

March 10, 2021

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 February 24, 2021 session stand approved as presented.

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PRIVILEGE OF THE FLOOR:

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Marsh who spoke regarding a new project being collaborated by Steve McCord, Veterans Service Officer; Brian McClellan, Museum Curator; and John Tomerlin, video production coordinator, which showcases veterans and their service experiences. The Department of Economic Development, Planning & Tourism is also assisting with the project. The videos will be available for public viewing through a link on the County website. Legislator Helmich also spoke regarding his participation in the project. Legislators Marsh and Helmich along with Mr. McCord shared their service memories in the first video released today. The goal of the project is to preserve history through the sharing of these personal experiences, instill Americanism, and pay tribute to those service men who gave their lives for our country.

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ACT NO. 101-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS
RECEIVABLE IN THE DEPARTMENT OF HEALTH**

Pursuant to Section 153 of the County Law.

WHEREAS, the Department of Health has accounts receivable related to the homecare and family planning programs and the clinics for 2020 in which there has been no recent action and the accounts are deemed to be uncollectible after numerous attempts to collect the amounts owed, and

WHEREAS, the Cattaraugus County Board of Health has recommended that the County remove these bad debts from the records of the Department of Health, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Department of Health in the total amount of \$10,746.55, as follows:

Homecare	\$ 7,071.38
Family Planning	\$ 538.89
Immunization Clinic	\$ 2,561.28
Laboratory	\$ 305.00

Water	\$ 270.00
	\$10,746.55.

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

Adopted March 10, 2021 by voice vote.

ACT NO. 102-2021 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR
WATER MONITORING REPORTING AT FARWELL AND FIVE POINTS LANDFILLS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 500-2017, as amended by Act 389-2018, authorized a contract with Greenman-Pedersen, Inc. (GPI), 4950 Genesee Street, Suite 100, Buffalo, New York 14225, for the provision of water monitoring reporting services at both the Farwell (Town of Ischua) and Five Points (Mansfield) Landfills, the term of which expired December 31, 2020, with the County's sole option to renew for one (1) additional one-year period, and

WHEREAS, the County Department of Public Works is desirous of modifying the sampling schedule at the Farwell Landfill to reduce the sampling from three (3) quarterly reports, one (1) combined quarterly/annual report, and one (1) periodic review report per year, to one (1) combined annual report/periodic review report and the submission of a table summarizing the sample data following the annual sampling event, and

WHEREAS, the County Department of Public Works is desirous of modifying the sampling schedule at the Five Points Landfill to reduce the sampling from one (1) semi-annual report and one (1) combined semi-annual/annual report to one (1) annual report per year, and

WHEREAS, Greenman-Pedersen, Inc., can provide the modified water monitoring reporting services at both the Farwell and Five Points Landfills as requested by the County, in accordance with the following fee schedule:

<u>Farwell Landfill:</u>	\$6,000.00 (includes a combined annual report and periodic review report to be submitted to NYSDEC and the County at the end of the year. This also includes the annual PRR site visit performed by GPI preparation and submission to NYSDEC and the County analytical summary tables following the receipt of the results from the May 2021 field sampling event)
<u>Five Points Landfill:</u>	\$2,800.00 (includes the preparation of a single annual report following the annual sampling event conducted in October 2021)

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., for the provision of the above-described modified sampling services, to amend the contract which commenced December 6, 2017, as amended, and terminates December 31, 2021, according to the above-described terms.

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

Adopted March 10, 2021 by voice vote.

ACT NO. 103-2021 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
BOEHMER TRANSPORTATION CORP. FOR GRAVEL SCREENING SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 538-2020, as amended by Act 35-2021, authorized a contract with Boehmer Transportation Corp., 3512 Union Street, Machias, New York 14101, for the provision of gravel screening services at the Machias Gravel Pit, the term of which expires February 28, 2021, and

WHEREAS, the term of the aforementioned contract should be extended to May 31, 2021, and

WHEREAS, Boehmer Transportation Corp., shall continue providing the services necessary for screening gravel at the Machias Gravel Pit, including screening plant, loader and operator, for an amount of \$245.00 per hour for 160 hours, not to exceed a total amount of \$39,200.00, to be paid as invoiced, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Boehmer Transportation Corp., for the provision of the above-described gravel screening services, to extend the term of the contract which commenced October 19, 2020 to terminate May 31, 2021, according to the above-described terms.

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

Adopted March 10, 2021 by voice vote.

ACT NO. 104-2021 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
WENDEL WD, ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
FOR ENGINEERING DESIGN SERVICES FOR ELECTRICAL IMPROVEMENTS
AT FIVE POINTS TRANSFER STATION**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 588-2019 authorized a contract with Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel WD), Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, for the provision of electrical updates and improvements at the Five Points Transfer Station, the term of which expired December 31, 2020, and

WHEREAS, an extension of the aforementioned contract is necessary in order to complete the project at no additional cost to the County, and

WHEREAS, Wendel WD shall continue the provision of the services necessary for the electrical updates and improvements at the Five Points Transfer Station, 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 Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described electrical improvement services, to extend the term of the contract which commenced January 1, 2020 to terminate May 31, 2021, according to the above-described terms.

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

Adopted March 10, 2021 by voice vote.

ACT NO. 105-2021 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ROCHESTER COMPUTER RECYCLING & RECOVERY, LLC
D/B/A EWASTE FOR RECYCLING OF ELECTRONIC EQUIPMENT**

Pursuant to Section 450 of the County Law and
Section 103 (3) of the General Municipal Law.

WHEREAS, the County desires to offer to County residents the opportunity to dispose of electronics in a safe, convenient manner, and

WHEREAS, pursuant to Section 103(3) of the General Municipal Law, the County is piggybacking on a contract between Chautauqua County and Rochester Computer Recycling & Recovery, LLC d/b/a EWaste, and

WHEREAS, Rochester Computer Recycling & Recovery, LLC d/b/a EWaste, 7318 Victor Mendon Road, Victor, New York 14564, can provide for the collection, transportation and disposal of electronic equipment at all Cattaraugus County Transfer Stations, in accordance with the following fee schedule:

Waste Stream Description	Units	Cost per Unit Use (+) for Charge Use (-) for Credit
Televisions (CRT)	Lbs.	\$.35 lb +
Televisions (non-CRT)	Lbs.	\$.35 lb +
Computer Monitors (CRT)	Lbs.	\$.35 lb +
Computer Monitors (non-CRT)	Lbs.	\$.35 lb +
Broken or Bare CRT	Lbs.	\$.50 lb +
Computers	Lbs.	\$0
Small Electronics	Lbs.	\$0
Small Scale Servers	Lbs.	\$0
Non-Covered Electronics	Lbs.	\$.20 lb +

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 Rochester Computer Recycling & Recovery, LLC

d/b/a EWaste, for the collection, transportation and disposal of electronic equipment at all Cattaraugus County Transfer Stations, for a term commencing March 1, 2021 and terminating February 28, 2023, according to the above-described terms.

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

Adopted March 10, 2021 by voice vote.

ACT NO. 106-2021 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE ACQUISITION OF A PERMANENT EASEMENT OVER LANDS
IN THE TOWN OF NEW ALBION FOR HIGHWAY PURPOSES
(New Albion Culvert No. 46 Replacement Project)**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, a Permanent Easement is needed over property located in the Town of New Albion, for the replacement of New Albion Culvert No. 46, which is more fully described below:

PARCEL NO. BNE-46

ALL THAT PARCEL OF LAND situate in the Town of New Albion, County of Cattaraugus, State of New York, being part of Lot No. 9, Township 4, Range 8, of the Holland Land Company's survey, bounded and described as follows:

BEGINNING at a point located at the intersection of the westerly Right-of-Way of New Albion Road - C.R. 5 (49.5' wide), and the southerly line of lands of State of New York Office of Mental Retardation and Development Disabilities (reputed owner) as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 915, Page 1103, said point being 26.54 feet southwesterly of and measured perpendicular from station 18+94.30 of the centerline of improvement of New Albion Road - C.R. 5 as established in September, 2019 by Erdman Anthony for the reconstruction of New Albion Road - C.R. 5, Cattaraugus County Culvert No. 46;

THENCE westerly, along the southerly line of said lands of State of New York Office of Mental Retardation and Development Disabilities (reputed owner), a distance of 36.80 feet to a point, said point being 58.07 feet southwesterly of and measured perpendicular from station 18+75.32 of the aforementioned centerline of improvement;

THENCE N 26°48'08" W, in said lands of State of New York Office of Mental Retardation and Development Disabilities (reputed owner), a distance of 49.63 feet to a point, said point being 35.47 feet southwesterly of and measured perpendicular from station 18+31.13 of the aforementioned centerline of improvement;

THENCE N 37°49'06" E, continuing in said lands of State of New York Office of Mental Retardation and Development Disabilities (reputed owner), a distance of 10.72 feet to a point on the aforementioned westerly Right-of-Way of New Albion Road - C.R. 5 (49.5' wide), said point being 24.76 feet southwesterly of and measured perpendicular from station 18+31.45 of the aforementioned centerline of improvement;

THENCE southeasterly, along said westerly Right-of-Way of New Albion Road - C.R. 5 (49.5' wide), a distance of 62.87 feet to the POINT OF BEGINNING, Containing 1248 square feet or 0.029 acre of land, more or less.,

and

WHEREAS, it is necessary to acquire a Permanent Easement over the above-described 0.029 of an acre of land from the New York State Office for People with Developmental Disabilities for the New Albion Culvert No. 46 Replacement Project, and

WHEREAS, pursuant to Section 3(2) of the Public Lands Law, the Commissioner of the Office of General Services may grant rights and easements in perpetuity of state lands which are not appropriated to any immediate use, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the Commissioner of Public Works to request and acquire a Permanent Easement over the above-described land, for the replacement of New Albion Culvert No. 46 from the New York State Office for People with Developmental Disabilities, upon approval of the Commissioner of the Office of General Services.

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

Adopted March 10, 2021 by voice vote.

ACT NO. 107-2021 by Mr. Klancer
and Mr. Koch¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED AND
INTANDEM D/B/A CATTARAUGUS REHABILITATION CENTER, INC. FOR
JANITORIAL SERVICES FOR PUBLIC DEFENDER'S OFFICE**

Pursuant to Section 162 of the State Finance Law
and Sections 215 and 450 of the County Law.

WHEREAS, Act 29-2020 authorized a contract with the New York State Industries for the Disabled, through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., for the provision of janitorial services for the County Public Defender's offices, the term of which expired January 7, 2021, and

WHEREAS, the County Public Defender's Office is desirous of continuing the aforementioned contract for janitorial services, and

WHEREAS, the New York State Industries for the Disabled, through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., has agreed to perform the aforementioned janitorial services as follows:

1/8/2021 – 2/28/2021	\$741.04/month for a total of \$1,482.08/2 months
3/1/2021 – 2/28/2023	\$828.00/month for a total of \$9,935.95/year

to be paid on a monthly basis as invoiced, subject to published NYSDOL Prevailing Wage and Supplemental Benefit adjustments, 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 New York State Industries for the Disabled, through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., for the provision of the above-described janitorial services, for a term commencing January 8, 2021 and terminating February 28, 2023, according to the above-described terms, and be it further

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

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

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

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

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

Adopted March 10, 2021 by voice vote.

ACT NO. 108-2021 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WILMAC FOR
SOFTWARE MAINTENANCE AND SUPPORT OF WORDNET SERIES 3 VOICE RECORDER TO
NICE INFORM INCIDENT INFORMATION MANAGEMENT SYSTEM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 28-2015 authorized the Sheriff's Office to purchase the NICE Inform Professional Incident Information Management Solution as an upgrade to the County's current E-911 Wordnet Series 3 Voice Recorder, and

WHEREAS, Act 105-2016 authorized a contract with the Wilmac Company for software maintenance and support of the Wordnet Series 3 Voice Recorder to Nice Inform Incident Information Management System, the term of which expires February 28, 2021, and

WHEREAS, the Sheriff's Office is desirous of renewing the annual preventative maintenance and software support for the new system, and

WHEREAS, the Wilmac Company, 73 State Street, Suite 200, Rochester, New York 14614, has agreed to provide software maintenance and support for the period March 1, 2021 through February 28, 2022, for an amount of \$26,420.00, to be paid as invoiced, 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 the Wilmac Company, for the provision of the above-described services, for a term commencing March 1, 2021 and terminating February 28, 2022, according to the above-described terms.

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

Adopted March 10, 2021 by voice vote.

ACT NO. 109-2021 by Mr. Brisky and Mr. Burr
*and Mr. Boberg*¹

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
CRIMINAL JUSTICE DISCOVERY REFORM GRANT
(Project #DG20-1003-D00)**

Pursuant to Section 450 of the County Law.

WHEREAS, the County has been notified by the New York State Division of Criminal Justice Services (DCJS) that funding up to \$310,592.00 is available to support local law enforcement agencies with expenses related to the implementation of discovery and bail reforms that took effect January 1, 2020, and

WHEREAS, funding is contingent upon the submission by the County, and subsequent DCJS approval, of a Discovery Reform Funding Plan, and

WHEREAS, it is necessary to execute grant documents with the New York State Division of Criminal Justice Services in order to apply for, and 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 Division of Criminal Justice Services, in order to apply for, and accept, the above-described funding, for a term commencing April 1, 2020 and terminating March 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.

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

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

Adopted March 10, 2021 by voice vote.

ACT NO. 110-2021 by Mr. Higgins and Mr. Marsh
and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr,
Mr. Helmich, Mrs. Hunt, Mr. Klancer, Mr. Morrow, Mr. Parker,
Ms. Schröder, Mr. Smith, Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch¹

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND
AUTHORIZING PUBLIC HEARING ON APPLICATION FOR
HOUSING REHABILITATION PROGRAM
(Economic Development, Planning & Tourism)**

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

WHEREAS, the County is desirous of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Homes and Community Renewal (the "OCR") for funding to implement a Housing Rehabilitation Program (the "Program"), and

WHEREAS, the application will seek a grant in the amount of \$700,000.00 to implement a Housing Rehabilitation Program within Cattaraugus County, and

WHEREAS, there is no requirement that any County dollars be committed as a condition of receiving the grant, and

WHEREAS, Department of Economic Development, Planning & Tourism will contract with Cattaraugus County Land Bank as a Subrecipient to administer grant activities on behalf of the County, and

WHEREAS, the program requires that a municipal corporation act as the lead agency and the recipient of the grant funds, and

WHEREAS, Cattaraugus County Department of Economic Development, Planning and Tourism shall act as the lead agency on the aforementioned grant application provided under the New York Renewal Community Development Block Grant Program for the Housing Rehabilitation Program, and

WHEREAS, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs for the program prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature on the submission of an application to the New York State Office of Homes and Community Renewal for Community Development Block Grant funding to implement a Housing Rehabilitation Program on the 24th day of March, 2021, at 5:02 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least seven (7) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, to apply for a \$700,000.00 grant through the New York State Homes and Community Renewal Community Development Block Grant Program, according to the above-described terms.

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

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

Adopted March 10, 2021 by voice vote.

ACT NO. 111-2021 by Mr. Higgins and Mr. Marsh
and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr,
Mr. Helmich, Mrs. Hunt, Mr. Klancer, Mr. Morrow, Mr. Parker,
Ms. Schröder, Mr. Smith, Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch¹

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND
AUTHORIZING PUBLIC HEARING ON APPLICATION FOR
MANUFACTURED HOUSING REPLACEMENT PROGRAM
(Economic Development, Planning & Tourism)**

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

WHEREAS, the County is desirous of submitting a Community Development Block Grant (“CDBG”) application to the New York State Office of Homes and Community Renewal (the “OCR”) for funding to implement a Manufactured Housing Replacement Program (the “Program”), and

WHEREAS, the application will seek a grant in the amount of \$300,000.00 to implement a Manufactured Housing Replacement Program within Cattaraugus County, and

WHEREAS, there is no requirement that any County dollars be committed as a condition of receiving the grant, and

WHEREAS, Department of Economic Development, Planning & Tourism will contract with Cattaraugus Community Action, Inc., as a Subrecipient to administer grant activities on behalf of the County, and

WHEREAS, the program requires that a municipal corporation act as the lead agency and the recipient of the grant funds, and

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

WHEREAS, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs for the program prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature on the submission of an application to the New York State Office of Homes and Community Renewal for Community Development Block Grant funding to implement a Manufactured Housing Replacement Program on the 24th day of March, 2021, at 5:03 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least seven (7) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, to apply for a \$300,000.00 grant through the New York State Homes and Community Renewal Community Development Block Grant Program, according to the above-described terms.

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

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

Adopted March 10, 2021 by voice vote.

ACT NO. 112-2021 by Mr. Higgins and Mr. Marsh
and Mr. Brisky¹

**AUTHORIZING PUBLIC HEARING ON REQUESTS FOR INCLUSION
INTO A CERTIFIED AGRICULTURAL DISTRICT OF AGRICULTURAL PARCELS
SUBMITTED DURING THE 2021 THIRTY-DAY INCLUSION PERIOD**

Pursuant to Section 303-b of the Agriculture and Markets Law.

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law requires counties with state certified agricultural districts to designate an annual thirty-day period to allow a landowner to submit a request for inclusion of his or her land, which is predominantly viable agricultural land, into a certified agricultural district, and

WHEREAS, the Cattaraugus County Legislature has received the recommendation of the Agricultural and Farmland Protection Board to include those parcels requesting inclusion into the appropriate agricultural district, and

WHEREAS, the inclusion of these parcels would serve the public interest by assisting in maintaining a viable agricultural industry within each applicable district, and

WHEREAS, parcels requesting inclusion are located in the existing Consolidated Agricultural District No. 5, as follows:

<u>Town</u>	<u>Tax Map No.</u>	<u>Acreage</u>
Ashford	29.001-2-8.1	15.08
Great Valley	74.001-1-42	50.00
	74.001-1-48	50.00
	74.001-1-50	30.75
	74.001-1-4.8	0.5
	74.001-1-4.10	0.71
Humphrey	75.001-1-22.7	13.35
	75.001-1-22.5	4.15
Lyndon	49.004-2-36	48.19
Napoli	62.003-1-25	3.4
Randolph	69.004-1-35.11	126.85

and

WHEREAS, a public hearing is necessary on the inclusion of the aforementioned parcels, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes a public hearing on the inclusion into a certified agricultural district of agricultural parcels submitted during the 2021 thirty-day inclusion period to be held at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, on the 24th day of March, 2021 at 5:01 p.m., and be it further

RESOLVED, that the notice of hearing be published in the area newspapers and mailed to the landowners requesting inclusion to the above-listed towns and to the Commissioner of the New York State Department of Agriculture & Markets.

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

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

Adopted March 10, 2021 by voice vote.

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MR. SNYDER moved, seconded by Mr. Boberg, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 113-2021 through Act No. 116-2021. Carried.

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ACT NO. 113-2021 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE
FIELD OF INTEREST ENDOWED FUND AGREEMENT WITH
CATTARAUGUS REGION COMMUNITY FOUNDATION**

Pursuant to Section 450 of the County Law.

WHEREAS, the Cattaraugus Region Community Foundation ("Foundation") has received a donation in the amount of \$218,000.00 to establish the Cattaraugus County/Gene and Charlotte Preston Fund for the Elderly ("Fund"), and

WHEREAS, the Cattaraugus County Department of Aging has been designated as the Donor/Fund Advisor, and

WHEREAS, the Fund shall be established for the following purposes:

- To provide housing assistance and other forms of assistance to the elderly in Cattaraugus County as directed by the Cattaraugus County Department of Aging. Grants may include, but are not limited to: providing housing support by paying back taxes, rent or mortgage payments for elderly residents in financial need, providing legal support/services to resolve housing issues, or paying for repairs needed to make a home handicapped-accessible or address code violations to allow the residents to stay in their home as long as possible and feasible.

- Other needs of the elderly in Cattaraugus County will be considered at the discretion of the Cattaraugus County Department of Aging.,

and

WHEREAS, the interest earned on an annual basis will be designated to cover immediate needs and the services for which the Fund has been established and will continue in perpetuity or until such time as such charitable purpose shall become unnecessary or incapable of fulfillment, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute the Field of Interest Endowed Fund Agreement, on behalf of the Cattaraugus County Department of Aging (Donor/Fund Advisor), for the Cattaraugus County/Gene and Charlotte Preston Fund for the Elderly.

Adopted March 10, 2021 by voice vote.

ACT NO. 114-2021 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND SPECTRUM HUMAN SERVICES FOR
ASSERTIVE COMMUNITY TREATMENT (ACT) TEAM**

Pursuant to Section 41.13(a)(6) of the Mental Hygiene Law
and Section 450 of the County Law.

WHEREAS, Act 62-2020 authorized approval of a contract with Mental Health Services Erie County Southeast Corporation V d/b/a Spectrum Human Services, 227 Thorn Avenue, Orchard Park, New York 14127, for the Cattaraugus County Community Services Board's acceptance of funding for the Assertive Community Treatment (ACT) Team, the term of which expired December 31, 2020, and

WHEREAS, the primary focus of the ACT Team is to deliver comprehensive and effective services to individuals who are diagnosed with a severe mental illness and whose needs have not been well met by more traditional service delivery approaches, and

WHEREAS, the Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, Mental Health Services Erie County Southeast Corporation V d/b/a Spectrum Human Services can operate a 48-slot ACT Team for the residents of Cattaraugus County for an amount of \$66,320.00, to be paid as invoiced, 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 a contract between the Cattaraugus County Community Services Board and Mental Health Services Erie County Southeast Corporation V d/b/a Spectrum Human Services, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2021 and terminating December 31, 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 state aid 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.

Adopted March 10, 2021 by voice vote.

ACT NO. 115-2021 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND DIRECTIONS IN INDEPENDENT LIVING, INC.
FOR VETERAN PEER-TO-PEER SUPPORT PILOT PROGRAM**

Pursuant to Section 41.07 of the Mental Hygiene Law
and Section 450 of the County Law.

WHEREAS, Act 501-2019 authorized a contract with Directions in Independent Living, Inc., 514 West State Street, Olean, New York 14760, for the provision of a Veteran Peer-to-Peer Support Pilot Program in Cattaraugus County for veterans suffering from post-traumatic stress syndrome, and/or other related combat stress disorders, using individual and small group peer-to-peer support methods, for the 2019-2020 program year which expires June 30, 2021, and

WHEREAS, the Cattaraugus County Community Services Board desires to continue the Veteran Peer-to-Peer Support Pilot Program in Cattaraugus County for veterans suffering from post-traumatic stress syndrome, and/or other related combat stress disorders, using individual and small group peer-to-peer support methods, and

WHEREAS, Directions in Independent Living, Inc., can provide the aforementioned services in Cattaraugus County for an amount of \$135,000.00, for the 2020-2021 program year, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and Directions in Independent Living, Inc., to signify the County's approval, for the provision of the above-described Veteran Peer-to-Peer Support Pilot Program, for a term commencing April 1, 2020 and terminating December 31, 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 state aid 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.

Adopted March 10, 2021 by voice vote.

ACT NO. 116-2021 by Mr. Brisky, Mr. Burr, Mr. Helmich and Ms. Schröder
who ask immediate consideration

**AUTHORIZING THE CHAIRMAN TO FILE A NOTICE OF INTENT TO BE A PARTY
TO THE ALLE-CATT WIND ENERGY, LLC ARTICLE VII PROCEEDING AND APPLY FOR
FUNDING THROUGH THE NEW YORK STATE PUBLIC SERVICE COMMISSION FOR
ARTICLE VII INTERVENOR FUNDING**

Pursuant to 16 NYCRR Section 85-2.4 (d), Section 124 of the Public Service Law
and Section 450 of the County Law.

WHEREAS, Alle-Catt Wind Energy, LLC proposes to construct, operate and maintain a major electric transmission facility within a portion of Cattaraugus County, specifically within the Towns of Freedom and Yorkshire, to transmit power from the planned 340-megawatt Alle-Catt Wind Farm to the regional power grid (Transmission Facility), and

WHEREAS, pursuant to Article VII of the New York Public Service Law, Alle-Catt Wind Energy, LLC is required to file an application with the New York State Public Service Commission for a Certificate of Environmental Compatibility and Public Need to authorize the construction and operation of the Transmission Facility, and

WHEREAS, pursuant to Article VII Section 124 of the New York Public Service Law, Cattaraugus County is entitled to notice of the proceeding and is a party to the Certification Proceeding, and

WHEREAS, the County has a vested interest to participate in the proceeding in order to review the need for the facility, the proposed location and alternative locations of the facility, the appearance, the cost, and the construction and maintenance practices involved in the process, and

WHEREAS, it is necessary for the County to file a Notice of Intent to be party In the Matter of Alle-Catt Wind Energy, LLC, Certificate of Environmental Capability and Public Need proceeding (Matter Number 21-00108 and Case Number 21-T-0059), and

WHEREAS, "Intervenor Funding" is available for municipal parties for Article VII applications that propose electric transmission facilities of 125 kV or more and that are ten or more miles in length to assist with the expenses of hiring expert witnesses and consultants and administrative and legal fees, and

WHEREAS, the intervenor funding is available through the New York State Public Service Commission to assist with the aforementioned expenses and Cattaraugus County should take advantage of the funding to offset expenses associated with the proceeding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to file a Notice of Intent to be a party in the Article VII Matter of Alle-Catt Wind Energy, LLC, Certificate of Environmental Capability and Public Need proceeding (Matter Number 21-00108 and Case Number 21-T-0059), and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed, to execute a Request for Intervenor Funds for use in the New York Public Service Law Article VII

Proceeding, on behalf of Cattaraugus County, and submit it to the Secretary of the New York State Public Service Commission, in order to apply for New York Public Service Law Article VII intervenor funding.

Adopted March 10, 2021 by voice vote.

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MR. SMITH moved, seconded by Mrs. Andreano, to adjourn until March 24, 2021 at 5:00 p.m. in memory of St. Bonaventure University President Dr. Dennis DePerro, who passed away on March 1, 2021. Carried.

Meeting adjourned at 5:43 p.m.

Ann M. Giglio
Journal Clerk