finance Committee.

Adopted October 14, 2020 by voice vote.

ACT NO. 392-2020 by Mr. Boberg and Mr. Klancer

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SYSTEMS DEVELOPMENT GROUP, INC. FOR IMAGE MATE ONLINE SUPPORT AGREEMENT AND CATTARAUGUS OUTPOST SOFTWARE AND LICENSE

Pursuant to Section 1532 of the Real Property Tax Law and Section 450 of the County Law.

WHEREAS, Act No. 479-2019 authorized a contract with Systems Development Group, Inc., 441 Trenton Avenue, Utica, New York 13502, for the provision of web-based delivery of real property information through Image Mate Online and Outpost Anywhere software, and

WHEREAS, through use of the aforementioned web-based software, the County Assessors will gain the efficiencies of field assessment data collection, verification and review using low cost mobile devices, such as tablet computers with onboard camera and GPS units, and

WHEREAS, the newly updated Image Mate Online will also provide pre-filled RP-5217 forms, which will streamline the preparation process by saving time and ensuring the accuracy of the information supplied on the form, and

WHEREAS, Systems Development Group, Inc. (SDG) can provide the following licenses and software support for an amount of \$39,000.00 per year for four (4) years:

Outpost Anywhere County Wide Annual License	\$25,000.00
Image Mate Online Annual License and Support	\$10,000.00
Cattaraugus SDG RP-5217-PDF	\$ 4,000.00
Installation/Configuration/Testing/Training	<i>Included</i>
Year 1 Licensing Administrative Fee and Tier 1 End User Support	<i>Included</i>

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 Systems Development Group, Inc., for the provision of the above-described Image Mate Online and Outpost software, license and support,

contingent upon and subject to inclusion in the 2021 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2021 and terminating December 31, 2024, according to the above-described terms.

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

Adopted October 14, 2020 by voice vote.

ACT NO. 393-2020 by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACTS WITH
VARIOUS SNOWMOBILE CLUBS IN CATTARAUGUS COUNTY FOR
SNOWMOBILE TRAIL GRANT PROGRAM**

Pursuant to Article 27 of the Parks, Recreation and Historic Preservation Law and Section 450 of the County Law.

WHEREAS, Act 114-2020 authorized the Chair to execute contracts with the New York State Office of Parks, Recreation and Historic Preservation, the Cattaraugus County Federation of Snowmobile Clubs, Inc., and various snowmobile clubs for the snowmobile trail grant program, the terms of which expired March 31, 2020, and

WHEREAS, the amount of funding received for two of the snowmobile clubs was revised for the 2019-2020 program year necessitating a contract amendment, 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 following snowmobile clubs for the term commencing April 1, 2019 and terminating March 31, 2020, according to the above-described terms:

	<u>2019-2020 Grant</u>	<u>REVISED 2019-2020 Grant</u>
Ashford Snowmobile Club, Inc. P.O. Box 96 West Valley, NY 14171	\$10,812.00	\$10,793.00
Portville Snowmobile Club, Inc. P.O. Box 466 Portville, NY 14770	\$12,096.00	\$ 9,441.20

and be it further

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

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

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

Approved by 5 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted October 14, 2020 by voice vote.

ACT NO. 394-2020 by Mr. Klancer

**AUTHORIZING PUBLIC DEFENDER'S OFFICE PARTICIPATION IN
HARVARD UNIVERSITY ACCESS 2 JUSTICE TEXT MESSAGE PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Public Defender's Office (PD) is desirous of providing reminder notifications of court dates and office appointments to its clients in an effort to reduce client absences, and

WHEREAS, Harvard University is conducting a Text Message Notification Program, called Access 2 Justice, to study the effectiveness of reminders on court appearance dates and office meetings, and

WHEREAS, the PD's Office is desirous of participating in Harvard University's Access 2 Justice Text Message Notification Program for the provision of the aforementioned reminder notification service, at no cost to the County, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the Public Defender's Office to participate in Harvard University's Access 2 Justice Text Message Notification Program.

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

Adopted October 14, 2020 by voice vote.

ACT NO. 395-2020 by Mr. VanRensselaer

**AMENDING ACT 205-2019 WHICH ESTABLISHED STANDARD WORK DAY FOR
CERTAIN ELECTED AND APPOINTED OFFICIALS FOR REPORTING
PURPOSES TO NEW YORK STATE RETIREMENT SYSTEM**

Pursuant to 2 NYCRR Section 315.4.

WHEREAS, Act 205-2019 established a standard work day for certain elected and appointed officials for reporting purposes to the New York State Retirement System, and

WHEREAS, based on calculations provided by the New York State and Local Retirement System, Act 205-2019 should be amended to correct the standard work day for a certain elected official, now, therefore, be it

RESOLVED, that Act 205-2019 be, and hereby is, amended as follows: In the table in the 1st Resolved, under Legislator Frank H. Higgins, delete: "3.50" and replace with: "3.10".

Approved by 5 members of the Finance Committee and 3 members of the Labor Relations Committee.

Adopted October 14, 2020 by voice vote.

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MS. SCHRODER moved, seconded by Mrs. Andreano, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 396-2020 through Act No. 408-2020, inclusive. Carried.

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ACT NO. 396-2020 by Mrs. Andreano, Mr. Burr, Mr. Higgins, Mr. Klancer and Mr. Smith who ask immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTIES
AND WAIVING RULE 40 OF THE RULES OF ORDER**

Pursuant to Rule 33 of the Rules of Order of the Cattaraugus County Legislature and Section 1166 of the Real Property Tax Law.

WHEREAS, Cattaraugus County has tax title to certain properties situate in Cattaraugus County as described below, and

WHEREAS, the properties are subject to Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, it is in the County's best interest to forego the requirements of Rule 40 and convey title of the subject properties pursuant to Real Property Tax Law Section 1166, now, therefore, be it

RESOLVED, that if the tender by the bidders of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's bid shall thereafter be void and of no further effect, and be it further

RESOLVED, that pursuant to Rule 33 of the Rules of Order of the Cattaraugus County Legislature, Rule 40 is hereby waived for these conveyances, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute County Treasurer's Deeds conveying the properties to the following individuals at the bid price listed:

Tax Map No.	Property Address	<u>TOWN OF DAYTON</u>		County Involvement	Bid Amount
		Purchaser & Address			
33.033-5-26	214 Pine Street South Dayton, NY	Paul C. Batt Sherri Lee Batt 216 Pine Street South Dayton, NY 14138		\$0	\$22,000.00

Tax Map No.	Property Address	CITY OF OLEAN		County Involvement	Bid Amount
		Purchaser & Address			
94.055-3-60	1628-R Washington Street Olean, NY	City of Olean Housing Authority 132 N. Union Street, Suite 118 Olean, NY 14760		\$0	\$0

Adopted October 14, 2020 by voice vote.

ACT NO. 397-2020 by Mrs. Andreano, Mr. Brisky, Mr. Burr, Mr. Klancer, Mr. Marsh, Mr. VanRensselaer and Mr. Koch and Mr. Benson, Mr. Helmich and Mr. Morrow¹ who ask immediate consideration

APPOINTMENT OF DIRECTOR OF INFORMATION SERVICES

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Dawn Pezzimenti be, and hereby is, appointed Director of Information Services for a term of four (4) years commencing October 15, 2020 and terminating October 14, 2024, to be compensated at a bi-weekly salary of \$3,427.27 (\$89,109.00 annually), and at any salary as may hereinafter be established, and be it further

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

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Benson, Mr. Helmich and Mr. Morrow".

Adopted October 14, 2020 by voice vote.

ACT NO. 398-2020 by Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder and Mr. VanRensselaer who ask immediate consideration

APPOINTMENT OF REPUBLICAN ELECTION COMMISSIONER

Pursuant to Section 3-203 of the Election Law.

WHEREAS, the certificate of Robert C. Keis, Chairman of the Cattaraugus County Republican Party, has been filed with the Clerk of the Legislature recommending the appointment of Cortney L. Spittler as Republican Election Commissioner for a term of four (4) years, effective January 1, 2021, now, therefore, be it

RESOLVED, that Cortney L. Spittler be, and she hereby is, appointed the Republican Election Commissioner for a term commencing January 1, 2021 and terminating December 31, 2024, at such annual salary as heretofore, or may hereafter be established, and be it further

RESOLVED, that the certificate of appointment of Cortney L. Spittler shall be filed in the Cattaraugus County Clerk's Office.

Adopted October 14, 2020 by voice vote.

ACT NO. 399-2020 by Mr. Koch
who asks immediate consideration

APPOINTMENT OF DEMOCRATIC ELECTION COMMISSIONER

Pursuant to Section 3-204 of the Election Law.

WHEREAS, the certificate of Frank V. Puglisi, Chairman of the Cattaraugus County Democratic Party, has been filed with the Clerk of the Legislature recommending the appointment of Kevin C. Burleson as Democratic Election Commissioner for a term of four (4) years, effective January 1, 2021, now, therefore, be it

RESOLVED, that Kevin C. Burleson be, and he hereby is, appointed the Democratic Election Commissioner for a term commencing January 1, 2021 and terminating December 31, 2024, at such annual salary as heretofore, or may hereafter be established, and be it further

RESOLVED, that the certificate of appointment of Kevin C. Burleson shall be filed in the Cattaraugus County Clerk's office.

Adopted October 14, 2020 by voice vote.

ACT NO. 400-2020 by Labor Relations Committee:
Ms. Schröder, Mr. Marsh, Mr. Helmich,
Mrs. Hunt and Mr. Koch
*and Mr. Morrow*¹
who ask immediate consideration

**CREATING THREE (3) PART-TIME POSITIONS OF MOTOR VEHICLE REPRESENTATIVE IN THE
OFFICE OF THE COUNTY CLERK, ESTABLISHING COMPENSATION FOR THE SAME
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(County Clerk's Office)**

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

WHEREAS, the County Clerk's Office is in need of additional staff to assist with the current COVID-19 Pandemic and resulting appointment scheduling and social distancing requirements mandated by the State, and

WHEREAS, these additional positions will address the needs of the Clerk's Office and provide for the safety and wellbeing of Cattaraugus County citizens as well as the reopening of the Delevan Motor Vehicle Office, and

WHEREAS, New Position Duties Statements have been submitted to the Cattaraugus County Personnel Officer, who has approved the title of Motor Vehicle Representative, in accordance with Civil Service Law Section 22, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the costs of the aforementioned positions, now, therefore, be it

RESOLVED, that effective September 25, 2020, there are hereby created three (3) positions of Motor Vehicle Representative to be filled on a part-time basis in the Office of the County Clerk, Part-Time Bargaining Unit, Pay Grade 17 (\$17.03 per hour), Position Numbers 141-216-019, 141-216-020 and 141-216-021, and be it further

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

Decrease Appropriation Account:

A.141.1411.1413.11000	Full-Time Wages	\$5,200.00
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Increase Appropriation Account:

A.141.1411.1413.12000	Part-Time Wages	\$5,200.00.
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¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Morrow".

Adopted October 14, 2020 by voice vote.

ACT NO. 401-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE UPPER PAYMENT LIMIT SCHEDULE REQUEST
FOR DEPARTMENT OF COMMUNITY SERVICES FOR
SUPPLEMENTAL FUNDING AND APPROPRIATE FROM FUND BALANCE
(Department of Community Services)**

Pursuant to Section 1902(r)(5) of the Social Security Act, 42 CFR Part 447,
and Sections 363, 366 and 450 of the County Law.

WHEREAS, the New York State Public Health Law provides for Upper Payment Limit (UPL) payments for County-operated Diagnostic and Treatment Centers and Mental Hygiene Clinics for State fiscal year 2019-2020, and

WHEREAS, the County's Department of Community Services is eligible for UPL payments for its Mental Hygiene Clinics, as follows:

2018 Gross Clinic UPL Payment	2019 Gross Clinic UPL Payment
\$264,362.00	\$264,362.00

and

WHEREAS, since these payments are exempt from the Medicaid local share cap statute, counties in New York State are responsible for transferring the full 50% non-federal share of each payment to the State prior to the corresponding 100% payment being released to the Department of Community Services, and

WHEREAS, it is proposed that the County apply for the entire payment, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the Supplemental Medicaid Upper Payment Limit Schedule Request Form for the County Department of Community Services as described above, and be it further

RESOLVED, that the County Administrator is hereby directed to decrease Fund Balance A.909.0000 by the amount of \$246,361.60 (2018 UPL County share of \$132,180.80 plus 2019 UPL County share of \$132,180.80) and make the following budgetary change:

Increase Appropriation Account:

A.601.6102.0000.40608	IGT Payment	\$264,361.60.
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Adopted October 14, 2020 by voice vote.

ACT NO. 402-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ICIRCLE OF THE FINGER LAKES, INC. FOR
HEALTH DEPARTMENT MEDICAID MANAGED CARE PROVIDER PROGRAM**

Pursuant to Section 42 USCS Section 1396a and
Section 450 of the County Law.

WHEREAS, the County Health Department is desirous of providing home health care and Medicaid Managed Care services to the residents of Cattaraugus County, and

WHEREAS, iCircle of the Finger Lakes, Inc., 860 Hard Road, Webster, New York 14580, has agreed to reimburse the County Health Department for home health care and Managed Medicaid and/or Medicare services provided to iCircle subscribers, as follows:

a. Reimbursement Rates, Medicare

<u>Service</u>	<u>Medicare Reimbursement Rates</u>
Home Health Services	102% HH PPS

b. Reimbursement Rates, MLTC and Medicaid Managed Care

<u>Codes</u>	<u>Description</u>	<u>Reimbursement</u>
T1019	Home Health Aide, Weekday, per hour	\$35.39 per hour
S5125	Home Health Aide, 2 Client, per 15 minutes	\$8.85 per 15 minutes
T1001	Nursing Evaluation/Supervision, per visit	\$160.17 per visit
T1030	Skilled Nursing, RN, per visit	\$175.00 per visit
T1031	Skilled Nursing, LPN, per visit	\$165.00 per visit
S9131	Physical Therapy, in the home, per diem	\$109.84 per visit
S9129	Occupational Therapy, in the home, per diem	\$110.42 per visit
S9128	Speech Therapy, in the home, per diem	\$107.70 per visit
S5170	Home Delivered Meals	\$10.00 per meal
S9127	Medical Social Worker, in the home, per diem	\$120.00 per visit

now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with iCircle of the Finger Lakes, Inc., for the provision of the Medicaid Managed Care Provider Program, for a term commencing upon approval by

the New York State Department of Health and terminating one year thereafter, with automatic annual renewals unless terminated by either party hereto, according to the above-described terms.

Adopted October 14, 2020 by voice vote.

ACT NO. 403-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

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

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

WHEREAS, Act 261-2019 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of a qualified nutritionist for the County's WIC Program, the term of which expired September 30, 2020, and

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

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide a full-time qualified nutritionist for the County's WIC Program for an amount of \$57,390.01, to be paid on a monthly basis as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing October 1, 2020 and terminating September 30, 2021, 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 October 14, 2020 by voice vote.

ACT NO. 404-2020 by Mrs. Andreano and Mr. Helmich
*and Mr. Morrow*¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ST. BONAVENTURE UNIVERSITY FOR
COVID-19 TESTING OF STUDENTS AND FACULTY**

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

WHEREAS, the Health Department, through its laboratory, shall provide COVID-19 testing services for St. Bonaventure University students and/or faculty as requested and on an as-needed basis, and

WHEREAS, St. Bonaventure University shall reimburse the County Health Department an amount equal to the actual cost of conducting the COVID-19 test, 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 St. Bonaventure University, for the provision of the above-described COVID-19 testing services, for a term commencing October 1, 2020 to continue in full force and effect for as long as testing remains necessary, under the same rates, terms and conditions, unless terminated by either party, according to the above-described terms.

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

Adopted October 14, 2020 by voice vote.

ACT NO. 405-2020 by Mrs. Andreano, Mr. Benson, Mr. Brisky, Mr. Burr, Mr. Helmich,
Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
Mr. Parker, Ms. Schröder, Mr. Smith, Mr. VanRensselaer and Mr. Koch
who ask immediate consideration

**TRANSFER OF CERTAIN FUNCTIONS AND PERSONNEL FROM
DEPARTMENT OF PUBLIC WORKS TO DEPARTMENT OF
ECONOMIC DEVELOPMENT, PLANNING & TOURISM**

Pursuant to Sections 204 and 205 of the County Law and
Section 70(2) of the Civil Service Law.

WHEREAS, Act No. 342-2020 transferred the control, management and operational functions for the Onoville Marina to the Department of Economic Development, Planning & Tourism effective January 1, 2021, and

WHEREAS, this transfer is expected to provide for a more effective and efficient manner in which to promote tourism in Cattaraugus County, and

WHEREAS, the functions being performed by certain positions within the Department of Public Works are to be performed and incorporated within the Department of Economic Development, Planning & Tourism, now, therefore, be it

RESOLVED, that effective January 1, 2021, the following positions of employment within the Department of Public Works, along with the permanent incumbents thereof, are hereby transferred to the Department of Economic Development, Planning & Tourism:

<u>Number of Positions</u>	<u>Position Number</u>	<u>Title of Positions</u>
7	502-921-001	Maintenance Worker – Part Time Seasonal
	502-921-002	
	502-921-003	
	502-921-004	
	502-921-005	
	502-921-006	
	502-921-007	

and be it further

RESOLVED, that upon such transfer, all such permanent incumbents shall continue to be employed with all the rights and benefits heretofore acquired through Civil Service in the classified service as provided in Civil Service Law 70(2), and be it further

RESOLVED, that in accordance with Civil Service Law Section 70, a copy of this resolution be conspicuously posted in the Department of Public Works.

Adopted October 14, 2020 by voice vote.

ACT NO. 406-2020 by Mr. VanRensselaer
*and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr,
 Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
 Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr. and Mr. Koch¹*
 who ask immediate consideration

**RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO
 APPROVE THE PROPOSED ACTION BY COUNTY OF CATTARAUGUS INDUSTRIAL
 DEVELOPMENT AGENCY IN CONNECTION WITH A CERTAIN COMMERCIAL PROJECT
 FOR WORTHY PHARMACY, LLC**

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

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 536 of the 1971 Laws of New York (collectively, the "Act"), the Legislature of Cattaraugus County (the "County Legislature") has heretofore appointed the members of County of Cattaraugus Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York, and

WHEREAS, pursuant to the Act, the Agency is authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act), or to cause

said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase, and

WHEREAS, in September, 2020, Worthy Pharmacy, LLC, a New York State limited liability company (the "Company") submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately .24 acre parcel of land located at 202 Main Street (Tax Map Number 94.057-3-3) in the City of Olean, Cattaraugus County, New York (the "Land"), together with an approximately 3,900 square foot building located thereon (the "Facility"), (2) the reconstruction and renovation of the Facility, and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (collectively, the "Equipment"), all of the foregoing to constitute a full service pharmacy to be owned and operated by the Company and any other directly or indirectly related uses (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency, and

WHEREAS, pursuant to Section 862(2)(a) of the Act, no financial assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total project cost, unless certain exceptions apply, one of which is that the Project is located in a highly distressed area, and

WHEREAS, pursuant to Section 862(2)(c) of the Act, the Agency may not provide financial assistance to the Project unless the Agency shall, after satisfaction of the public hearing requirements of Section 859 of the Act, make a finding that undertaking the Project will serve the public purposes of the Act by preserving permanent, private sector jobs in the State or increasing the overall number of permanent, private sector jobs in the State, and

WHEREAS, pursuant to the Application, and the representations made to the Agency by the Company, the Agency will not provide more than \$100,000 of Financial Assistance to the Company; therefore, Section 859-a of the Act does not require a public hearing be held with respect to the Project, and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the Agency on October 6, 2020 (the "SEQR Resolution"), the Agency determined that the Project constitutes a "Type II Action" (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Project was required under SEQRA, and

WHEREAS, by further resolution adopted by the members of the Agency on October 6, 2020 (the "Commercial/Retail Findings Resolution"), the Agency (A) determined that the Project constituted a "commercial project" within the meaning of the Act, (B) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making the retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because the Project Facility is located within census tract 9618, which census tract is contiguous to census tract 9617 in the City of Olean, which is considered

to be a distressed census tract and therefore is in a “highly distressed area”, as that term is defined in Section 854 (18) of the Act, (C) determined that the Project would serve the public purposes of the Act by preserving permanent private sector jobs in the State of New York and (D) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no financial assistance would be provided to the Project by the Agency unless and until the County Legislature of Cattaraugus County, as chief executive officer of Cattaraugus County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

WHEREAS, for the sole purpose of allowing the Agency to proceed with the Project, this Legislature desires to empower the Chairman of this Legislature, as the chief executive officer of Cattaraugus County, to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that any obligation of the Agency shall not be a debt of Cattaraugus County, New York, nor shall Cattaraugus County, New York be liable thereon, now, therefore, be it

RESOLVED, that, for the sole purpose of allowing the Agency to proceed with the Project and the granting of the financial assistance described in the Commercial/Retail Findings Resolution, the County Legislature hereby authorizes the Chairman of this County Legislature, as the chief executive officer of Cattaraugus County, New York, to either confirm or refuse to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and be it further

RESOLVED, that this resolution shall take effect immediately.

¹The following Legislators requested their names be listed as additional sponsors: “Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr. and Mr. Koch”.

Adopted October 14, 2020 by voice vote.

ACT NO. 407-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
FOR PURCHASE OF VEHICLE
(Health Department)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Health Department is desirous of purchasing a 2021 Chevrolet Equinox through Joe Basil Chevrolet utilizing New York State contract #PC68942, and

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

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

Increase Estimated Revenue Account:		
A.401.4010.0000.1338	Van Per Diem	\$2,800.00
Increase Appropriation Account:		
A.401.4010.0000.20101	Vehicles	\$2,800.00.

Adopted October 14, 2020 by voice vote.

ACT NO. 408-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL MEDICAID UPPER PAYMENT LIMIT
SCHEDULE REQUEST FOR DEPARTMENT OF NURSING HOMES SUPPLEMENTAL FUNDING**

Pursuant to Section 2808(12)(e-1) of the Public Health Law.

WHEREAS, the New York State Public Health Law provides for Supplemental Medicaid Upper Payment Limit payments of up to \$500 million statewide to non-state operated public nursing facilities, and

WHEREAS, the federal Centers for Medicare and Medicaid Services (CMS) have approved State Plan amendments to implement this supplemental payment provision in the amount of \$112,885,262.00 attributable to April 1, 2020 – March 31, 2021, and

WHEREAS, this \$112.9 million has been allocated to each qualifying nursing home based upon the ratio of each facility's reported Medicaid days divided by the total reported Medicaid days for all eligible public nursing homes for 2018 calendar year, and

WHEREAS, the County's The Pines Healthcare and Rehabilitation Centers are eligible for payments of \$951,339.00 for the Olean facility and \$898,970.00 for the Machias facility, and

WHEREAS, 50% of the payment for each facility shall be paid in 2020, and the other 50% in 2021, and

WHEREAS, since these payments are exempt from the Medicaid local share cap statute, counties in New York State are responsible for transferring the full 50% non-federal share of each payment to the State prior to the corresponding 100% payment being released to the nursing homes, and

WHEREAS, Cattaraugus County is responsible for contributing an Intergovernmental Transfer of the full non-federal share of the nursing home Upper Payment Limit in the amount of \$925,154.50 in 2020, and

WHEREAS, upon the State's receipt of the County's local share, a payment of \$1,850,309.00 will be made to the County in 2020, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the Supplemental Medicaid Upper Payment Limit Schedule Request Form for the County Department of Nursing Homes as described above.

Adopted October 14, 2020 by voice vote.

* * * * *

PRIVILEGE OF THE FLOOR:

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Helmich who asked Kathleen Ellis, Commissioner of Public Works, to introduce the new Deputy Commissioner of Public Works, Mike Prinino.

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Marsh who asked Crystal Abers, Director of the Department of Economic Development, Planning & Tourism, to explain how the former WILMA Weekend event has been changed this year due to COVID-19 to the WILMA Fall Crawl. This event showcases small business and artisans of Cattaraugus County. The participants will set up

roadside each weekend in October. Chairman VanRensselaer and Legislator Marsh made their annual winter prediction based on local willy bear caterpillars.

* * * * *

MR. BURR moved, seconded by Mr. Brisky, to adjourn until October 28, 2020 at 4:00 p.m. Carried.

Meeting adjourned at 4:53 p.m.

Ann M. Giglio
Journal Clerk