

September 22, 2021

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed two Legislators absent – Koch and Parker.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the September 8, 2021 session stand approved as presented.

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CHAIRMAN VANRENSELAER called up **Act No. 309-2021**, A Local Law Amending Local Law Number 2-1990, As Previously Amended, Entitled "A Local Law Regarding the Storage, Collection, Recycling and Disposal of Solid Waste in Cattaraugus County", and asked that it be read.

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

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 309-2021, which disclosed as follows:

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

Nays: none.

Act No. 309-2021, Local Law Number 8-2021, having received a unanimous vote of the Legislature, was declared Adopted.

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ACT NO. 352-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MELISSA BALL D/B/A MW MENTAL HEALTH COUNSELING SERVICES
FOR FAMILIES WITH CHILDREN AT RISK OF PLACEMENT**

Pursuant to 42 USC Sections 672 and 675a, Section 409-h of the Social Services Law and Section 450 of the County Law.

WHEREAS, effective October 1, 2021, New York State regulations require the County Department of Social Services to conduct psychological assessments for children who are placed in a qualified residential treatment program, so that the Family Court Judge can ensure that the level of care is sufficient to meet the needs of the child, and

WHEREAS, Melissa Ball d/b/a MW Mental Health Counseling Services, 5659 West Shore Road, Cuba, New York 14727, can conduct the aforementioned psychological assessments for children for an amount not to exceed \$50,000.00, to be paid as invoiced, and

WHEREAS, this program is 62% state and 38% County funded, however, without the aforementioned psychological assessment, the Department of Social Services will not be eligible for Title IV-E reimbursement, 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 Melissa Ball d/b/a MW Mental Health Counseling Services, for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 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.

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

Adopted September 22, 2021 by voice vote.

ACT NO. 353-2021 by Mrs. Andreano and Mr. Helmich
and Mr. Higgins¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN YMCA, INC. FOR YMCA MEMBERSHIPS FOR
FAMILIES WITH CHILDREN AT RISK OF PLACEMENT**

Pursuant to 9 NYCRR Sections 771.6 and 771.7,
Public Law 104-193 and Section 450 of the County Law.

WHEREAS, Act 368-2020 authorized a contract with the Olean YMCA, 1011 Wayne Street, Olean, New York 14760, for the provision of YMCA memberships for family activities for at-risk youth and families in an effort to reduce at-risk factors and out-of-home placement, the term of which expires September 30, 2021, and

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

WHEREAS, the Olean YMCA has agreed to continue the provision of the above-described services for a total amount not to exceed \$16,000.00 to be paid on a monthly basis for memberships provided during the preceding month, 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 the Olean YMCA, for the provision of the above-

described services, for a term commencing October 1, 2021 and terminating September 30, 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.

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

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

Adopted September 22, 2021 by voice vote.

ACT NO. 354-2021 by Mr. Helmich
and Mr. Higgins¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN COMMUNITY SCHOOLS FOR HIGH SCHOOL EQUIVALENCY INSTRUCTION
AND MATH AND READING TUTORIAL SERVICES
(Departments of Social Services and Probation)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 369-2020 authorized a contract with the Olean Community Schools for the provision of high school equivalency (HSE) instruction services and math and reading tutorial services for the Departments of Social Services and Probation for eligible recipients up to the age of 21 in the Olean and Salamanca areas, the term of which expires September 30, 2021, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned HSE instruction services and math and reading tutorial services in the Olean area for a period to terminate September 30, 2022, and

WHEREAS, the County Probation Department is also in need of HSE instruction services in the Salamanca area for a period to terminate September 30, 2022, and

WHEREAS, Olean Community Schools, 410 West Sullivan Street, Olean, New York 14760, through its Adult Education Program, can provide the aforementioned HSE instruction services and math and reading tutorial services for the Departments of Social Services and Probation for a total amount not to exceed \$46,260.00, 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 Olean Community Schools, for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 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.

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

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

Adopted September 22, 2021 by voice vote. Mrs. Andreano abstained from vote.

ACT NO. 355-2021 by Mr. Helmich
and Mr. Higgins¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN COMMUNITY SCHOOLS FOR AFTER SCHOOL AND
SUMMER PROGRAM FOR AT-RISK YOUTH FOR
DEPARTMENT OF SOCIAL SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 370-2020 authorized a contract with Olean Community Schools, 410 West Sullivan Street, Olean, New York 14760, for the provision of an after school and summer program for at-risk youth, the term of which expires September 30, 2021, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned after school and summer program for at-risk youth, and

WHEREAS, Olean Community Schools can provide the aforementioned after school and summer program for at-risk youth for an amount not to exceed \$12,970.00, to be paid on a monthly basis 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 Olean Community Schools, for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 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.

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

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

Adopted September 22, 2021 by voice vote. Mrs. Andreano abstained from vote.

ACT NO. 356-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. D/B/A
CONNECTING COMMUNITIES IN ACTION FOR
DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM**

Pursuant to Public Law 104-193 and Section 450 of the County Law.

WHEREAS, Act 372-2020 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the implementation of a truancy prevention program in Cattaraugus County, in an attempt to reduce the percentage of poor attendance and chronic absenteeism in area school districts, the term of which expires September 30, 2021, and

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

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, has agreed to provide a truancy prevention program in Cattaraugus County for an amount not to exceed \$169,279.00, to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 62% state funded and 38% county funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 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.

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

Adopted September 22, 2021 by voice vote.

ACT NO. 357-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATHOLIC CHARITIES OF WESTERN NEW YORK, INC., FOR
DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 371-2020 authorized a contract with Catholic Charities of Western New York, Inc., 2636 West State Street, Suite 301, Olean, New York 14760, for the provision of a Kinship Program for grandparents or other relatives who obtain custody of children, the term of which expires September 30, 2021, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, the Kinship Program will serve approximately 55 participants and is for those children who are placed with relatives in lieu of foster care, and

WHEREAS, Catholic Charities of Western New York, Inc., can provide the aforementioned Kinship Program for a total amount not to exceed \$68,179.00, 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 Catholic Charities of Western New York, Inc., for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 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.

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

Adopted September 22, 2021 by voice vote.

ACT NO. 358-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
FAMILY GROUP CONFERENCING PROGRAM**

Pursuant to 18 NYCRR Parts 405 and 423 and
Section 450 of the County Law.

WHEREAS, Act 374-2020 authorized contracts with various entities for a family group conferencing program in Cattaraugus County, the terms of which expire September 30, 2021, and

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

WHEREAS, the following various entities have agreed to provide family group conferencing program services, for a total annual program amount not to exceed \$52,000.00, to be paid as invoiced:

<u>Agency</u>	<u>Amount</u>
Cattaraugus Community Action, Inc. d/b/a Connecting Communities in Action 25 Jefferson Street Salamanca, New York 14779	\$26,000.00
Parent Education Program, Inc. 234 North Union Street Olean, New York 14760,	\$26,000.00

and

WHEREAS, a portion of this program is 62% state funded and 38% County funded, and the other portion is 100% federally funded (CFDA #93.558), 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 contracts, on behalf of Cattaraugus County, with the above-listed entities, for the provision of the above-described services, for a term commencing October 1, 2021 and terminating September 30, 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.

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

Adopted September 22, 2021 by voice vote.

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MRS. HUNT moved, seconded by Mr. Benson, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 359-2021 through Act No. 375-2021. Carried.

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ACT NO. 359-2021 by Mr. Marsh and Mr. VanRensselaer
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY AND
WAIVING RULE 40 OF THE RULES OF ORDER
(Village/Town of Little Valley)**

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

WHEREAS, Cattaraugus County has tax title to certain property located at 419 Court Street
in the Village/Town of Little Valley, known as Tax Map Number 54.063-2-11 ("Property"), and

WHEREAS, in 2019, the mortgage holder of the aforementioned parcel tendered all
delinquent taxes, penalties and interest on behalf of the former owner, however, the former owner
refused to execute the necessary documents to return the property to his name and relinquished all rights
to said property, and

WHEREAS, the mortgage holder now has offered to purchase the property from the
County for an amount of \$17,500.00 plus taxes, penalties and interest, and

WHEREAS, it is in the County's best interest to convey the subject property to the
mortgage holder for the aforementioned price plus taxes owing and filing fees, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to convey the aforementioned
parcel known as Tax Map Number 54.063-2-11 to Wells Fargo Bank, N.A., as Trustee of Green Tree
Mortgage Loan Trust 2005-HE1, for the amount of \$17,500.00 plus outstanding taxes, penalties, interest
and filing fees, and be it further

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

Adopted September 22, 2021 by voice vote.

ACT NO. 360-2021 by Mr. Marsh and Mr. VanRensselaer
who ask immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTY AND
WAIVING RULE 40 OF THE RULES OF ORDER
(Town of Napoli)**

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

WHEREAS, Cattaraugus County has tax title to certain property located in the Town of
Napoli, Enchanted Lake Subdivision, described as Tax Map Nos. 62.054-2-31, 62.046-3-21 and 62.030-1-
9, and

WHEREAS, pursuant to subdivision law, these properties are too small to inhabit and
develop as stand-alone property, and

WHEREAS, it is in the County's best interest to offer for sale the subject properties to adjacent landowners by accepting sealed bids for the same, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to accept sealed bids for the aforementioned parcels known as Tax Map Numbers 62.054-2-31, 62.046-3-21 and 62.030-1-9 located in the Enchanted Lake Subdivision in the Town of Napoli to adjacent landowners, and be it further

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

Adopted September 22, 2021 by voice vote.

ACT NO. 361-2021 by Mr. Brisky and Ms. Schröder
who ask immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTY
AND WAIVING RULE 40 OF THE RULES OF ORDER
(Town of Ellicottville)**

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 property located in the Town of Ellicottville, Cattaraugus County, designated as Tax Map Nos. 46.004-1-42, 46.004-1-43.1, and 46.004-1-43.7, and

WHEREAS, the County has received an offer for the purchase of the aforementioned properties from North Delaware Holding, LLC, in the amount of \$143,408.32 plus taxes and fees, and

WHEREAS, it is in the County's best interest to convey title of the aforementioned properties to North Delaware Holding, LLC, for the development of a walking trail, residential housing and commercial space, now, therefore, be it

RESOLVED, that if the tender of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of the offer 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 this conveyance, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute a County Treasurer's Deed conveying the properties to North Delaware Holding, LLC, 6600 Route 219, Ellicottville, New York 14731, upon receipt of \$143,408.32 plus taxes and fees, for the purchase of the above-described properties.

Adopted September 22, 2021 by voice vote.

ACT NO. 362-2021 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DUFLO SPRAY-CHEMICAL, INC. FOR
EMERGENCY AERIAL SPRAYING OF ADULTICIDE AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Mosquito Control Spraying)**

Pursuant to 10 NYCRR Section 44.50 and Sections 363, 366 and 450 of the County Law.

WHEREAS, the confirmed presence of the Eastern Equine Encephalitis (EEE) Virus and the West Nile Virus in the southwestern portion of Cattaraugus County, along with the increasing number of mosquitos, leads to the declaration of an imminent threat to public health by the NYS Department of Health, and

WHEREAS, the NYS Departments of Health and Environmental Conservation have issued the permissions and permits required for the County Health Department to conduct emergency aerial spraying of the product Kontrol 30/30 to reduce the population of mosquitoes that carry the viruses, and

WHEREAS, Duflo Spray-Chemical, Inc., 8369 State Route 812, Lowville, New York 13367, can provide emergency aerial application of adulticide Kontrol 30/30, over the following-described areas, which comprises 65,680 acres at a rate of \$4.00 per acre for a total amount of \$262,720.00:

"The area to be sprayed is the entire Town of Conewango, portions of Leon (west of Route 62 from the Conewango Town line to Gulf Road), Napoli (all except approximately 2 miles from the Little Valley town line), Coldspring (all within 2.5 miles of Napoli Town line and 2 miles from the Salamanca Town line), Randolph (all within 2.5 miles south of the Conewango Town line)",

and

WHEREAS, the cost of the emergency aerial spraying of adulticide is 50% reimburseable through the NYS Department of Health, and

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned emergency aerial spraying, 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 Duflo Spray-Chemical, Inc., for the provision of the above-described emergency aerial spraying, for a term commencing September 22, 2021 and terminating October 31, 2021, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$131,360.00 from Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Estimated Revenue Account:

A.401.4090.4068.3401	State Aid, Public Health	\$131,360.00
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Increase Appropriation Account:

A.401.4090.4068.41421	Mosquito Control Contracted	\$262,720.00.
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Adopted September 22, 2021 by voice vote.

ACT NO. 363-2021 by Mr. Brisky, Mr. Higgins, Mr. Marsh,
Ms. Schröder and Mr. Snyder
and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Burr, Mr. Helmich,
Mrs. Hunt, Mr. Klancer, Mr. Morrow, Mr. Smith and Mr. VanRensselaer¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR
GREAT LAKES CHEESE CO., INC. MANUFACTURING PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, Great Lakes Cheese Co., Inc. (the "Company") proposes to develop a cheese manufacturing and packaging facility on all or portions of seven parcels of land located on Route 16 in the Towns of Farmersville and Franklinville at an estimated cost of \$505,000,000 (the "Project"), and

WHEREAS, the Company has requested that Cattaraugus County (the "County") apply for up to \$750,000.00 in funding from the New York State Office of Community Renewal (the "OCR") to finance a portion of the costs of the Project, and

WHEREAS, the Project will result in substantial benefit to the County in the form of the retention and creation of up to 200 employment positions, and

WHEREAS, the County held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the Project, and

WHEREAS, the aforementioned project is 100% state funded, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to submit a grant application, on behalf of Cattaraugus County, with the New York State Office of Community Renewal, for an amount to be determined by OCR and expected to be approximately \$750,000.00, such amount to be provided as a grant to the Company to fund a portion of the Project costs and to fund grant administration costs, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute a grant agreement, between the County and the New York State Office of Community Renewal, and all related documents associated with the OCR grant, including entering into a grant agreement with the Company for the implementation and funding of the Project, with all such documents subject to review and approval by the County Attorney, and be it further

RESOLVED, that the Chairman of the Legislature is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant.

¹The following Legislators requested their names be listed as additional sponsors: "Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Burr, Mr. Helmich, Mrs. Hunt, Mr. Klancer, Mr. Morrow, Mr. Smith and Mr. VanRensselaer".

Adopted September 22, 2021 by voice vote.

ACT NO. 364-2021 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENTS WITH
CATTARAUGUS-LITTLE VALLEY CENTRAL SCHOOL DISTRICT FOR
USE OF SPACE FOR COUNTY OFFICES
(County Attorney's Office and Administrator of Assigned Counsel)**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Attorney's Office is in need of office space for Risk Management personnel and the Administrator of Assigned Counsel is also in need of office space, and

WHEREAS, the Cattaraugus-Little Valley Central School District (CLVCS), 25 North Franklin Street, Cattaraugus, New York 14719, has agreed to lease to the County the following office space, which includes Room Nos. 211 and 209-209B, and associated common spaces (including hallways, bathrooms [one male and one female], entranceways, etc.), as follows:

	<u>Space and Cost</u>
Room 211 County Attorney's Office – Risk Management	560 square feet @ \$6.88/sq ft = \$3,852.80/year
Room 209-209B Administrator of Assigned Counsel	708 square feet @ \$6.88/sq ft = \$4,871.04/year

** Subject to a 2% increase on the anniversary date each year
and

WHEREAS, CLVCS shall include parking spots in the parking lot adjacent to the premises and the parking lot owned by CLVCS across from the premises, with the County responsible for sanding and plowing of the parking lots and sidewalk areas, and

WHEREAS, the County will provide fiber optic cable for the rental space and telephone service, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease agreements, on behalf of Cattaraugus County, with the Cattaraugus-Little Valley Central School District, for the leasing of the above-described space in the Little Valley Campus building, for a term commencing October 1, 2021 and terminating September 30, 2022, with the option to renew for two (2) additional one-year terms, according to the above-described terms.

Adopted September 22, 2021 by voice vote.

ACT NO. 365-2021 by Mr. Higgins and Mr. Marsh
*and Mr. Morrow*¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
THE NEW YORK STATE OFFICE OF 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 for the Manufactured Housing Replacement Program (the "Program"), and

WHEREAS, the application will seek a grant in an amount not to exceed \$1,500,000.00 for the 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 for the Manufactured Housing Replacement Program on the 13th day of October, 2021, at 5:01 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 the above-described grant through the New York State Homes and Community Renewal Community Development Block Grant Program, according to the above-described terms.

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

Adopted September 22, 2021 by voice vote.

ACT NO. 366-2021 by Mr. Higgins and Mr. Marsh
*and Mr. Boberg, Mr. Helmich and Mr. Morrow*¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
THE NEW YORK STATE OFFICE OF HOMES AND COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND
AUTHORIZING PUBLIC HEARING ON APPLICATION FOR
LAND BANK 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 for the Land Bank Rehabilitation Program (the "Program"), and

WHEREAS, the application will seek a grant in an amount not to exceed \$1,500,000.00 for the Land Bank 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 Corporation, 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 Land Bank 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 for the Land Bank Rehabilitation Program on the 13th day of October, 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 the above-described grant through the New York State Homes and Community Renewal Community Development Block Grant Program, according to the above-described terms.

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

Adopted September 22, 2021 by voice vote.

ACT NO. 367-2021 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GLC ON-THE-GO, INC. FOR
HEALTH CARE STAFFING COVERAGE FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of coverage for licensed practical nurse (LPN) and registered nurse (RN) services, as well as certified nurse aides (CNA), for the residents of The Pines Healthcare and Rehabilitation Centers - Olean and Machias Campuses, and

WHEREAS, GLC On-the-Go, Inc., 1290 Weston Road, Suite 316, Weston, Florida 33326, can provide the aforementioned health care services staffing coverage for an amount as follows:

<u>Position</u>	<u>Basic Rates</u>	<u>Crisis Rates</u>
Registered Nurse	\$85.00/hour	\$145.00/hour
Licensed Practical Nurse	\$75.00/hour	\$110.00/hour
Certified Nurse Assistant	\$57.00/hour	\$75.00/hour

**Holiday Pay is Time and a Half. Minimum billing rate of 40 hours per week with 12 weeks guaranteed,

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 GLC On-the-Go, Inc., for the provision of the above-described health care services, for a term commencing September 22, 2021, to continue in full force and effect at the same rates until amended or terminated by either party hereto, according to the above-described terms.

Adopted September 22, 2021 by voice vote.

ACT NO. 368-2021 by Mrs. Andreano
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS FOR
PURCHASE OF FLOOR SCRUBBING MACHINE
(Department of Nursing Homes)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the County desires to purchase one (1) new Tennant T500e floor scrubbing machine with NanoClean Technology for The Pines Healthcare and Rehabilitation Center-Olean Campus, and

WHEREAS, the aforementioned floor scrubbing machine is available through New York State Contract #PC67229, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned floor scrubbing machine, now, therefore, be it

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

Decrease Appropriation Account:

EF.453.4530.1160.20002	Capital-Building Improvements	\$14,620.00
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Increase Appropriation Account:

EF.453.4530.1190.20008	Capital-Tools and Equipment	\$14,620.00.
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Adopted September 22, 2021 by voice vote.

ACT NO. 369-2021 by Mr. Klancer and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE BOARD OF ELECTIONS FOR
2021 TECHNOLOGY INNOVATION AND ELECTION RESOURCE GRANT PROGRAM
(Board of Elections – Contract Number BOE01-C004347-1110000)**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus County Board of Elections has been awarded state funding in the amount of \$72,884.27 through the New York State Board of Elections for the 2021 Technology Innovation and Election Resource (TIER) Grant Program, and

WHEREAS, this funding was established to reimburse County Boards of Elections for actual expenses related to upgrades of software, technology updates and equipment, and will apply to services purchased between April 7, 2021 and January 27, 2023, and

WHEREAS, the TIER Grant Program funding may also be used to reimburse for actual expenses related to the replacement of voting systems and equipment, absentee ballot scanners, mail processing equipment, and infrastructure to protect the connectivity and security of county elections software, including assistance for areas unserved and underserved by broadband services, and

WHEREAS, a contract is necessary in order to accept and receive the aforementioned grant 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 a contract, on behalf of Cattaraugus County, with the New York State Board of Elections, 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.

Adopted September 22, 2021 by voice vote.

ACT NO. 370-2021 by Mrs. Andreano, Mr. Brisky, Mr. Burr,
Mr. Marsh and Mr. VanRensselaer
*and Mr. Benson, Mr. Boberg, Mr. Helmich, Mr. Higgins, Mrs. Hunt,
Mr. Klancer, Mr. Morrow, Ms. Schröder, Mr. Smith and Mr. Snyder, Jr.*¹
who ask immediate consideration

URGING GOVERNOR HOCHUL TO REOPEN GOWANDA CORRECTIONAL FACILITY

Pursuant to Section 153 of the County Law.

WHEREAS, former Governor Cuomo closed the Gowanda Correctional Facility on March 30, 2021, without notice or opportunity for community input, and under a shadow budget that lacked transparency, and

WHEREAS, Governor Hochul has pledged to forge a 'new era of transparency' in the halls of state government, and has insisted that 'transparency will be the hallmark of my administration', while giving the public 'a clear, honest picture of what's happening, and that's whether it's good or bad', and

WHEREAS, the Gowanda Correctional Facility was closed without transparent evidence that backs up the closure, and

WHEREAS, the closure of the Gowanda Correctional Facility has impacted more than 500 NYS Correctional Officers and Police Benevolent Association (NYSCOPBA) positions, disrupted the family lives of thousands and devastated communities, and

WHEREAS, with prison violence at near record levels, the closure of this correctional facility has only served to condense the prison population, further jeopardize the safety of NYSCOPBA members and the inmate population as a whole, and

WHEREAS, NYSCOPBA urged the former Governor and the State Legislature to halt any closure plans and address violence escalation within the prison system, and

WHEREAS, the closure of the Gowanda Correctional Facility has had a drastic and devastating impact on individuals and communities in Cattaraugus County, and

WHEREAS, the closure of the Gowanda Correctional Facility without the State performing transparent due diligence is irresponsible, and

WHEREAS, Cattaraugus County strongly urges Governor Hochul to reconsider the closure of the Gowanda Correctional Facility with an air of transparency and reopen it, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby strongly urges Governor Hochul to reverse the closure of the Gowanda Correctional Facility and keep our corrections officers, their families and our communities safe by reopening this essential facility, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to Governor Hochul, Senate Majority Leader Stewart-Cousins, Assembly Speaker Heastie, Senator Borrello, Assembly Member Giglio, New York State Association of Counties, and the Western New York Inter-County Association.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Benson, Mr. Boberg, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Morrow, Ms. Schröder, Mr. Smith and Mr. Snyder, Jr."

Adopted September 22, 2021 by voice vote.

ACT NO. 371-2021 by Mr. Klancer and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE BOARD OF ELECTIONS FOR
EARLY VOTING EXPANSION GRANT PROGRAM
(Board of Elections – Contract Number BOE01-T004405-1110000)**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus County Board of Elections has been awarded state funding in the amount of \$18,899.31 through the New York State Board of Elections for the Early Voting Expansion Grant Program, and

WHEREAS, this funding was established to reimburse County Boards of Elections for eligible expenses for early voting expansion, and will apply to services purchased between April 7, 2021 and January 28, 2022, and

WHEREAS, a contract is necessary in order to accept and receive the aforementioned grant 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 a contract, on behalf of Cattaraugus County, with the New York State Board of Elections, 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.

Adopted September 22, 2021 by voice vote.

ACT NO. 372-2021 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
STRATEGY SOLUTIONS, INC. FOR HEALTH DEPARTMENT
COMMUNITY HEALTH NEEDS ASSESSMENT AND IMPROVEMENT PLAN**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 324-2018 authorized a contract with Strategy Solutions, Inc., 8425 Peach Street, Erie, Pennsylvania 16509, for facilitation of a joint Olean General Hospital/County Health Department Community Health Improvement Plan (CHIP) and the hospital's Community Health Needs Assessment (CHNA), the term of which expired June 30, 2019, and

WHEREAS, the County Health Department, along with the Upper Allegheny Health System for the Olean General Hospital, have joined together for the development and implementation of the aforementioned needs assessment and improvement plan, and

WHEREAS, Strategy Solutions, Inc., shall facilitate the collaboration of a joint Olean/County Health Department CHNA and CHIP for a total project cost of \$49,500.00, to be paid by the County and Olean General Hospital, as follows:

<u>Olean General Hospital</u>	<u>Amount</u>	<u>Cattaraugus County Health Department</u>	<u>Amount</u>
Total Cost	\$39,500.00	Total Cost to be paid as invoiced	\$10,000.00

*Note: Olean General Hospital shall pay all other expenses, including travel costs for this project and

WHEREAS, sufficient funds are included in the budget to cover the County Health Department's cost of the aforementioned 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 Strategy Solutions, Inc., for the provision of the above-described services, for a term commencing September 17, 2021 and terminating June 30, 2022, according to the above-described terms.

Adopted September 22, 2021 by voice vote.

ACT NO. 373-2021 by Mrs. Andreano, Mr. Burr and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DUFLO SPRAY-CHEMICAL, INC. FOR
ADDITIONAL AERIAL SPRAYING OF ADULTICIDE AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Mosquito Control Spraying)**

Pursuant to 10 NYCRR Section 44.50 and
Sections 363, 366 and 450 of the County Law.

WHEREAS, due to the confirmed presence of the Eastern Equine Encephalitis (EEE) Virus and the West Nile Virus in the southwestern portion of Cattaraugus County, along with the increasing number of mosquitos, the Department of Health is desirous of spraying additional acres within the County, and

WHEREAS, Duflo Spray-Chemical, Inc., 8369 State Route 812, Lowville, New York 13367, can provide the aerial application of adulticide Kontrol 30/30, over the following-described areas, which comprises 11,590 acres at a rate of \$4.39 per acre for a total amount of \$50,880.10:

<u>Location</u>	<u>Area</u>	<u>Acreage</u>
Town of Randolph	All	606
Town of Salamanca (West)	Sawmill Run Road	159
	Drake Run Road	68
	Bucktooth Run Road	281
Town of Salamanca (North)	Route 353 & N. State Street	185
	Newton & Erie Streets	47
Town of Salamanca (South)	State Park Avenue	87

City of Salamanca (West & South)	West End	305
	South Side	810
City of Salamanca (East)	East End	457
Town of Great Valley (West)	Kill Buck-Hardscrabble	216
	Highland Avenue	16
	Ellicott Street	20
	Route 219	17
	Kill Buck Road	49
Town of Great Valley (East)	Sullivan Hollow Road	91
	Thorpe Hollow Road	126
Town of Carrollton (North)	Windfall Road	78
	Carrollton Village	42
	Route 417	23
Town of Carrollton (Northeast)	Ten Mile Road	58
	Nine Mile Road	110
Town of Carrollton (South)	North Main Street	30
	Leonard Run Road, Loney Hollow Road	167
	Parkside Drive	105
	Main Street, Nichols Run Road	248
Town of Carrollton (East)	Chipmunk Road	165
Town of Allegany (Southwest)	Chipmunk Road	148
Town of Allegany (North)	South Nine Mile Road	90
	Route 417	49
Town of Allegany (Central)	Valley View Estates, Mediterranean Drive	96
	Klice Crossroad	27
	Lower Birch Run Road	81
	Carey Hollow	53
	Four Mile and West Branch Roads	243
	South Nine Mile Road	99
	Route 417	120
Town of Allegany (Northeast)	North 1 st Street, Keim Hollow, Buffalo Road	255
	West Five Mile	62
	Village	542
	Valley View Drive, etc.	81
Town of Allegany (East)	St. Bona, Route 417 East	225
	West and Central Olean	747
City of Olean	Gargoyle Park	31
	North Olean	163
	Homer Street	58
	South Olean	158
	East State Street	197
City of Olean (East)	Seneca North	663
	Route 16 South	98
Town of Olean (Southwest)	McCann Hollow Road	46
	South Nine Mile Road	51
	Indiana Avenue	15
	Hillcrest Road, Windfall Road	77
Town of Olean (East)	Upper Dugan Road	56

	Queen Street	12
	Lower Dugan, Seneca, Route 417	349
	East River Road	25
Town of Olean (North)	Godfrey Hollow, David Drive	172
	Back Hinsdale Road	119
	Route 16	121
Town of Hinsdale	Hillview Village	21
	Route 16, Pennsylvania Road	201
	Hamlet	82
	Maplehurst	41
Town of Portville (North)	Westons Mills	165
	Haskell Road, Happy Hollow	168
	Promised Land Road Area	152
	Route 417	38
Town of Portville (South)	Smith Road	16
	Village North	190
	Village South	347
	Route 417, Prosser Road	181
	East Carroll Road	30
	Route 305 South	15
	West River Road	24
	Gleason Hollow Road	24

and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned additional aerial spraying, 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 Duflo Spray-Chemical, Inc., for the provision of the above-described additional aerial spraying, for a term commencing September 22, 2021 and terminating October 31, 2021, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$50,880.10 from Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Account:

A.401.4090.4068.41421	Mosquito Control Contracted	\$50,880.10.
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Adopted September 22, 2021 by voice vote.

ACT NO. 374-2021 by Mr. Benson
*and Mrs. Andreano, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich,
 Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
 Ms. Schröder, Mr. Smith, Mr. Snyder, Jr. and Mr. VanRensselaer¹*
 who ask immediate consideration

**URGING NEW YORK STATE LEGISLATURE TO PROVIDE FUNDING
 IN 2022-2023 BUDGET FOR
 SOUTHERN TIER AGRICULTURAL INDUSTRY ENHANCEMENT PROGRAM**

Pursuant to Section 153 of the County Law.

WHEREAS, the New York State Southern Tier agricultural industry is the economic engine across Upstate New York by providing critical jobs, revenue and food for our residents and beyond, and

WHEREAS, support for farmers and agribusinesses is needed in the Southern Tier to keep the agricultural economy growing in New York State, and

WHEREAS, in 2016, the Southern Tier Agricultural Industry Enhancement Program was commenced to increase agricultural production on farms and improve profitability, as well as support farmers in better managing and enhancing environmental resources by providing grants to farmers to assist with projects such as construction, renovation, irrigation, drainage, fencing trellis systems and greenhouses, and

WHEREAS, the Southern Tier Agricultural Industry Enhancement Program helped 30 farms in Cattaraugus County alone, with a grant total of \$3,128,671.05, and

WHEREAS, funding the Southern Tier Agricultural Industry Enhancement Program is crucial for the agricultural industry in New York State to expand and grow agricultural operations throughout the Southern Tier, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby urges Governor Hochul and the New York State Legislature to join together in support and provide the necessary funding for the Southern Tier Agricultural Industry Enhancement Program in the 2022-2023 State Budget, and be it further

RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Hochul, the Majority Leader of the NYS Senate, Senator Borrello, the Speaker of the NYS Assembly, Assemblyman Giglio, and all others deemed necessary and proper.

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

Adopted September 22, 2021 by voice vote.

ACT NO. 375-2021 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, Ms. Schröder, Mr. Smith and Mr. Snyder, Jr.¹
who ask immediate consideration

**AUTHORIZING THE COUNTY ATTORNEY TO COMMENCE LEGAL ACTION
TO CHALLENGE HEALTHCARE WORKER VACCINE MANDATE**

Pursuant to Section 450 of the County Law.

WHEREAS, on August 26, 2021, in an emergency rule, without accepting public comment or input, the New York’s Public Health and Health Planning Council and the Commissioner of Health amended Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York, known as the State Sanitary Code, to add a new section 2.61 to Part 2, titled “Prevention of COVID-19 transmission by covered entities,” referred to hereinafter as the Vaccine Mandate Regulation, and

WHEREAS, the Vaccine Mandate Regulation applies to nursing homes and other healthcare facilities, and to all personnel, including employees, volunteers, and others, “who engage in activities such that if they were infected with COVID-19, they could potentially expose other covered personnel, patients or residents to the disease”, 10 NYCRR 2.61 (a)(2), and

WHEREAS, the Vaccine Mandate Regulation imposes on nursing homes the obligation to “continuously require personnel be fully vaccinated against COVID-19, with the first dose for current personnel received by September 27, 2021 for general hospitals and nursing homes . . .”, 10 NYCRR 2.61 (c), and

WHEREAS, the only exemption from the Vaccine Mandate Regulation is if a “licensed physician or certified nurse practitioner certifies that immunization with COVID-19 vaccine is detrimental to the health of member of a covered entity’s personnel, based upon a pre-existing health condition . . .”, 10 NYCRR 2.61 (d)(1); the mandate does not provide an exemption for healthcare workers whose sincerely held religious beliefs compel the employee to refuse the COVID-19 vaccines that currently are available, and

WHEREAS, the Vaccine Mandate Regulation currently is the subject of several legal challenges alleging that it violates the constitutional rights of effected healthcare personnel as well as their rights under Federal law, though as of September 22, 2021, no known legal challenge by the employers who are required to enforce the Vaccine Mandate Regulation has been filed, and

WHEREAS, the County owns and operates The Pines Healthcare and Rehabilitation Centers which are subject to the Vaccine Mandate Regulation, and

WHEREAS, The Pines already are understaffed and will lose additional personnel as a result of the Vaccine Mandate Regulation, and

WHEREAS, as a consequence of the Vaccine Mandate Regulation, The Pines already has stopped accepting new admissions, which will have an effect on local hospitals as they will not be able to discharge patients and may not be able to admit new patients, resulting in serious consequences to the public health of County residents, and

WHEREAS, the County, in its proprietary capacity as a nursing home operator and in the public interest, believes the Vaccine Mandate Regulation was improperly adopted as an emergency regulation without public comment because, among other things, the vaccine has been available for months and because healthcare facilities throughout the state successfully have utilized masking, testing, and quarantine strategies to protect against the spread of COVID-19, and

WHEREAS, the County, both in its capacity as a nursing home operator and as a government entity which would be required to take adverse employment action against unvaccinated individuals in order to comply with the Vaccine Mandate Regulation, further believes that the Vaccine Mandate Regulation should be repealed or stayed pending a final determination of the pending legal challenges to its constitutionality, and

WHEREAS, despite a chorus of alarms being raised over the impact of the Vaccine Mandate Regulation since its emergency enactment without first receiving public comment, the Public Health and Health Planning Council and the Commissioner of Health have failed to take action to repeal or amend the Vaccine Mandate Regulation, now therefore, be it

RESOLVED, that the County Attorney hereby is authorized to take any appropriate legal action available to have the Vaccine Mandate Regulation, 10 NYCRR 2.61, vacated, annulled, and declared void, and to stay the Public Health and Health Planning Council, the Commissioner of Health, and all other agencies of State government from enforcing the Vaccine Mandate Regulation against the County and The Pines Healthcare and Rehabilitation Centers.

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, Ms. Schröder, Mr. Smith and Mr. Snyder, Jr.”.

Adopted September 22, 2021 by voice vote.

* * * * *

MR. BURR moved, seconded by Mr. Brisky, to adjourn until October 13, 2021 at 5:00 p.m. Carried.

Meeting adjourned at 5:17 p.m.

Ann M. Giglio
Journal Clerk