



April 26, 2023

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed two Legislators absent – Marsh and Snyder.

\* \* \* \* \*

There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the April 12, 2023 session stand approved as presented.

\* \* \* \* \*

**COMMUNICATIONS:**

New York State Department of State: Receipt of Local Law Number 1-2023 and the filing of the same on April 6, 2023.

Randolph Fire Company Inc.: Note of thanks for donation in memory of Lena Ruper.

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**PROCLAMATION:**

CHAIRMAN VANRENSELAER proclaimed the week of April 30 through May 6, 2023 as **National Small Business Week** in Cattaraugus County.

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**ACT NO. 200-2023** by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONSTRUCTION INSPECTION TERM AGREEMENT  
WITH GREENMAN-PEDERSEN, INC. FOR  
BRIDGE AND HIGHWAY-RELATED PROJECTS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works is in need of construction inspection services for various bridge and highway-related projects, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, has agreed to enter into a Construction Inspection Term Agreement for the provision of construction inspection services for bridge and highway-related projects for an amount of \$350,000.00, to be paid in periodic payments based on a cost plus basis as determined by the Department of Public Works, and

WHEREAS, seven (7) requests for proposals were solicited and three (3) proposals were submitted to the Department of Public Works for the aforementioned services, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned engineering services for various bridge and highway-related projects, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Construction Inspection Term Agreement, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described engineering services, for a term commencing May 1, 2023 and terminating April 30, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted April 26, 2023 by voice vote.

**ACT NO. 201-2023** by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS AND FINANCING DOCUMENTS WITH UBEQ BUSINESS SERVICES FOR DEPARTMENT OF PUBLIC WORKS WIDE FORMAT IMAGING SYSTEM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 324-2016 authorized a lease agreement with James B. Schwab Co., Inc., for the provision of a Wide Format Imaging System for the Department of Public Works, the term of which expires July 14, 2023, and

WHEREAS, the wide format imaging system is outdated and in need of replacement, and

WHEREAS, the Department of Public Works is desirous of replacing the aforementioned wide format imaging system, and

WHEREAS, Ubeo Business Services, 223 West Main Street, Falconer, New York 14733, can provide a Wide Format Imaging System, with all options, with "no trade-in", for an amount, as follows, for a term of five (5) years commencing upon execution of lease documents:

<u>Equipment</u>	<u>60 Month FMV Lease</u>
Canon ImagePROGRAF TZ-3000	\$296.56
MFP Z36 ESP NEXT GEN PCS	
Wide Format Copy/Print/Scan	
TZ-3000 MFP 4 year + 9 Month	\$100.42
Extended Service Ecarepak	
	Total Monthly Payment with Service \$396.98

and

WHEREAS, Ubeo Business Services is a partner with Omnia Purchasing Group, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease documents, on behalf of Cattaraugus County, with Ubeo Business Services and a financing

company (if required), for the leasing of the above-described imaging system, for a term of five (5) years commencing upon execution of lease documents, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted April 26, 2023 by voice vote.

**ACT NO. 202-2023** by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR  
2023 STREAMBANK STABILIZATION PROJECTS**

Pursuant to Section 9 of the Soil and Water Conservation  
Districts Law and Section 450 of the County Law.

WHEREAS, inspection and technical services are needed for various emergency streambank repair projects for the 2023 Streambank Stabilization Program, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District (SWCD) has agreed to provide the inspection and technical services necessary, for various emergency streambank repair projects for the 2023 Streambank Stabilization Program, for an amount not to exceed \$6,875.00, to be paid on a percent-of-completion basis as invoiced:

- Project 1            County Road #69 (Cadiz Road at Franklinville Bridge No. 14)  
                              Town of Franklinville, streambank protection;
- Project 2
  - Site #1            County Road #26 (Gile Hollow Road along Gull Brook)  
                              Town of Hinsdale, streambank protection
  - Site #2            County Road #26 (Gile Hollow Road along Gull Brook)  
                              Town of Hinsdale, streambank protection
  - Site #3            County Road #26 (Gile Hollow Road along Gull Brook)  
                              Town of Hinsdale, streambank protection,

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 the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and bank protection inspection and technical services, for a term commencing January 1, 2023 and terminating December 31, 2023, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted April 26, 2023 by voice vote.

**ACT NO. 203-2023** by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
POPLI DESIGN GROUP FOR ENGINEERING DESIGN SERVICES FOR  
FARMERSVILLE BRIDGE NO. 5 REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 155-2022 authorized a contract with Popli, Architecture + Engineering & LS, DPC, a/k/a Popli Design Group, 555 Penbrooke Drive, Penfield, New York 14526, for the provision of engineering design services for the replacement of Farmersville Bridge No. 5, located on County Road No. 21 (Maple Grove Road) over Elton Creek in the Town of Farmersville, the term of which expires April 30, 2023, and

WHEREAS, a contract extension is necessary in order to complete the aforementioned project, and

WHEREAS, Popli, Architecture + Engineering & LS, DPC, a/k/a Popli Design Group, has agreed to complete the engineering design services for the replacement of Farmersville Bridge No. 5, 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 Popli, Architecture + Engineering & LS, DPC, a/k/a Popli Design Group, for the provision of the above-described engineering design services, and to extend the term of the contract which commenced April 16, 2022 to terminate April 30, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted April 26, 2023 by voice vote.

**ACT NO. 204-2023** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE LEASE WITH  
RYDER SYSTEM, INC. FOR LAUNDRY TRUCK  
(Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 203-2015, as extended by Act 454-2022, authorized the five-year lease of a 2009 Ford F450 (Diesel) Super Duty cab & chassis, a 2009 Morgan aluminum van body, and a 2009 liftgate, through Ryder Truck Rental, Inc., d/b/a Ryder Transportation Services, 3247 New York Lakes-194, Buffalo, New York, the term of which expires November 30, 2023, and

WHEREAS, the Department of Nursing Homes is desirous of replacing the aforementioned laundry truck, and

WHEREAS, Ryder System, Inc., 11690 NW 105<sup>th</sup> Street, Miami, Florida 33178, shall lease a 2024 SAM 20 – Generic GMC cab & chassis, a 2024 Morgan aluminum van body, Model No. GVSD85-16, and a 2024 Palfinger ILK-22 60x94 aluminum liftgate to the Department of Nursing Homes, under the

same terms and conditions, for an amount of \$3,353.30 per month plus \$0.09 per mile, for sixty (60) months from delivery date, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a five (5) year lease, on behalf of Cattaraugus County, with Ryder System, Inc., through Ryder Truck Rental, Inc., d/b/a Ryder Transportation Services, for the provision of the above-described laundry truck, for a term commencing upon delivery of the truck to the Department of Nursing Homes and continuing for a term of sixty (60) months from delivery date, according to the above-described terms.

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

Adopted April 26, 2023 by voice vote.

**ACT NO. 205-2023** by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
FOR ALTERNATIVES TO INCARCERATION PROGRAM  
(Probation Department – Contract C523915)**

Pursuant to Article 13-A of the Executive Law and  
Section 450 of the County Law.

WHEREAS, Act 130-2022 authorized a contract with the New York State Division of Probation and Correctional Alternatives for an Alternatives to Incarceration Program for the 2022-2023 program year, the term of which expires June 30, 2023, and

WHEREAS, the County Probation Department is eligible to receive a grant for the Article 13-A Classification/Alternatives to Incarceration Program, which consists of a pre-trial release component with a total program cost of \$33,702.00, with an amount of \$10,308.00 being funded through the New York State Office of Probation and Correctional Alternatives for the contract term of July 1, 2023 through June 30, 2024, and

WHEREAS, the Pre-Trial Release Program provides for the screening and, for those eligible, background evaluation on all individuals admitted to the County jail, provides the courts with sufficient information and recommendations for possible release on recognizance pending resolution of the case in court, helps relieve overcrowding in the jail, and allows the jail to operate with a simplified classification system, and

WHEREAS, this program is 31% state funded and 69% locally 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 the New York State Division of Criminal Justice Services, for the provision of the above-described program, for a term commencing July 1, 2023 and terminating June 30, 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 6 members of the Finance Committee and 7 members of the County Operations/ Public Safety Committee.

Adopted April 26, 2023 by voice vote.

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MR. BENSON moved, seconded by Mr. Helmich, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 206-2023 through Act No. 213-2023. Carried.

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**ACT NO. 206-2023** by Mr. VanRensselaer  
who asks immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that Peter A. Wilson is hereby appointed to the Community Services Board effective March 31, 2023 to fill the vacancy created by the resignation of Jon A. Baker, for a term to expire December 31, 2023, and be it further

RESOLVED, that Dr. Genelle Morris is hereby appointed to the Community Services Board effective March 31, 2023 to fill the vacancy created by the resignation of William Mills, for a term to expire December 31, 2024, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Cattaraugus County Community Services Board.

Adopted April 26, 2023 by voice vote.

**ACT NO. 207-2023** by Mr. VanRensselaer  
who asks immediate consideration

**APPOINTMENT TO COMMUNITY SERVICES BOARD  
ADDICTIONS SERVICES AND SUPPORTS SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that Peter A. Wilson is hereby appointed to the Community Services Board Addictions Services and Supports Subcommittee effective March 31, 2023 to fill the vacancy created by the resignation of Gary Milliman, for a term to expire December 31, 2023, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Cattaraugus County Community Services Board.

Adopted April 26, 2023 by voice vote.

**ACT NO. 208-2023** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED LEASE AGREEMENT WITH  
TOWN OF RANDOLPH FOR DEPARTMENT OF AGING  
SENIOR WELLNESS AND NUTRITION PROGRAM SITE**

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

WHEREAS, Act No. 476-2022 authorized a lease agreement with the Town of Randolph for the leasing of a County Department of Aging Senior Wellness and Nutrition (SWAN) Program site in the County, the term of which expires December 31, 2023, and

WHEREAS, the Town of Randolph would like the County to include the phone charge of \$6.00 per month in the monthly rental for a total of \$544.69 per month, and

WHEREAS, an amendment to the existing contract is needed to allow for the phone costs to be included with the monthly payment, and

WHEREAS, this program is 42% federal (CFDA #93.045), 54% state and 4% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended lease agreement, on behalf of Cattaraugus County, with the Town of Randolph, for the leasing of Senior Wellness and Nutrition Program sites, for a term commencing April 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 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 26, 2023 by voice vote.

**ACT NO. 209-2023** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CATHOLIC CHARITIES OF BUFFALO NEW YORK FOR  
NON-MEDICAID CARE COORDINATION SERVICES FOR CHILDREN  
AND RESCINDING ACT 63-2023**

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

WHEREAS, Act 63-2023 authorized approval of a contract with Catholic Charities of Buffalo New York, 525 Washington Street, Buffalo, New York 14203, for the provision of health home care management services for Cattaraugus County children, the term of which expires December 31, 2023, and

WHEREAS, Catholic Charities no longer provides health home care management services for children, which necessitates the rescinding of Act 63-2023, and

WHEREAS, the Department of Community Services is desirous of providing non-Medicaid care coordination services to children, and

WHEREAS, Catholic Charities of Buffalo New York can provide non-Medicaid care coordination services to children for an amount not to exceed \$40,294.00, to be paid in quarterly installments as invoiced and broken down as follows:

\$19,324.00	non-Medicaid care coordination services
\$20,970.00	service dollars (Wrap 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 between the Cattaraugus County Community Services Board and Catholic Charities of Buffalo New York, to signify the County's approval, for the provision of non-Medicaid care coordination services for children, 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 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) or reduction in funding 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 upon reduction of either state or federal funding for this program, the County, in its sole discretion, and upon notice, may reduce the rate for services provided by the percentage of reduction in state or federal funding, 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 63-2023 be, and hereby is, rescinded.

Adopted April 26, 2023 by voice vote.

**ACT NO. 210-2023** by Mr. Klancer and Mr. Boberg  
who ask immediate consideration

**AMENDING ACT 33-2023 REGARDING CONTRACT WITH  
ALERE TOXICOLOGY SERVICES, INC. FOR  
PROBATION DEPARTMENT DRUG TESTING SERVICES**

Pursuant to Section 257 of the Executive Law and  
Section 450 of the County Law.

WHEREAS, Act 33-2023 authorized a contract with Alere Toxicology Services, Inc., 450 Southlake Boulevard, Richmond, Virginia 23236, for the provision of drug and alcohol testing services for the County Probation Department, the term of which expires December 31, 2025, and

WHEREAS, Alere Toxicology Services, Inc., has revised its rate schedule effective January 1, 2023, and

WHEREAS, Act 33-2023 should be amended to reflect the revised rate schedule, now, therefore, be it

RESOLVED, that Act 33-2023 be, and hereby is, amended as follows: In the Third Whereas, delete the rate schedule, and replace with the following:

	<u>Analysis Type</u>	<u>Price Each*</u>
<u>URINE</u>		
2655	8DR Opiex and MDMA Screen Only	\$ 11.03
6306	8-Panel Screen (Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Marijuana (THC), Methadone, Opiates and Buprenorphine) A second test will be done by a different analytical system for confirmation of all positives	\$ 11.03
6305	8-Panel Screen w/auto confirm	\$ 18.04
<u>Add on Drugs:</u>		
	Fentanyl	\$ 27.32
	Buprenorphine	\$ 27.32
	Extended Synthetic THC	\$ 38.25
	ETOH LOD Conf	\$ 27.32
GC/MS @ Level of Quantification (LOQ)		\$ 22.57
	Gas Chromatography/Mass Spectrometry (GC/MS) confirmation for one drug previously screened by Alere	

Rejected Specimen

\$ 5.46

\*Price includes collection supplies, chain of custody, shipping, testing and results reported to authorized person.

\*\*Each year a 3% increase will be given per line item until the contract has expired or been terminated.

Adopted April 26, 2023 by voice vote.

**ACT NO. 211-2023** by Mr. Boberg and Mr. Higgins  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ALBANY LAW SCHOOL FOR  
SEMESTER-IN-PRACTICE / INTERN PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Albany Law School, 80 New Scotland Avenue, Albany, New York 12208, is desirous of implementing a Semester-in-Practice / Intern Program for law student interns in Cattaraugus County, and

WHEREAS, the District Attorney's Office is desirous of working collaboratively with the Albany Law School for training and educational experience programs to law students who would benefit from experience in the Cattaraugus County District Attorney's Office, and

WHEREAS, the District Attorney has agreed to allow the Semester-in-Practice / Intern 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 a Semester-in-Practice / Intern Program with the Albany Law School, 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 the Albany Law School, for the provision of the above-described Semester-in-Practice / Intern Program, for a term commencing August 1, 2023 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Adopted April 26, 2023 by voice vote.

**ACT NO. 212-2023** by Mrs. Andreano, Mr. Higgins and Mr. Smith  
who ask immediate consideration

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

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 135 Orleans Avenue in the City of Olean described as Tax Map No. 94.057-4-10, and

WHEREAS, the highest bidder at auction failed to perfect the sale, therefore, the property was offered to the second highest bidder who declined to purchase the property, and

WHEREAS, it is in the County's best interest to offer for sale the subject property to the adjacent landowner for an amount of \$250.00, who will combine this parcel with his existing property, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to accept \$250.00 for the aforementioned parcel known as Tax Map Number 94.057-4-10 located at 135 Orleans Avenue in the City of Olean from the adjacent landowner, 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 April 26, 2023 by voice vote.

**ACT NO. 213-2023** by Mrs. Andreano, Mr. Brisky, Mr. Burr, Mr. Marsh, Mr. VanRensselaer<sup>1</sup>  
*and Mr. Benson, Mr. Boberg, Mr. Helmich, Mr. Higgins, Mrs. Hunt,*  
*Mr. Klancer, Mr. Morrow, Mr. Parker, Ms. Schröder and Mr. Smith<sup>2</sup>*  
who ask immediate consideration

#### **OPPOSING SENATE BILL 6282**

Pursuant to Section 153 of the County Law.

WHEREAS, Senate Bill 6282 has been introduced which relates to probation administrative fees, prohibits certain fees associated with probation, and provides for the termination and discharge of certain sentences, and

WHEREAS, such Bill proposes to prohibit counties and cities from adopting a local law which requires individuals currently serving on probation to pay certain administrative fees to the local probation departments including but not limited to supervision fees, monitoring fees, testing fees, and screening fees, and

WHEREAS, in 2012, Cattaraugus County, by virtue of its Home Rule authority, adopted Local Law Number 1-2012, Establishing Probation Department Administrative Fees, pursuant to Act 203-2012, and

WHEREAS, Cattaraugus County Local Law Number 1-2012 imposes a \$30 per month administrative fee for persons sentenced to probation upon conviction of a crime, and

WHEREAS, there are significant costs associated with monitoring probationers and over the years, there have been an abundance of State mandated programs and services that local County Probation Departments are required to provide by law, and

WHEREAS, State funding for Probation was drastically reduced between 1990 and 2015 from a 46.5% State share in 1990 to less than 10% in 2023, putting a huge strain on counties and cost to county property taxpayers, and

WHEREAS, Cattaraugus County's ability, pursuant to its local law, to collect an administrative fee from probationers has resulted in revenue of approximately Sixty-Five Thousand Dollars (\$65,000.00) annually, and

WHEREAS, County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law, and

the Family Court Act, and

WHEREAS, it is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change, and

WHEREAS, Senate Bill 6282, if adopted, would completely eliminate the County's revenue stream to recoup just a fraction of the Department's costs and is another attack and deterioration of the County's home rule authority, and

WHEREAS, Senate Bill 6282 further goes on to eliminate the requirement that a person who is on parole and eligible for a discharge no longer needs to comply with an order of restitution and payment of any mandatory surcharge, sex offender registration fee or DNA databank fee imposed by a court or show that a good faith effort to so comply has been made in order to be discharged from Parole, and

WHEREAS, such proposal is another example of liberal policies coming out of Albany that are soft on criminals, and

WHEREAS, this continuous erosion of our criminal justice laws puts our communities at risk, and

WHEREAS, the Cattaraugus County Legislature is fed up with the outrageous progressive agenda of the Democrats in Albany as evidenced by Senate Bill 6282, now, therefore, be it

RESOLVED, that Cattaraugus County strongly opposes Senate Bill 6282 due to the burden it will place on counties, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to New York State Governor Kathy Hochul, Senator George Borrello, Assemblyman Joseph Giglio, the Senate Crime Victims, Crime and Correction Committee, the New York State Association of Counties, and all others deemed necessary and proper.

<sup>1</sup>The following Legislator requested his name be removed as a sponsor: "Mr. Koch".

<sup>2</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Benson, Mr. Boberg, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Morrow, Mr. Parker, Ms. Schröder and Mr. Smith".

Adopted April 26, 2023 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF  
DAVID R. MOSHIER**

WHEREAS, David R. Moshier, 71, of Allegany, passed away on April 16, 2023, after a long battle with pancreatic cancer, and

WHEREAS, Mr. Moshier began his employment with Cattaraugus County on October 11, 1988 as a Personnel Technician Trainee, advanced to a Personnel & Labor Relations Specialist on October 9, 1989, and was further promoted to Sr. Personnel & Labor Relations Specialist on June 16, 1999, and

WHEREAS, Mr. Moshier was then promoted to Deputy Director of Personnel & Civil Service on June 17, 2001 and served in that capacity until July 1, 2004 when he was appointed Director of Human Resources, and

WHEREAS, Mr. Moshier served as the Director of Human Resources until his retirement on June 27, 2014, and

WHEREAS, Mr. Moshier was a 1969 graduate of Allegany Central School and received a degree in mathematics from St. Bonaventure University in 1975, and

WHEREAS, Mr. Moshier is survived by his wife of 47 years, Sandra; two daughters: Penny Everetts of Monroe, North Carolina, and Nikki Pratt of Hinsdale; 5 grandchildren, 8 brothers and sisters, and many nieces and nephews, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislators Benson, Parker and Koch hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of David R. Moshier, 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 David R. Moshier, 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 his wife.

\* \* \* \* \*

MR. BRISKY moved, seconded by Mr. Burr, to adjourn until May 10, 2023 at 5:00 p.m. Carried.

Meeting adjourned at 5:12 p.m.

Ann M. Giglio  
Journal Clerk