

April 12, 2023

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed all Legislators present.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the March 22, 2023 session stand approved as presented.

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COMMUNICATIONS:

NYS Senator George M. Borrello: Acknowledging receipt of Act Nos. 167-2023, 168-2023 and 169-2023 and his response to the same.

NYS Assemblyman Joseph M. Giglio: Acknowledging receipt of Act Nos. 167-2023, 168-2023 and 169-2023.

Salamanca Rail Museum: Thank you letter from Director Jaré Cardinal for the funding to help cover the cost of the installation of a security system for the Museum grounds.

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APPOINTMENTS:

CRIMINAL JUSTICE COORDINATING ADVISORY COMMITTEE

Wendy Clemons, replacing Tyrone Hall

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

Three-year term to expire December 31, 2023

Nathan D. Scrivani, Fire District 2

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PROCLAMATION:

CHAIRMAN VANRENSELAER proclaimed the month of April 2023 as **Child Abuse Prevention Month** in Cattaraugus County. The proclamation was presented to Tony Turano, Commissioner, Department of Social Services.

CHAIRMAN VANRENSELAER proclaimed the month of April 2023 as **Fair Housing Month** in Cattaraugus County. The proclamation will be presented to Crystal Abers, Director, Department of Economic Development, Planning & Tourism.

ACT NO. 170-2023 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR LITTLE VALLEY COUNTY CENTER ACCESSIBILITY IMPROVEMENTS
(General Construction, Mechanical/Plumbing/Fire Protection and Electrical Contract)**

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 provision of General Construction, Mechanical/Plumbing/Fire Protection Contract and Electrical Contract for the Little Valley County Center Accessibility Improvement Project, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the General Construction portion of the Project was the bid of E. Contracting, Inc., d/b/a Erie Contracting, 188 Erie Street, Lancaster, New York 14086, for an amount of \$640,000.00, to be paid as invoiced and approved by the Department of Buildings and Grounds, and

WHEREAS, the only bid received meeting specifications for the Mechanical/Plumbing/Fire Protection Contract portion of the Project was the bid of Wm. T. Spaeder Co., Inc., 1602 East 18th Street, Erie, Pennsylvania 16510, for an amount of \$132,000.00, to be paid as invoiced and approved by the Department of Buildings and Grounds, and

WHEREAS, the lowest bid received meeting specifications for the Electrical Contract portion of the Project was the bid of Ahlstrom Schaeffer Electric Corp., 46 Hopkins Avenue, Jamestown, New York 14701, for an amount of \$138,350.00, to be paid as invoiced and approved by the Department of Buildings and Grounds, and

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

RESOLVED, that the bid of E. Contracting, Inc., d/b/a Erie Contracting be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract and terminating December 1, 2023, and be it further

RESOLVED, that the bid of Wm. T. Spaeder Co., Inc. be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract and terminating December 1, 2023, and be it further

RESOLVED, that the bid of Ahlstrom Schaeffer Electric Corp. be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract and terminating December 1, 2023, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Buildings & Grounds be audited by the Auditor and paid by the County Treasurer.

No State Bid.

General Construction Portion

Fifty-nine sets of specifications were sent out.

Two bids were received which met specifications.

No State Bid.

Mechanical/Plumbing/Fire Protection Contract Portion

Fifty-nine sets of specifications were sent out.

One bid was received which met specifications.

No State Bid.

Electric Contract Portion

Fifty-nine sets of specifications were sent out.

Two bids were received which met specifications.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 171-2023 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR 2023 BRIDGE PAINTING PROGRAM
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the painting of various County bridges, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the painting of various County bridges was the bid of Erie Painting and Maintenance, Inc., 999 Rein Road, Cheektowaga, New York 14225, for an amount of \$673,930.00 for five (5) bridges, which include: Conewango Bridge No. 20, Leon Bridge No. 29, Franklinville Bridge No. 9, South Valley Bridge No. 7, and Ellicottville Bridge No. 37, and

WHEREAS, the aforementioned bridge painting services are subject to approval by NYSDOT and shall commence upon notice to proceed and be completed by August 31, 2023, and

WHEREAS, this program is 80% federal (CFDA #20.205), 15% state and 5% county funded, and

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

RESOLVED, that the bid of Erie Painting and Maintenance, Inc., be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Eighteen sets of specifications were sent out.

Two bids were received which met specifications.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 172-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH GREENMAN-PEDERSEN, INC. FOR
CONSTRUCTION INSPECTION SERVICES AND CONTRACT ADMINISTRATION
FOR 2023 BRIDGE PAINTING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Works is in need of construction inspection services and contract administration for the 2023 Bridge Painting program, which includes the following five (5) structures:

Ellicottville Bridge No. 37 (BIN 3-32124-0) Lindberg Road over Mansfield Creek
Leon Bridge No. 29 (BIN 3-32222-0) Town Hill Road over Mud Creek
Franklinville Bridge No. 9 (BIN 3-32147-0) Morgan Hollow Road over Morgan Hollow Creek
South Valley Bridge No. 7 (BIN 3-32323-0) Sawmill Run Road over South Branch of Sawmill Run
Conewango Bridge No. 20 (BIN 3-32082-0) Flat Iron Road over Mud Creek,

and

WHEREAS, Greenman-Pedersen, Inc., 403 Main Street, Suite 330, Buffalo, New York 14203, can provide the aforementioned construction inspection services and contract administration for an amount not to exceed \$99,000.00, to be paid as invoiced and approved by the Commissioner of the Department of Public Works, and

WHEREAS, this program is 80% federal (CFDA #20.205), 15% state and 5% 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 Greenman-Pedersen, Inc., for the provision of the above-described services, for a term commencing April 12, 2023 and terminating December 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 5 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted April 12, 2023 by voice vote.

ACT NO. 173-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
WENDEL WD, ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
FOR ENGINEERING DESIGN SERVICES FOR ADA ACCESSIBILITY IMPROVEMENTS
(Little Valley County Center Improvements)**

Pursuant to Sections 215 and 450 of the County Law and
the Americans with Disabilities Act.

WHEREAS, Act 587-2019, as amended by Acts 410-2020 and 444-2022, authorized a contract with Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel WD), Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, for the provision of engineering services necessary to provide an Accessibility Action Plan for the Little Valley County Center for compliance with the Americans with Disabilities Act (ADA), the term of which expires December 31, 2023, and

WHEREAS, the aforementioned contract should be amended to include additional services which were included in the revised specifications for the Little Valley County Center ADA Accessibility improvements, and

WHEREAS, Wendel WD has agreed to provide the aforementioned services for an additional amount of \$6,750.00, and

WHEREAS, the contract should also be extended to April 30, 2024, in order to cover the full construction period through project closeout, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described engineering services, and to extend the term of the original contract that commenced December 12, 2019 to terminate April 30, 2024, according to the above-described terms.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 174-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MDA CONSULTING ENGINEERS, PLLC FOR
ENGINEERING SERVICES FOR COUNTY ROAD NO. 38
DRAINAGE IMPROVEMENTS & OVERLAY PROJECT**

Pursuant to the Section 450 of the County Law.

WHEREAS, the Department of Public Works is in need of engineering services for the drainage improvements and overlay project for County Road No. 38 (Mutton Hollow Road) in the Town of Little Valley, and

WHEREAS, engineering consultation services are necessary to design the aforementioned project, and

WHEREAS, MDA Consulting Engineers, PLLC, P.O. Box 604, Three Bristol Lane, Ellicottville, New York 14731, can provide the engineering consultant services necessary for the drainage improvements and overlay project for County Road No. 38 (Mutton Hollow Road), for an amount not to exceed \$27,000.00, which includes reimbursable costs, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned engineering consultant 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 MDA Consulting Engineers, PLLC, for the provision of the above-described engineering consultant services, for a term commencing April 12, 2023 and terminating April 30, 2024, according to the above-described terms.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 175-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION INSPECTION AND
CONSTRUCTION CONTRACT ADMINISTRATION SERVICES
FOR LEON BRIDGE NO. 40 REPLACEMENT PROJECT**

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

WHEREAS, Act 255-2022 authorized a contract with Greenman-Pedersen, Inc., 403 Main Street, Suite 330, Buffalo, New York 14225, for the provision of construction inspection and construction contract administration services for the Leon Bridge No. 40 Replacement Project, located on Dredge Road over Conewango Creek, PIN 5762.95, in the Town of Leon, the term of which expired March 31, 2023, and

WHEREAS, an extension of the aforementioned contract is necessary in order to complete the Project, at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described construction inspection and construction contract administration services, to extend the term of the contract which commenced June 8, 2022, to terminate March 31, 2024¹, according to the above-described terms.

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

¹MR. BRISKY moved, seconded by Mr. Burr, to amend as follows: In the Resolved, delete: “2025”, and replace with: “2024”. Carried.

Adopted, as amended, April 12, 2023 by voice vote.

ACT NO. 176-2023 by Mrs. Andreano and Mr. Helmich

**BID ACCEPTANCE FOR MEDICAL EQUIPMENT RENTAL AND RELATED SERVICES
(Department of Nursing Homes)**

Pursuant to 10 NYCRR Section 415.12(k),
Section 103 of the General Municipal Law and
Sections 408, 408-a and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for medical equipment rental for The Pines Healthcare & Rehabilitation Centers-Olean and Machias Campuses, according to specifications provided by the Human Services Committee, and

WHEREAS, the only bid received meeting specifications was the bid of Health System Services, 6867 Williams Road, Niagara Falls, New York 14304, as follows:

<u>Description - Daily Equipment</u>	<u>Rate Per Unit</u>
Oxygen Concentrators, 5 liter	\$1.40/day
BiPAP-S (<i>capped equipment*</i>)	\$4.00/day
CPAP (<i>capped equipment*</i>)	\$2.00/day
BiPAP-S/T (ventilator)	\$11.67/day
Air Compressors (50 psi)	\$2.25/day
Humidity via Trach	\$3.00/day
Portable O2 Concentrator	\$5.33/day

*Capped equipment becomes the property of the facility after 13 rental payments. During the rental period, repairs are included. After the rental period, repairs and clinician consults can be requested and will be billed to the facility.

Services for a respiratory therapist for clinical support and routine maintenance/calibration of equipment shall be included by the vendor.

In-service training and documentation will also be provided by the vendor.,

now, therefore, be it

RESOLVED, that the bid of Health System Services, be, and the same hereby is, accepted for a term commencing April 1, 2023 and terminating March 31, 2024, with the County's sole option to renew for three (3) additional one-year terms, the last of which will terminate March 31, 2027, and be it further

RESOLVED, that in the event the County exercises its option to renew its contract, then the bid prices shall be adjusted during the option periods of the contract to reflect only an increase or decrease in the contractor's wholesale price; however, at no time may the contract pricing changes be raised in excess of the Consumer Price Index or Producer Price Index as calculated by Cattaraugus County, and be it further

RESOLVED, the CPI used for the purposes of this contract shall be the CPI-U for the Buffalo-Niagara Falls, New York area, and be it further

RESOLVED, that the vouchers accordingly certified by the Controller of the Department of Nursing Homes be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Ten sets of specifications were sent out.

One bid was received which met specifications.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 177-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
THE CENTER FOR ELDER LAW AND JUSTICE FOR LEGAL
SERVICES FOR ELDERLY RESIDENTS OF CATTARAUGUS COUNTY**

Pursuant to 45 CFR 1321 and Section 450 of the County Law.

WHEREAS, Act 141-2022 authorized a contract with The Center for Elder Law and Justice, 438 Main Street, Suite 1200, Buffalo, New York 14202, for the provision of legal services for elderly residents of Cattaraugus County in accordance with Title III of the Older Americans Act of 1965, as amended, the term of which expired March 31, 2023, and

WHEREAS, the Department of Aging is desirous of renewing the aforementioned contract, and

WHEREAS, The Center for Elder Law and Justice is desirous of continuing the aforementioned services for an annual amount not to exceed \$28,000.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, these services are 90% federal (CFDA #93.044) and 10% state funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with The Center for Elder Law and Justice, for the provision of the above-described services, for a term commencing April 1, 2023 and terminating March 31, 2024, 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.

Adopted April 12, 2023 by voice vote.

ACT NO. 178-2023 by Mrs. Andreano and Mr. Helmich

**APPROVING GRANT DOCUMENTS BETWEEN CATTARAUGUS COUNTY
COMMUNITY SERVICES BOARD AND NEW YORK STATE OFFICE OF
ADDICTION SERVICES AND SUPPORTS FOR OPIOID SETTLEMENT FUNDS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Community Services has been awarded funding in the amount of \$547,551.00 through the Opioid Settlement Fund, and

WHEREAS, the aforementioned Opioid funding will be used for substance abuse prevention, treatment, harm reduction and recovery service needs at the local level, and

WHEREAS, grant documents must be executed in order to accept, and receive the aforementioned Opioid 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 contract documents, between the Cattaraugus County Community Services Board and the New York State Office of Addiction Services and Supports, to signify the County's approval, to accept, and receive, the aforementioned Opioid funding, for a term commencing January 1, 2023 and terminating December 31, 2023, according to the above-described terms, and be it further

RESOLVED, that upon termination of state 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.

Adopted April 12, 2023 by voice vote.

ACT NO. 179-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AFFILIATION AGREEMENT WITH
EDINBORO UNIVERSITY FOR
EDUCATIONAL CLINICAL FIELD EXPERIENCE PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Edinboro University is desirous of implementing an educational clinical field experience program for its Clinical Mental Health Program, and

WHEREAS, the Department of Community Services is desirous of working collaboratively with Edinboro University for training and educational clinical experience programs to Clinical Mental Health Program students who would benefit from field placement experience in the Cattaraugus County Department of Community Services, and

WHEREAS, the Department of Community Services has agreed to allow the program to be conducted at the Department's facilities at no cost to the County, and

WHEREAS, in the event other County departments are desirous of participating in an educational clinical experience program with Edinboro University, then additional contracts may be entered into pursuant to this act, 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 Edinboro University, for the provision of the above-described educational clinical field experience program, for a term commencing April 1, 2023 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 180-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH THE
NEW YORK STATE OFFICE OF MENTAL HEALTH
FOR COMMUNITY MENTAL HEALTH SERVICES
WORKFORCE GRANT PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(COVID-19 – Department of Community Services)**

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

WHEREAS, Act 134-2022 authorized a contract with the New York State Office of Mental Health (OMH) for the acceptance of \$72,000.00 through the Workforce Grant Program for the County Department of Community Services for career development and training, as well as educational expenses, the term of which expired December 31, 2022, and

WHEREAS, OMH has extended the term of the aforementioned contract to December 31, 2023, to allow for more time to use the grant funding, and

WHEREAS, a contract extension is necessary to extend the term of the aforementioned contract to December 31, 2023, 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 a contract extension, between the Cattaraugus County Community Services Board and the New York State Office of Mental Health, to signify the County's approval, for the acceptance, and receipt of the

aforementioned funding, and to extend the term of the contract which commenced January 1, 2022 to terminate December 31, 2023, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.431.4340.0890.4490.07	Fed Aid, MH-MHBG OMH Workforce Grant	\$24,331.78
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Increase Appropriation Account:

A.431.4340.0890.46106.WG	Training-MHBG OMH Workforce Grant	\$24,331.78.
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Approved by 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted April 12, 2023 by voice vote.

ACT NO. 181-2023 by Mrs. Andreano and Mr. Helmich

**APPROVING CONTRACT EXTENSION BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD
AND NEW YORK STATE OFFICE OF MENTAL HEALTH
FOR 2021 SYSTEMS OF CARE GRANT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(COVID-19 - Department of Community Services)**

Pursuant to Coronavirus Response and Relief Supplement Appropriations Act and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 107-2022 authorized a contract with the New York State Office of Mental Health (OMH) for the acceptance of \$25,000.00 through the 2021 Systems of Care Grant for the County Department of Community Services, the term of which expired December 31, 2022, and

WHEREAS, OMH has extended the term of the aforementioned contract to December 31, 2023, to allow for more time to use the grant funding, and

WHEREAS, a contract extension is necessary to extend the term of the aforementioned contract to December 31, 2023, and

WHEREAS, various appropriation and revenue accounts must be adjusted due to the extension of the aforementioned contract, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, between the Cattaraugus County Community Services Board and the New York State Office of Mental Health, to signify the County’s approval, for the acceptance, and receipt of the aforementioned funding, and to extend the term of the contract which commenced September 15, 2021, to terminate December 31, 2023, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.431.4331.1400.4490.06	Federal Aid, MHBG Systems of Care Grant	\$11,633.69
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Increase Appropriation Accounts:

A.431.4331.1400.45401	Small Equipment	\$ 2,000.00
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A.431.4331.1400.47087	Grant Program Supplies	\$ 8,133.69
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A.431.4331.1400.48003 Meeting Expenses \$ 1,500.00.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 182-2023 by Mrs. Andreano and Mr. Helmich

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
NEW YORK STATE OFFICE OF ADDICTION SERVICES AND SUPPORTS FOR
JAIL SERVICES AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Coronavirus Response and Relief Supplement Appropriations Act
and Sections 363, 366 and 450 of the County Law.

WHEREAS, funding in the amount of \$101,250.00 has been awarded to the Department of Community Services through the New York State Office of Addiction Services and Supports (OASAS) for the provision of counseling services to inmates in the Cattaraugus County Jail, and

WHEREAS, the Department of Community Services shall provide the staff necessary to offer treatment groups one evening a week for the inmates in the Jail, as well as a Mental Health peer to assist with referrals if the inmate is referred to the County Mental Health Clinic for Sublocade, and

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

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted to accommodate the aforementioned funding and provide for 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, between the Cattaraugus County Community Services Board and the New York State Office of Addiction Services and Supports, to signify the County's approval, for the acceptance, and receipt of the aforementioned funding, for a term commencing January 1, 2023 and terminating December 31, 2023, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.431.4333.4778.3492.013S	State Aid, OASAS	\$101,250.00
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Increase Appropriation Accounts:

A.431.4333.4778.11000	Full-Time Wages	\$ 20,000.00
A.431.4333.4778.41229	Social Work Contracted	\$ 45,000.00
A.431.4333.4778.41253	Case Manager/Discharge Planner	\$ 20,000.00
A.431.4333.4778.48402.04	Other Expenses-HOME/ROME	\$ 10,000.00
A.431.4333.4778.81000	FICA	\$ 2,500.00
A.431.4333.4778.82000	Retirement	\$ 2,500.00
A.431.4333.4778.83000	Health Insurance	\$ 1,250.00.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 183-2023 by Mrs. Andreano and Mr. Helmich

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

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

WHEREAS, Act 82-2022, as amended, authorized a contract with Directions in Independent Living, Inc., 514 West State Street, Olean, New York 14760, for the provision of a Veteran Peer-to-Peer Support Pilot Program (a/k/a Dwyer) in Cattaraugus County for veterans suffering from post-traumatic stress syndrome, and/or other related combat stress disorders, using individual and small group peer-to-peer support methods, for the 2022-2023 program year the term of which expires June 30, 2023, and

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

WHEREAS, Directions in Independent Living, Inc., can provide the aforementioned services in Cattaraugus County for an amount of \$185,000.00, for the 2023-2024 program year, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and Directions in Independent Living, Inc., to signify the County's approval, for the provision of the above-described Veteran Peer-to-Peer Support Pilot Program, for a term commencing April 1, 2023 and terminating June 30, 2024, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, and be it further

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

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

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

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

Adopted April 12, 2023 by voice vote.

ACT NO. 184-2023 by Mr. VanRensselaer
and Mr. Marsh¹

**REQUESTING NEW YORK STATE LEGISLATURE AUTHORIZE
EXTENSION OF 25 CENT MORTGAGE RECORDING FEE**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the New York State Legislature authorized the imposition of a 25 cents per \$100 recording tax for mortgages in Cattaraugus County by Chapter 512 of the Laws of 2021 of the State of New York and has extended this imposition until December 1, 2023, and

WHEREAS, by reason of the State's continued cap on Cattaraugus County's tax levy and otherwise, the County must request that its authority to impose a recording tax for mortgages be further extended to December 1, 2025, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature to adopt legislation authorizing Cattaraugus County to extend a 25 cents per \$100 mortgage recording tax until December 1, 2025, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to State Senator Borrello and Assembly Member Giglio, the New York State Tax Commission, and the New York State Department of Audit and Control.

Approved by 5 members of the Finance Committee.

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

Adopted April 12, 2023 by voice vote.

* * * * *

MR. KOCH moved, seconded by Mr. Smith, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 185-2023 through Act No. 199-2023. Carried.

* * * * *

ACT NO. 185-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WELLOW URGENT CARE, P.C. FOR
CATTARAUGUS COUNTY RANDOM DRUG AND ALCOHOL TESTING PROGRAM
(Commercial Motor Vehicle Drivers, Sheriff's Office and Municipality Members)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 297-2021 authorized a contract with Wellnow Urgent Care, P.C., for the provision of drug and alcohol testing services for commercial motor vehicle drivers, the towns and villages of Cattaraugus County, and the Sheriff's Office, and

WHEREAS, a new contract is needed due to an increase in rates, and

WHEREAS, Wellnow Urgent Care, P.C., can provide random drug and alcohol testing services, in accordance with the fee schedule set out below, for the following:

- NYS Department of Transportation (NYSDOT) regulated CDL licensed drivers for the Department of Public Works
- Sheriff's Office Employee non-NYSDOT regulated motor vehicle drivers
- NYSDOT regulated CDL licensed drivers for towns and villages of Cattaraugus County
- New employee drug testing services

Drug and Alcohol Testing Services

Rates

DOT Urine Drug Screen	\$72.00/screen
Non-DOT Drug Screen – 5 Panel	\$67.00 - \$72.00/screen
Breath Alcohol Testing w/Confirmation	\$39.00/test
Random Management Program	\$300/year
**On-Site Collection	\$500/day

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 Wellnow Urgent Care, P.C., for the provision of the above-described random drug and alcohol testing services, for a term commencing April 1, 2023 and terminating March 31, 2024, with automatic renewals each subsequent year for additional one-year periods, unless terminated by either party, according to the above-described terms.

Adopted April 12, 2023 by voice vote.

ACT NO. 186-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
HEALTH FOUNDATION FOR WESTERN AND CENTRAL NEW YORK FOR
HEALTH DEPARTMENT 100TH ANNIVERSARY PROJECT MINI-GRANT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

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

WHEREAS, the Cattaraugus County Health Department is celebrating its 100th Anniversary, and

WHEREAS, the County has been awarded funding in the amount of \$5,000.00, to be used to offset expenses expected for the celebration of the Health Department's 100th anniversary, and

WHEREAS, a contract is necessary in order to accept the aforementioned funding, which is 100% funded through the Health Foundation for Western and Central New York, and

WHEREAS, various appropriation and revenue accounts must be adjusted to accept, and receive, the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the Health Foundation for Western and Central New York, in order to accept, and receive, the aforementioned funding, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:

A.401.4010.0000.2705.43	Gifts & Donations HFWCNY Grant	\$5,000.00
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Increase Appropriation Account:

A.401.4010.0000.48003	CCHD Meeting Expenses	\$5,000.00.
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Adopted April 12, 2023 by voice vote.

ACT NO. 187-2023 by Mrs. Andreano and Mr. Helmich
and Mr. Higgins¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HANNAH FORREST, SLP FOR
HEALTH DEPARTMENT SPEECH THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law
and Section 450 of the County Law.

WHEREAS, the County Health Department is in need of speech therapy services for the patients of the Health Department Home Health Care Program, and

WHEREAS, Hannah Forrest, SLP, 3 Satellite Circle, Olean, New York 14760, has agreed to provide speech therapy services to Cattaraugus County Health Department patients at the rate of \$84.08 per visit, and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance, and the County, 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 Hannah Forrest, SLP, for the provision of the above-described services, for a term commencing April 6, 2023 and terminating December 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.

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

Adopted April 12, 2023 by voice vote.

ACT NO. 188-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MCCARTHY & CONLON, LLP FOR PREPARATION AND
REVIEW OF COST REPORTS FOR DEPARTMENT OF HEALTH
AND RESCINDING ACT 107-2023**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 107-2023 authorized a contract with McCarthy & Conlon, LLP, for the preparation, review, audit and certification of cost reports for the County Department of Health for the year ending December 31, 2022, and

WHEREAS, the firm of McCarthy & Conlon, LLP, can no longer provide the services necessary to audit and certify cost reports; therefore, it is necessary to rescind Act 107-2023, and

WHEREAS, McCarthy & Conlon, LLP, 123 Quaker Road, Suite 103B, Queensbury, New York 12804, has agreed to provide the services necessary for the preparation and review of cost reports for the County Department of Health for the year ending December 31, 2022, for a total amount of \$16,000.00, in accordance with the following schedule:

- Preparation and Review of Certified Home Health Care Agency Medicare Cost Report in accordance with the requirements of the Centers for Medicare and Medicaid Services for the year ending December 31, 2022;
- Preparation and Review of Certified Home Health Care Agency Medicaid Cost Report in accordance with the requirements of the New York State Department of Health for the year ending December 31, 2022;
- Preparation and Review of Ambulatory Health Care Facility (AHCF) Medicaid Cost Report as it applies to the Family Planning Clinic for the year ending December 31, 2022;
- Assist County Health Department with providing workpapers for the Medicaid Home Care Cost Report that are subject to audit by KPMG, LLP (required by NYSDOH);

and

WHEREAS, the aforementioned services must be conducted in order for the County to receive any State 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 McCarthy & Conlon, LLP, for the provision of the above-described services, for a term commencing January 1, 2023 and terminating December 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 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 107-2023 be, and hereby is, rescinded.

Adopted April 12, 2023 by voice vote.

ACT NO. 189-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DRESCHER & MALECKI, LLP FOR AUDIT AND
CERTIFICATION OF COST REPORTS FOR DEPARTMENT OF HEALTH**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, the firm of McCarthy & Conlon, LLP, can no longer provide the services necessary to audit and certify certain cost reports including the Ambulatory Health Care Facility (AHCF) Medicaid Cost Reports, and

WHEREAS, the firm of Drescher & Malecki, LLP, 2721 Transit Road, Suite 111, Elma, New York 14059, can provide audit and certification services required for the cost reports for the Health Department for an amount not to exceed \$4,000.00, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Drescher & Malecki, LLP, for the provision of the above-described services, for a term commencing January 1, 2023 and terminating December 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 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 April 12, 2023 by voice vote.

ACT NO. 190-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. D/B/A
CONNECTING COMMUNITIES IN ACTION, INC. FOR
HEALTHY NEIGHBORHOODS PREVENTIVE HEALTH CORNERSTONES PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 80-2022 authorized a contract with the New York State Department of Health (NYSDOH) Division of Environmental Health Protection in order to accept, and receive, the Healthy Neighborhoods Preventive Health Cornerstones grant in the amount of \$263,301.00 per year for a five (5) year period, and

WHEREAS, Act 171-2022 authorized a contract with Cattaraugus Community Action, Inc. d/b/a Connecting Communities in Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the administration of the aforementioned Healthy Neighborhoods Preventive Health Cornerstones Grant, the term of which expired March 31, 2023, and

WHEREAS, the Health Department is desirous of continuing the aforementioned contract for the 2nd year of the five (5) year grant, and

WHEREAS, Cattaraugus Community Action, Inc. d/b/a Connecting Communities in Action, Inc., has agreed to continue the administration of the Healthy Neighborhoods Preventive Health Cornerstones Grant, for an amount not to exceed \$189,482.00, and

WHEREAS, this grant program is 100% federally funded (CFDA #93.991), 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, Inc., for the administration of the aforementioned Healthy Neighborhoods Preventive Health Cornerstones grant, for a period commencing April 1, 2023 and terminating March 31, 2024, 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 April 12, 2023 by voice vote.

ACT NO. 191-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF NURSING HOMES ANCILLARY SERVICES
(The Pines Healthcare and Rehabilitation Centers)**

Pursuant to Section 4405 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 722-2009, as amended by various resolutions, including Act 411-2022, authorized contracts for reimbursement for the Department of Nursing Homes skilled nursing services for individuals enrolled with Independent Health Association, Inc., and each of its subsidiaries and affiliates, and

WHEREAS, Independent Health Association, Inc., 511 Farber Lakes Drive, Buffalo, New York 14221, and each of its subsidiaries and affiliates, effective April 1, 2023, have increased its reimbursement rates at The Pines Healthcare and Rehabilitation Centers, as follows:

Inpatient Services:

- Skilled Nursing Facility Services reimbursement \$328.00 per diem
- Subacute Services reimbursement (Machias only) \$396.00 per diem
- Wound Vacuum \$62.00 per diem

Outpatient Services:

- Physical Therapy Visit \$48.00 per diem
- Physical Therapy Evaluation \$65.00 per diem
- Occupational Therapy Visit \$48.00 per diem
- Occupational Therapy Evaluation \$65.00 per diem
- Speech Therapy Visit \$41.00 per diem
- Speech Therapy Evaluation \$65.00 per diem
- Wound Vacuum \$62.00 per diem
- Swallowing Evaluation \$40.00 per diem

- Antibiotic Infusion Pharmacy Services IH Community Rates
- Vaccination Services IH Community Rates

and

WHEREAS, contract amendments are necessary with Independent Health Association, Inc., and each of its subsidiaries and affiliates, for the aforementioned reimbursement to The Pines Healthcare and Rehabilitation Centers, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended contracts, on behalf of Cattaraugus County, with Independent Health Association, Inc., and each of its subsidiaries and affiliates, for the provision of the above-described services to The Pines Healthcare and Rehabilitation Centers, for a term commencing April 1, 2023 to continue in full force and effect at the same rates until terminated by either party, according to the above-described terms.

Adopted April 12, 2023 by voice vote.

ACT NO. 192-2023 by Mr. VanRensselaer
who asks immediate consideration

**AMENDING ACT 438-2022 WHICH ESTABLISHED STANDARD WORK DAY FOR
CERTAIN ELECTED AND APPOINTED OFFICIALS FOR REPORTING
PURPOSES TO THE NEW YORK STATE RETIREMENT SYSTEM**

Pursuant to 2 NYCRR Section 315.4.

WHEREAS, Act 438-2022 established a standard work day for certain elected and appointed officials for reporting purposes to the New York State Retirement System, and

WHEREAS, based on calculations provided by the New York State and Local Retirement System, Act 438-2022 should be amended to correct the standard work day for a certain elected official, now, therefore, be it

RESOLVED, that Act 438-2022 be, and hereby is, amended as follows: In the table in the first Resolved, next to Carrie Colburn-Mozes, under "Equivalent Days Per Month", delete: "20.72", and replace with: "21.90".

Adopted April 12, 2023 by voice vote.

ACT NO. 193-2023 by Mr. Morrow and Mr. Snyder
who ask immediate consideration

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

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 Olean, Cattaraugus County, designated as Tax Map No. 94.068-1-6.2, and

WHEREAS, the County has received an offer for the purchase of the aforementioned property located at 1661 Goodrich Avenue, Town of Olean, from the adjacent landowner in the amount of \$5,000.00, and

WHEREAS, it is in the County's best interest to forgo the requirements of Rule 40 and convey title of the aforementioned property to Brittany A. Mason pursuant to Real Property Tax Law Section 1166, 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 property, known as Tax Map No. 94.068-1-6.2, to Brittany A. Mason, 1659 Goodrich Avenue, Olean, New York 14760, for the above-described purchase price, for the purchase of the above-described property.

Adopted April 12, 2023 by voice vote.

ACT NO. 194-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOWN OF PORTVILLE FOR ASSESSMENT SERVICES**

Pursuant to Section 1537(4) of the Real Property Tax Law
and Section 450 of the County Law.

WHEREAS, Real Property Tax Law Section 1537(4) authorizes municipalities which have adopted a resolution subject to permissive referendum providing for a single appointed assessor to enter into an agreement with a county for assessment services, and

WHEREAS, the Cattaraugus County Real Property Tax Service Office has the ability to provide assessment services to municipalities within the County that request such services, and

WHEREAS, a municipal cooperation agreement between the Town of Portville and the County is necessary, and

WHEREAS, the County Real Property Tax Service Office shall provide the aforementioned assessment services to the Town of Portville in accordance with the following fee schedule:

<u>Fee</u>	<u>Year</u>
\$15,300.00	2023
\$15,606.00	2024
\$11,938.00	2025,

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 Town of Portville, for the provision of the above-described assessment services, for a term commencing January 1, 2023 and terminating December 31, 2025, according to the above-described terms.

Adopted April 12, 2023 by voice vote.

ACT NO. 195-2023 by Mrs. Hunt and Mr. Koch
 who ask immediate consideration

**AUTHORIZING WITHDRAWAL OF PARCEL FROM FORECLOSURE PROCEEDINGS
 AND CANCELING UNENFORCEABLE LIEN
 (Town of Great Valley)**

Pursuant to Sections 454, 558 and 1138 of the Real Property Tax Law.

WHEREAS, Section 1138 of the Real Property Tax Law authorizes the withdrawal of parcels from foreclosure under certain circumstances, and

WHEREAS, Parcel 210 and Parcel 211 located in the Town of Great Valley, Tax Map No. 83.001-1-2 and Tax Map No. 73.004-1-32.5 respectively, in the Petition and Notice of Foreclosure dated October 26, 2022 and filed in the County Clerk’s Office under Index No. 91688, are owned by the Seneca Nation of Indians, and

WHEREAS, Section 454 of the Real Property Tax law exempts property located on a reservation and owned by the Seneca Nation of Indians, from taxation, special ad valorem levies and special assessments, and

WHEREAS, the aforementioned parcels located in the Town of Great Valley were transferred to the Seneca Nation of Indians, and

WHEREAS, the Cattaraugus County Legislature has examined the reason for the proposed withdrawal from foreclosure and is in agreement therewith, and

WHEREAS, it is necessary for the County Legislature to cancel unpaid taxes where the lien of such taxes is unenforceable, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature finds as valid and appropriate the following: Parcel 210 and Parcel 211 as listed in the Petition and Notice of Foreclosure dated October 26, 2022, were transferred to the Seneca Nation of Indians, and be it further

RESOLVED, that the Cattaraugus County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to withdraw the above parcels from foreclosure, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby cancels the lien of taxes set forth below, as being unenforceable:

<u>Parcel Number</u>	<u>Tax Map Number</u>	<u>Amount</u>
210	83.001-1-2	\$3,545.76
211	73.004-1-32.5	\$575.28

Adopted April 12, 2023 by voice vote.

ACT NO. 196-2023 by Mr. Benson
 who asks immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT
 SENATE BILL S.1112 AND ASSEMBLY BILL A.1515 PERMITTING THE TRANSFER
 AND CONVEYANCE OF CATTARAUGUS COUNTY REFORESTATION PROPERTY**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the Cattaraugus County Legislature requested the New York State Legislature to adopt special legislation permitting the transfer and conveyance of reforestation lands known as "Perrysburg Pond", "Crocker's Pond", and "Bob's Pond", designated as Tax Map No. 2.003-1-20, to New York State, and

WHEREAS, Senate Bill S.1112 and Assembly Bill A.1515 have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to enter into a contract to convey its interest in the aforementioned property to the State of New York, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature hereby enact Senate Bill S.1112 and Assembly Bill A.1515, which authorizes the Cattaraugus County Legislature to transfer and convey reforestation lands known as "Perrysburg Pond", "Crocker's Pond", and "Bob's Pond", designated as Tax Map No. 2.003-1-20, to the State of New York, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator George Borrello, Assembly Member Joseph Giglio, and the New York State Department of Taxation and Finance.

CHAIRMAN VANRENSELAER requested a Roll Call vote, which disclosed as follows:

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

Nays: none.

Act No. 196-2023, having received a unanimous vote of the Legislature, was declared Adopted.

ACT NO. 197-2023 by Mr. VanRensselaer
and Mr. Marsh¹
who ask immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT SENATE BILL S.6079 AND
ASSEMBLY BILL A.6087 REGARDING ADDITIONAL ONE
PERCENT SALES TAX FOR CATTARAUGUS COUNTY**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the New York State Legislature authorized the imposition of an additional one percent sales tax in Cattaraugus County by Chapter 61 of the Laws of 2017 of the State of New York, which authorization expires November 30, 2023, and

WHEREAS, the revenue generated by the additional one percent sales tax during 2022 was \$13,581,364.55, and

WHEREAS, the additional one percent sales tax has been allocated in the 2023 County budget for the maintenance, repair, rehabilitation and replacement of the infrastructure in Cattaraugus County, and

WHEREAS, Senate Bill S.6079 and Assembly Bill A.6087 have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to implement an additional one percent sales tax for a term commencing December 1, 2023 and ending November 30, 2025, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature enact Senate Bill S.6079 and Assembly Bill A.6087, which authorizes the Cattaraugus County Legislature to implement an additional one percent sales tax, in accordance with the above-described terms, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator George Borrello, Assembly Member Joseph Giglio, and the New York State Department of Taxation and Finance.

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

CHAIRMAN VANRENSELAER requested a Roll Call vote, which disclosed as follows:

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

Nays: none.

Act No. 197-2023, having received a unanimous vote of the Legislature, was declared Adopted.

ACT NO. 198-2023 by Mr. VanRensselaer
and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr,
Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder and Mr. Koch¹
who ask immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT
SENATE BILL S.6147 AND ASSEMBLY BILL A.6387 REGARDING
EXTENDED AUTHORIZATION OF 25 CENT MORTGAGE RECORDING TAX**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the New York State Legislature has authorized most counties in New York State to charge a 25 cent per \$100 mortgage recording tax, and

WHEREAS, Senate Bill S.6147 and Assembly Bill A.6387 have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to extend a 25 cent per \$100 mortgage recording tax for Cattaraugus County, for a term ending December 1, 2025, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature hereby enact Senate Bill S.6147 and Assembly Bill A.6387, which authorizes the Cattaraugus County Legislature to extend an additional 25 cent per \$100 mortgage recording tax, in accordance with the above-described terms, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator George Borrello, Assembly Member Joseph Giglio, and the New York State Department of Taxation and Finance.

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

CHAIRMAN VANRENSELAER requested a Roll Call vote, which disclosed as follows:

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

Nays: none.

Act No. 198-2023, having received a unanimous vote of the Legislature, was declared Adopted.

ACT NO. 199-2023 by Mr. Burr and Ms. Schröder
and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Helmich,
Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
Mr. Parker, Mr. Smith, Mr. Snyder and Mr. VanRensselaer¹
who ask immediate consideration

**OPPOSING PART N OF GOVERNOR HOCHUL'S ARTICLE VII REVENUE BILL
REGARDING APPRAISAL OF LARGE-SCALE SOLAR AND WIND PROJECTS AND
URGING THE SENATE AND ASSEMBLY TO REJECT THIS PROPOSED LEGISLATION**

Pursuant to Section 153 of the County Law.

WHEREAS, in 2021, the New York State Budget included a proposal ("Part X") regarding the development of a new assessment model for wind and solar energy systems ("Part X Model") pursuant to Real Property Tax Law ("RPTL") §575-b, with such Part X Model required to be utilized commencing in 2022, and

WHEREAS, in April of 2022, recognizing the devastating economic effects of the diminished valuation methodology of the Part X Model on taxing jurisdictions, various New York towns, and others, brought a lawsuit against the New York State Department of Taxation and Finance ("DTF") seeking to enjoin RPTL §575-b seeking a judgment annulling the Part X Model due to DTF's failure to comply with the State's Administrative Procedure Act ("SAPA"), and declaring that DTF proceeded in a manner violative of the New York State Constitution ("2022 Combined Town Lawsuit"), and

WHEREAS, Part N proposes to again amend Section 575-b of the Real Property Tax Law to effectively prevent communities from challenging the Part X Model by declaring that all appraisal models and discount rates are exempt from the State Administrative Procedure Act (SAPA), and

WHEREAS, the passage and adoption of Part N will adversely impact town, county and school district budgets by imposing an appraisal methodology that prevents the collection of adequate revenue, thus depriving communities of essential funding for local services and infrastructure and eroding property values, and

WHEREAS, Part N further usurps local decision-making and home rule power, and

WHEREAS, Part N backdates the effectivity of its declaration to 2021, essentially voiding the 2022 Combined Town Lawsuit as if the public oversight afforded by SAPA never existed, and

WHEREAS, overriding judicial action defies due process, and

WHEREAS, attempting to "turn back the clock" regarding the applicability of law affecting pending litigation is an abhorrent corruption of our legal system, and

WHEREAS, renewable developers already enjoy generous support from NYSERDA contracts and other state and federal incentives funded by ratepayers and taxpayers, and

WHEREAS, by removing SAPA safeguards and imposing an unjust appraisal model that cannot be challenged, Part N would prohibit communities from the collection of appropriate revenue that reflects the value of the assets placed in service by the industrial-scale renewable projects they are required to host, and

WHEREAS, Cattaraugus County and many other counties are facing proposed extensive industrial-scale renewable energy projects which are expected to diminish property values and have a significant negative impact upon the environment, including but not limited to public health, wildlife, wetlands and aquifers, and

WHEREAS, with this budget inclusion and amendments, local governments and their residents will be deprived of adequate compensation for enduring industrial scale solar and wind projects for decades, and

WHEREAS, Part N is also further testament to the State's continuing derision for local government and its rightful place in deciding the proper taxes to be assessed on assets, now, therefore, be it

RESOLVED, that Cattaraugus County vehemently opposes the passage of Part N contained in Governor Hochul's Article VII Revenue Bill regarding the appraisal of large-scale solar and wind projects, and be it further

RESOLVED, that a copy of this resolution be forwarded to each county in New York State, encouraging counties to enact similar resolutions, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Kathy Hochul, Lieutenant Governor and Senate President Antonio Delgado, Temporary Senate President and Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Senate Agricultural Chairperson Senator Michelle Hinchey, Assembly Speaker Carl Heastie, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Assembly Chair for Energy Committee Assemblywoman Didi Barrett, Senator George Borrello, Assemblyman Joseph Giglio, Committee Member for the Assembly Committee on Energy Assemblyman Brian Manktelow, the New York State Association of Counties, the Inter-County Association of Western New York, and all others deemed necessary and proper.

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

Adopted April 12, 2023 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
KAROLINE (LENA) M. RUPER**

WHEREAS, Lena M. Ruper, 92, of Napoli, passed away on April 1, 2023, with her family by her side, and

WHEREAS, Mrs. Ruper served as the Napoli Town Supervisor for 28 years beginning in 1984, and continued to serve as Deputy Town Clerk from 2014 until 2022, and

WHEREAS, Mrs. Ruper served as Secretary/Treasurer of the Cattaraugus County Supervisors' Association for 33 years and was a member of the Cattaraugus County Traffic Safety Board since 1995, and

WHEREAS, Mrs. Ruper was a member of the Randolph First Baptist Church, the Little Valley American Legion Auxiliary, and the Little Valley Veterans of Foreign Wars Auxiliary, and

WHEREAS, Mrs. Ruper is survived by four children: Karen Burr of Gowanda, Brian and Lars of Steamburg, and Paul of Bemus Point; 10 grandchildren and 17 great-grandchildren, and

WHEREAS, the loss of her presence will be sadly felt by her many friends and colleagues in Cattaraugus County, now, therefore, Legislators Marsh and VanRensselaer hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Lena M. Ruper, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of Lena M. Ruper, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this Motion to her daughter.

* * * * *

MR. BRISKY moved, seconded by Mr. Burr, to adjourn until April 26, 2023 at 5:00 p.m. Carried.

Meeting adjourned at 5:22 p.m.

Ann M. Giglio
Journal Clerk