

May 12, 2021

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Legislator Helmich.

The Attendance Roll Call disclosed one Legislator absent - Burr.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the April 28, 2021 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law Number 3-2021 and the filing of the same on April 16, 2021; Acknowledging receipt of Local Law Number 4-2021 and Local Law Number 5-2021 and the filing of the same on April 23, 2021.

Salamanca Rail Museum: Letter of appreciation for the support of the Legislature and the Department of Public Works with the cleaning of the facility and use of refuse containers.

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RECOGNITION:

CHAIRMAN VANRENSELAER recognized the service of Anthony L. Evans to Cattaraugus County as Director of the Youth Bureau with a Chairman's Certificate of Recognition. Mr. Evans retired on April 23, 2021 after 22 years of service to Cattaraugus County.

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PROCLAMATION:

CHAIRMAN VANRENSELAER proclaimed May 12, 2021 as **National School Nurse Day** in Cattaraugus County. Legislator Schröder recognized the exemplary work performed by all nurses.

CHAIRMAN VANRENSELAER proclaimed the month of May 2021 as **Older Americans Month** in Cattaraugus County. Chairman VanRensselaer presented the proclamation to Cathy Mackay, Director of the Department of Aging.

CHAIRMAN VANRENSELAER proclaimed May 9-16, 2021 as **National Police Week** in Cattaraugus County. Chairman VanRensselaer presented the proclamation to Sgt. Jason Dry who accepted on behalf of Sheriff Whitcomb.

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PUBLIC HEARING:

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on Local Law Number 6-2021, A Local Law Authorizing Participation in Hunting Pilot Program for 12-13 year Old Deer Hunters, 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 Assistant to the Legislature no later than 4:00 pm on May 12, 2021.

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

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CHAIRMAN VANRENSELAER called up **Act No. 189-2021**, A Local Law Authorizing Participation in Hunting Pilot Program for 12-13 year Old Deer Hunters, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 189-2021, which disclosed as follows:

Ayes: Andreano, Benson, Boberg, Brisky, Helmich, Higgins, Hunt, Klancer, Koch, Marsh, Morrow, Parker, Schröder, Smith, Snyder, VanRensselaer -16.

Nays: none.

Act No. 189-2021, Local Law Number 6-2021, having received a unanimous vote of the Legislature, was declared Adopted.

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ACT NO. 194-2021 by Mr. Helmich and Mr. Koch

**BID ACCEPTANCE FOR 2021 STREAMBANK STABILIZATION PROJECTS
(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 the 2021 streambank stabilization projects, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the following three (3) sites was the bid of Bill Bognar Excavating, 5888 Dublin Road, Salamanca, New York 14779, in the total amount of \$85,892.90, as follows, to be paid as invoiced:

County Road No. 47	Lyndon Road (Town of New Albion)	\$32,405.00
County Road No. 5	New Albion-Little Valley Road (Town of New Albion)	\$40,530.00
County Road No. 63	East Hill Road (Town of Franklinville)	<u>\$12,957.90</u>
	Total	\$85,892.90,

now, therefore, be it

RESOLVED, that the bid of Bill Bognar Excavating be, and the same hereby is, accepted, for a term commencing within ten (10) days after the effective date of the contract and terminating October 1, 2021, and be it further

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

No State bid.

Nine sets of specifications were sent out.

Five bids were received which met specifications.

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

Adopted May 12, 2021 by voice vote.

ACT NO. 195-2021 by Mr. Helmich and Mr. Koch
and Mr. Boberg¹

**BID ACCEPTANCE FOR 2021 PAVEMENT IMPROVEMENT PROJECT NO. 1 AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(County Road Nos. 38, 85 and 100)**

Pursuant to Section 103 of the General Municipal Law and
Sections 363, 366, 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the 2021 Pavement Improvement Project No. 1, which includes the following:

Single Course Overlay	County Road No. 38	Mutton Hollow Road	Town of Great Valley
Mill and Overlay	County Road No. 85	Schwartz Road	Town of Ashford
Mill and Overlay	County Road No. 100	Old 219-Miller Road	Town of Ashford,

according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Concrete Applied Technologies Corp. d/b/a CATCO, 1266 Townline Road, Alden, New York 14004, in the amount of \$1,137,068.10, to be paid periodically on a percentage of completion basis, as invoiced and approved by the Department of Public Works, as follows:

<u>Project Type</u>	<u>Project Location</u>	<u>Town</u>	<u>Amount</u>
Single Course Overlay	County Road No. 38 (Mutton Hollow Road)	Great Valley	\$283,105.08
Mill and Overlay	County Road No. 85 (Schwartz Road)	Ashford	\$537,316.58
Mill and Overlay	County Road No. 100 (Old 219-Miller Road)	Ashford	\$316,646.44,

and

WHEREAS, various appropriation accounts must be adjusted to cover the costs of the aforementioned payment improvement projects, now, therefore, be it

RESOLVED, that the bid of Concrete Applied Technologies Corp. d/b/a CATCO be, and the same hereby is, accepted, for a term commencing upon notice to proceed, with completion on or before October 31, 2021, with a contract termination date of December 31, 2021, and be it further

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

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

Decrease Appropriation Account:

H.504.5197.5198.27069.41603 County Road No. 38 – Contracted Services \$43,690.00

Increase Appropriation Account:

H.504.5197.5198.27057.41603 County Road No. 100 – Contracted Services \$43,690.00.

No State Bid.

Nine sets of specifications were sent out.

Six bids were received meeting specifications.

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

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

Adopted May 12, 2021 by voice vote.

ACT NO. 196-2021 by Mr. Helmich and Mr. Koch
and Mr. Boberg¹

**AUTHORIZING THE CHAIR TO CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY SERVICES FOR
HAZARD MITIGATION GRANT PROGRAM AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works – Ashford Triangle Acquisition
FEMA-4397-DR-NY HMGP Project 4397-0004)**

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

WHEREAS, the County has been awarded a Hazard Mitigation grant in the amount of \$199,132.50² with a federal share of \$151,720.00² and a required 25% non-federal matching share of \$47,412.50, for the FEMA-4397-DR-NY HMGP Project 4397-0004, for Cattaraugus County, Ashford Triangle Acquisition Project, and

WHEREAS, a contract is necessary with the NYS Department of Homeland Security and Emergency Services in order to obtain the aforementioned funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Homeland Security and Emergency Services, in order to accept, and receive, the aforementioned grant, for a term commencing February 22, 2021 and terminating October 1, 2022, according to the above-described terms, and be it further

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

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

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

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

Decrease Appropriation Account:

H.504.5197.5198.27077.41603	County Road No. 53-Contracted Services	\$ 49,115.00
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Increase Appropriation Account:

H.504.5197.0000.21103.41603	Ashford Tri Haz Mit 4397-0004	\$199,132.50 ²
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Increase Estimated Revenue Account:

H.504.5197.0000.21103.4960	FEMA	\$151,720.00 ² .
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Approved by 6 members of the Finance Committee and 6 members of the Public Works Committee.

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

²MR. HELMICH moved, seconded by Mr. Koch, to amend as follows: In the first Whereas and the fifth Resolved, delete: "\$189,650.00", and replace with: "\$199,132.50"; also delete: "\$142,237.50", and replace with: "\$151,720.00". Carried.

Adopted, as amended, May 12, 2021 by voice vote.

ACT NO. 197-2021 by Mr. Helmich and Mr. Koch
and Mr. Boberg¹

**AUTHORIZING THE CHAIR TO CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY SERVICES FOR
HAZARD MITIGATION GRANT PROGRAM AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works – Town of Ashford Property Acquisition
FEMA-4397-DR-NY HMGP Project 4397-0005)**

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

WHEREAS, the County has been awarded a Hazard Mitigation grant in the amount of \$108,717.00², with a federal share of \$82,832.00² and a required 25% non-federal matching share of \$25,885.00, for the FEMA-4397-DR-NY HMGP Project 4397-0005, for Cattaraugus County, Town of Ashford Property Acquisition Project, and

WHEREAS, a contract is necessary with the NYS Department of Homeland Security and Emergency Services in order to obtain the aforementioned funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Homeland Security and Emergency Services, in order to accept, and receive, the aforementioned grant, for a term commencing February 22, 2021 and terminating October 1, 2022, according to the above-described terms, and be it further

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

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

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

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

Decrease Appropriation Account:

H.504.5197.5198.27077.41603	County Road No. 53-Contracted Services	\$ 25,885.00
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Increase Appropriation Account:

H.504.5197.0000.21102.41603	Town of Ashford Haz Mit 4397-0005	\$108,717.00 ²
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Increase Estimated Revenue Account:

H.504.5197.0000.21102.4960	FEMA	\$ 82,832.00 ² .
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Approved by 6 members of the Finance Committee and 6 members of the Public Works Committee.

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

²MR. KOCH moved, seconded by Mr. Boberg, to amend as follows: In the first Whereas and the fifth Resolved, delete: "\$103,540.00", and replace with: "\$108,717.00"; also delete: "\$77,655.00", and replace with: "\$82,832.00". Carried.

Adopted, as amended, May 12, 2021 by voice vote.

ACT NO. 198-2021 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH SCHINDLER ELEVATOR CORPORATION
FOR DPW FACILITY, LITTLE VALLEY COUNTY CENTER AND JAIL
ELEVATOR MAINTENANCE/INSPECTION**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 235-2016 authorized a contract with Schindler Elevator Corporation, 80 Curtwright Drive, Suite 3, Williamsville, New York 14221-7055, for the provision of maintenance/inspection services for elevators in the following three (3) locations:

- DPW Facility located at 8810 Route 242 in Little Valley,

- County Center located at 303 Court Street in Little Valley, and
- Cattaraugus County Jail at 301 Court Street in Little Valley – Houghton Elevator, the term of which expired April 30, 2021, and

WHEREAS, the County Department of Public Works is desirous of continuing the maintenance/inspection services for the aforementioned elevators, and

WHEREAS, Schindler Elevator Corporation can provide the necessary maintenance/inspection services for an amount as follows:

<u>Location</u>	<u>Monthly</u>	<u>or</u>	<u>Annually</u>
County Center Building – Little Valley	\$483.75		\$5,805.00
DPW Facility – Little Valley	\$193.72		\$2,324.64
Cattaraugus County Jail - Houghton Elevator	\$252.64		\$3,031.68

and

WHEREAS, the Schindler Elevator Corporation proposal includes an escalator clause which provides that the cost of the services hereby authorized may be increased by not more than 4.5% from year to year, 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 Schindler Elevator Corporation, for the provision of the above-described maintenance and inspection services, for a term commencing May 1, 2021 and terminating April 30, 2026, according to the above-described terms.

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

Adopted May 12, 2021 by voice vote.

ACT NO. 199-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
CITY OF OLEAN FOR DEPARTMENT OF AGING
SENIOR WELLNESS AND NUTRITION PROGRAM SITE**

Pursuant to Section 95-a of the General Municipal Law, Title III-C
of the Older Americans Act of 1965, as amended and
Sections 215 and 450 of the County Law.

WHEREAS, Act 243-2019 authorized a lease agreement with the City of Olean, 101 East State Street, P.O. Box 668, Olean, New York 14760, for a County Department of Aging Senior Wellness and Nutrition (SWAN) Program site, the term of which expires May 31, 2021, and

WHEREAS, the County Department of Aging is desirous of renewing the aforementioned lease, and

WHEREAS, the City of Olean has agreed to lease approximately 2,211 square feet of space, located in the John J. Ash Community Center, to the County for a SWAN Program site for an amount of \$5,304.60 per year to be paid on a quarterly basis at an amount of \$1,326.15 per quarter, and

WHEREAS, this program is 90% federal (CFDA #93.045) and 10% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with the City of Olean, for the leasing of a Senior Wellness and Nutrition Program site, for a term commencing June 1, 2021 and terminating May 31, 2023, according to the above-described terms, and be it further

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

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

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

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted May 12, 2021 by voice vote.

ACT NO. 200-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
SAFE HARBOUR HUMAN TRAFFICKING OUTREACH PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 532-2019 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of outreach services for trafficked, sexually exploited and at-risk youth in Cattaraugus County, the term of which expired December 31, 2020, and

WHEREAS, the County Department of Social Services is desirous of renewing the aforementioned Safe Harbour:NY Human Trafficking Outreach Program, and

WHEREAS, the Safe Harbour:NY is a program that implements a system-level approach within existing child welfare and allied youth-serving systems, which includes Runaway-Homeless Youth programs, Probation, Persons In Need of Supervision (PINS), Youth Bureaus, and other critical partners, and

WHEREAS, the Safe Harbour:NY program approach leverages existing system strengths to create a more effective and efficient response to youth who have experienced commercial sexual exploitation or trafficking, or who are vulnerable to it, and

WHEREAS, Cattaraugus Community Action, Inc., can provide outreach services for trafficked, sexually exploited and at-risk youth in Cattaraugus County for an amount not to exceed \$4,000.00, to be paid as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), 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 January 1, 2021 and terminating December 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 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted May 12, 2021 by voice vote.

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MR. KOCH moved, seconded by Mr. Higgins, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 201-2021 through Act No. 207-2021. Carried.

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ACT NO. 201-2021 by Mr. Boberg, Mr. Brisky,
Mr. Helmich and Ms. Schröder
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of Mansfield and Yorkshire)**

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

WHEREAS, Cattaraugus County has tax title to certain properties situate in the Towns of Mansfield and Yorkshire, and

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

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

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

<u>TOWN OF MANSFIELD</u>				
PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
402 (2020)	36.004-1-32	Estate of Bradley G. Scott	7660 Toad Hollow Road Little Valley, NY 14755	\$5,328.53

TOWN OF YORKSHIRE

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
415 (2015)	5.009-2-29	Brenda Maciejewski Michael Maciejewski	12256 Old Olean Road Yorkshire, NY 14173	\$14,477.40

Adopted May 12, 2021 by voice vote.

ACT NO. 202-2021 by Mrs. Andreano and Mr. Helmich
*and Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Higgins,
Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker,
Ms. Schröder, Mr. Smith, Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch*
who ask immediate consideration

APPOINTMENT OF COUNTY YOUTH BUREAU DIRECTOR

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Kathryn DeGroff be, and hereby is, appointed County Youth Bureau Director, effective June 1, 2021, to serve at the pleasure of the Legislature, to be compensated at an annual amount of \$67,500.00 or such salary which has heretofore been, or may hereafter be, established.

Adopted May 12, 2021 by voice vote.

ACT NO. 203-2021 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND
DESIGNATING GRANT ADMINISTRATOR AND
RESCINDING ACT 271-2020**

Pursuant to Section 164 of the Economic Development Law.

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

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

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

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

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

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

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

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$190,000.00 for the program term July 1, 2021 through December 31, 2021, and be it further

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

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York and the Marketing Manager, Matching Funds, New York State Department of Economic Development, and be it further

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

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

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

RESOLVED, that Act 271-2020 be, and hereby, is rescinded.

Adopted May 12, 2021 by voice vote.

ACT NO. 204-2021 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
UNITED HEALTHCARE OF NEW YORK, INC. FOR
HEALTH AND LONG TERM CARE SERVICES**

Pursuant to Section 95-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 469-2017 authorized a contract with United Healthcare of New York, Inc., Oxford Health Plans (NY) and United Healthcare Insurance Company, on behalf of itself and the other entities that are United's affiliates, 9900 Bren Road East, Minnetonka, Minnesota 55343, for the provision of health and long term care services from the County Department of Nursing Homes for its eligible participants, and

WHEREAS, the Department of Nursing Homes has negotiated new rates with United Healthcare, and

WHEREAS, United Healthcare of New York, Inc., Oxford Health Plans (NY) and United Healthcare Insurance Company, or its affiliates, shall pay to the County, for services at either the Olean or Machias Nursing Home facility, an amount based on the following fee schedule:

	<u>Service Category</u>	<u>Payment Method</u>	<u>Contract Rate</u>
<u>COMMERCIAL</u>	Skilled Nursing Services	Per Diem	\$400.00
	Skilled Nursing Services with Mechanical Ventilation	Per Diem	\$500.00
	Skilled Nursing Services with Tracheostomy Care	Per Diem	\$450.00
	Bariatric Skilled Nursing Services	Per Diem	\$440.00
	Bariatric Skilled Nursing Services with Mechanical Ventilation	Per Diem	\$540.00
	Bariatric Skilled Nursing Services with Tracheostomy Care	Per Diem	\$490.00
<u>MEDICARE</u>	Skilled Nursing Services	Per Diem	\$400.00
	Skilled Nursing Services with Mechanical Ventilation	Per Diem	\$500.00
	Skilled Nursing Services with Tracheostomy Care	Per Diem	\$450.00
	Bariatric Skilled Nursing Services	Per Diem	\$440.00
	Bariatric Skilled Nursing Services with Mechanical Ventilation	Per Diem	\$540.00
	Bariatric Skilled Nursing Services with Tracheostomy Care	Per Diem	\$490.00
<u>MEDICAID</u>	Skilled Nursing Services (Medicaid)	Per Diem	\$260.00
<u>ADDITIONAL PAYMENTS</u>	Physical, Occupational or Speech Therapy (In-patient or Out-patient)	Per Diem	\$ 50.00
	Traumatic Brain Injury Care	Per Diem	\$500.00
	Annual Vaccination – Influenza	Per Unit via CMS Fee Schedule	100% CMS
	Annual Vaccination Administration – Influenza	Per Unit via CMS Fee Schedule	100% CMS
	Annual Vaccination – Pneumococcal	Per Unit via CMS Fee Schedule	100% CMS
	Annual Vaccination Administration – Pneumococcal	Per Unit via CMS Fee Schedule	100% CMS
	Skilled Nursing Services	Capitation Amount	\$225.00
	Outpatient Therapy Services	Capitation Amount	\$100.00
	Public Health Emergency Intensive Service Delivery Day	Per Diem	\$475.00
	Enteral Services	Per Diem	\$18.00
	Infusion Services	Per Diem	\$75.00
	Pre-Therapy Evaluation (Physical, Occupational or Speech Therapy)	Per Diem	\$100.00
	Semi-Annual Screening (Physical, Occupational or Speech Therapy)	Per Diem	\$20.00
	Supplies: Ostomy, Tracheostomy or Wound Care	Per Unit	100% of the CMS Fee Schedule
	All Other Covered Outpatient Services (CMS Fee Schedule amount)	Per Unit	100% of the CMS Fee Schedule
	All Other Covered Outpatient Services (CMS Fee Schedule amount)	Percentage of Customary Charge	50%

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 United Healthcare of New York, Inc., Oxford Health Plans (NY) and United Healthcare Insurance Company, or its affiliates, for the provision of the above-described health and long term care services, for a term commencing April 1, 2021 and terminating

December 31, 2021, with automatic renewal terms of one year, until terminated by either party hereto, according to the above-described terms.

Adopted May 12, 2021 by voice vote.

ACT NO. 205-2021 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HIGHMARK WESTERN AND NORTHEAST NEW YORK, INC. D/B/A
BLUECROSS BLUESHIELD OF WESTERN NEW YORK FOR
HEALTH AND LONG TERM CARE SERVICES**

Pursuant to Section 95-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Highmark Western and Northeast New York, Inc., d/b/a BlueCross BlueShield of Western New York, 257 West Genesee Street, Buffalo, New York 14202, is desirous of obtaining health and long term care services from the County Department of Nursing Homes for its eligible participants, and

WHEREAS, the Department of Nursing Homes has agreed to provide health and long term care services to eligible participants in accordance with NYS Medicaid approved rates, and

WHEREAS, Highmark Western and Northeast New York, Inc., d/b/a BlueCross BlueShield of Western New York, shall pay to the County, for services at the Machias Nursing Home facility, an amount based on the following fee schedule:

2021

HMO/PPO/POS/INDEMNITY/MEDICARE ADVANTAGE/ESSENTIAL PLAN

<u>Level of Care</u>	<u>1 Star</u>	<u>2 Star</u>	<u>3 Star</u>	<u>4 Star</u>	<u>5 Star</u>
Level I (Rev 0191)	\$193.88	\$200.06	\$206.25	\$212.44	\$218.63
Level II (Rev 0192)	\$258.50	\$266.75	\$275.00	\$283.25	\$291.50
Level III (Rev 0193)	\$323.13	\$333.44	\$343.75	\$354.06	\$364.38
Wound Vac (Rev 0194)	\$323.13	\$333.44	\$343.75	\$354.06	\$364.38

2022

HMO/PPO/POS/INDEMNITY/MEDICARE ADVANTAGE/ESSENTIAL PLAN

<u>Level of Care</u>	<u>1 Star</u>	<u>2 Star</u>	<u>3 Star</u>	<u>4 Star</u>	<u>5 Star</u>
Level I (Rev 0191)	\$197.75	\$204.06	\$210.38	\$216.69	\$223.00
Level II (Rev 0192)	\$263.67	\$272.09	\$280.50	\$288.92	\$297.33
Level III (Rev 0193)	\$329.59	\$340.11	\$350.63	\$361.14	\$371.66
Wound Vac (Rev 0194)	\$329.59	\$340.11	\$350.63	\$361.14	\$371.66

2023

HMO/PPO/POS/INDEMNITY/MEDICARE ADVANTAGE/ESSENTIAL PLAN

<u>Level of Care</u>	<u>1 Star</u>	<u>2 Star</u>	<u>3 Star</u>	<u>4 Star</u>	<u>5 Star</u>
Level I (Rev 0191)	\$201.71	\$208.15	\$214.58	\$221.02	\$227.46
Level II (Rev 0192)	\$268.94	\$277.53	\$286.11	\$294.69	\$303.28

Level III (Rev 0193)	\$336.18	\$346.91	\$357.64	\$368.37	\$379.10
Wound Vac (Rev 0194)	\$336.18	\$346.91	\$357.64	\$368.37	\$379.10

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 Highmark Western and Northeast New York, Inc., d/b/a BlueCross BlueShield of Western New York, for the provision of the above-described health and long term care services, for a term commencing March 1, 2021 and terminating June 30, 2022, with automatic renewal terms of one year, until terminated by either party hereto, according to the above-described terms.

Adopted May 12, 2021 by voice vote.

ACT NO. 206-2021 by Mr. Klancer
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE WORK PLAN FOR
STATEWIDE EXPANSION OF HURRELL-HARRING REFORM GRANT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Indigent Legal Services)**

Pursuant to Executive Law Section 832 (4), Article 18-B of the County Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Cattaraugus County has been allocated \$10,273,307.16, over a five (5) year period, through the New York State Office of Indigent Services (ILS) for the Statewide Expansion of the Hurrell-Harring Reform Grant for Counsel at Arraignment, Quality Improvement and Caseload Relief, and

WHEREAS, Act 369-2019 authorized the five-year contract with the New York State Office of Indigent Services for the Statewide Expansion of the Hurrell-Harring Reform Grant, with Work Plans required for each year, and

WHEREAS, the Public Defender's Office and the Assigned Counsel Program have worked closely with ILS to develop Work Plans for the first and second years of the Statewide Expansion Grant that meet mandated performance measures, and

WHEREAS, the second year of the Grant commenced April 1, 2019 and terminated March 31, 2020, for which Cattaraugus County will receive the following amounts:

Public Defender's Office	\$1,161,906.54
Assigned Counsel Program	\$ 172,867.75
Legal Aid Bureau of Buffalo (Appeals)	\$ 35,000.00,

and

WHEREAS, the Work Plan for the aforementioned second year funding shall reflect the following proposed uses as have been agreed upon by the Public Defender, the Administrator of Assigned Counsel and Legal Assistance of Western New York, with the approval of the Executive Officer of Cattaraugus County:

<u>Description</u>	<u>Year 2</u> <u>4/1/2019 – 3/31/2020</u>
Public Defender	
CASELOAD RELIEF	
(3) Assistant Public Defenders Salary and Associated Fringe Benefits	\$300,148.20
FT Assistant Public Defender Salary and Associated Fringe Benefits	\$105,391.40
FT Assistant Public Defender Salary and Associated Fringe Benefits	\$100,841.40
Professional Client Liaison Salary and Associated Fringe Benefits	\$ 76,997.50
Staff Social Worker Salary and Associated Fringe Benefits	\$ 91,784.39
Data Officer/Paralegal Salary and Associated Fringe Benefits	\$100,841.00
Junior Accountant/Grant Manager Salary and Associated Fringe Benefits	\$ 88,108.00
QUALITY IMPROVEMENT	
Contract/Consultant:	
Non-Attorney Professional Services	\$144,758.15
Miscellaneous:	
Laptops & monitors	\$ 10,000.00
Microsoft Office licenses	\$ 1,600.00
Cell phone service/data plans	\$ 6,000.00
iPads w/keyboards/iPhones w/cases & extended warranties for i-devices	\$ 3,600.00
Internet service/network connectivity	\$ 6,000.00
Office furniture & supplies, printers, scanners	\$ 22,000.00
CLE Trainings/Other Professional Trainings and related travel	\$ 35,000.00
Travel/Mileage	\$ 18,000.00
Legal reference materials/subscriptions/books	\$ 12,000.00
Notary licenses/Bar Association dues/NYSDA dues/professional membership fees	\$ 3,240.00
Technology upgrades	\$ 15,000.00
COUNSEL AT FIRST APPEARANCE	
(2) Investigators salary enhancement and salary enhancement fringe	\$ 20,596.50
Public Defender Total	\$1,161,906.54
Assigned Counsel Plan	
Assigned Counsel Administrator salary enhancement & salary enhancement fringe	\$ 16,147.50
Paralegal salary enhancement and salary enhancement fringe	\$ 5,920.75
(2) Secretary salary enhancements and salary enhancement fringe	\$ 9,688.50
Contract Services:	
Investigators/Experts/Transcripts	\$ 50,000.00
Second-chair and Mentoring Programs	\$ 60,987.00
Miscellaneous:	
CLE Trainings and Related Travel	\$ 25,124.00
Office supplies/Internet/Phone service/Technology/Furniture	\$ 5,000.00
Assigned Counsel Program Total	\$172,867.75
Contract Services-Appeals:	
Appeals - Legal Aid Bureau of Buffalo, Inc.	\$ 35,000.00
Appeals Total	\$ 35,000.00
TOTAL YEAR 2 BUDGET	\$1,369,774.29

and

WHEREAS, sufficient funds are provided through the Hurrell-Harring Reform Grant and are included in the Public Defender's Office and Assigned Counsel budgets to cover the costs proposed in the aforementioned Work Plan, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the Work Plan for the second year, on behalf of Cattaraugus County, with the New York State Office of Indigent Legal Services, for a term commencing April 1, 2019 and terminating March 31, 2020, 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 or extensions when needed for this program, as long as the amount of the grant has not changed, and be it further

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

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

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

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

Increase Estimated Revenue Accounts:

A.117.1170.1183.3025	State Aid, ILS Hurrell-Harring Public Defender	\$1,196,906.00
A.119.1183.0000.3025	State Aid, ILS Hurrell-Harring Assigned Counsel	\$ 172,867.00

Increase Appropriation Accounts:

A.117.1170.1183.11000	Full-Time Wages	\$ 596,256.00
A.117.1170.1183.20005	Office Furnishings	\$ 22,000.00
A.117.1170.1183.20006	Computer Equipment/Software	\$ 11,959.00
A.117.1170.1183.40401.2	Regional Appellate Defender	\$ 35,000.00
A.117.1170.1183.41206	Transcripts	\$ 5,000.00
A.117.1170.1183.41233	Professional Services	\$ 144,758.00
A.117.1170.1183.41404	Internet Contracts	\$ 3,841.00
A.117.1170.1183.45202	Equipment Repair & Maintenance	\$ 400.00
A.117.1170.1183.46102	Employee Mileage	\$ 18,000.00
A.117.1170.1183.46106	Training	\$ 35,000.00
A.117.1170.1183.46108	Cellular Phone Charges	\$ 6,000.00
A.117.1170.1183.47002	Office Supplies	\$ 15,000.00
A.117.1170.1183.47011	Law Books	\$ 12,000.00
A.117.1170.1183.48002	Dues	\$ 3,240.00
A.117.1170.1183.81000	FICA	\$ 45,613.00
A.117.1170.1183.82000	Retirement	\$ 72,053.00
A.117.1170.1183.83000	Health Insurance	\$ 167,632.00
A.117.1170.1183.84000	Dental Insurance	\$ 2,961.00
A.117.1170.1183.85000	Workers Comp	\$ 193.00
A.119.1183.1173.40401.4	Second Chair Program	\$ 58,347.00
A.119.1183.1175.41233	Professional Services	\$ 50,000.00
A.119.1183.1176.11000	Full Time Wages	\$ 29,500.00

A.119.1183.1176.46106	Training	\$ 25,124.00
A.119.1183.1176.47002	Office Supplies	\$ 5,000.00
A.119.1183.1176.81000	FICA	\$ 2,257.00
A.119.1183.1176.82000	Retirement	\$ 2,639.00.

Adopted May 12, 2021 by voice vote.

ACT NO. 207-2021 by Mr. Klancer
who asks immediate consideration

**AUTHORIZING PLAN FOR DISBURSEMENT OF
CERTAIN FUNDS RECEIVED FROM THE
STATEWIDE EXPANSION OF HURRELL-HARRING REFORM GRANT
(Indigent Legal Services)**

Pursuant to Executive Law Section 832 (4), Article 18-B of the County Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 369-2019 authorized a five-year contract with the New York State Office of Indigent Services for the Statewide Expansion of the Hurrell-Harring Reform Grant, with Work Plans required for each year, and

WHEREAS, Act 206-2021 authorized a Work Plan for the disbursement of Hurrell-Harring Grant funds, which includes salary enhancements for various staff of the Public Defender's Office and the Office of Assigned Counsel, covering services provided April 1, 2019 through March 31, 2020, and

WHEREAS, the salary enhancements were made in accordance with criteria established in the Office of Indigent Legal Services Standards and Criteria for the Provision of Mandated Representation effective January 1, 2013, and

WHEREAS, sufficient funds are provided through the Hurrell-Harring Reform Grant, with no cost to the County, and are included in the Public Defender's Office and Assigned Counsel budgets to cover the costs proposed in the aforementioned Work Plan, now, therefore, be it

RESOLVED, that in addition to the regular compensation of the positions listed below, the following amounts be disbursed as indicated, minus withholding tax, FICA, retirement and other required withholdings therefrom:

<u>Position Title</u>	<u>Position No.</u>	<u>Bi-Weekly Amount as adjustment to pay</u>
Administrator of Assigned Counsel	Position No. 117-008-001	\$576.92
Paralegal (assigned counsel)	Position No. 142-239-001	\$211.53
Secretary (assigned counsel)	Position No. 142-295-001	\$173.07
Secretary (assigned counsel)	Position No. 142-295-004	\$173.07
Investigator (Public Defender)	Position No. 117-175-001	\$423.07
Investigator (Public Defender)	Position No. 117-175-002	\$230.77

and be it further

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

Adopted May 12, 2021 by voice vote.

* * * * *

MR. BOBERG moved, seconded by Mrs. Hunt, to adjourn until May 26, 2021 at 5:00 p.m. Carried.

Meeting adjourned at 5:30 p.m.

Ann M. Giglio
Journal Clerk