

May 24, 2023

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – Higgins.

* * * * *

There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the May 10, 2023 session stand approved as presented.

* * * * *

COMMUNICATIONS:

New York State Senator George M. Borrello: Acknowledged receipt of Act No. 233-2023.

* * * * *

APPOINTMENTS:

CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD

Kent Joesel, IBEW 106, *replacing David Wilkinson whose term expires December 31, 2023*

Jude Auman, Ljungstrom, *Three-year term to expire December 31, 2025*

* * * * *

PROCLAMATION:

CHAIRMAN VANRENSELAER proclaimed the week of May 14 through 20, 2023 as **National Skilled Nursing Care Week** in Cattaraugus County. Chairman VanRensselaer presented the proclamation to Kelly Reed, Acting Director of the Department of Nursing Homes, and Margie Gibbons, Executive Assistant.

Chairman VanRensselaer proclaimed the month of May 2023 as **Older Americans Month** in Cattaraugus County. Chairman VanRensselaer presented the proclamation to Susan Brisky, Office Manager of the Department of Aging.

* * * * *

PRIVILEGE OF THE FLOOR:

Chairman VanRensselaer granted Privilege of the Floor to Legislator Rick Smith who thanked the staff of both nursing homes for their dedication and service to the residents.

* * * * *

ACT NO. 238-2023 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR MOWING AT FARWELL AND FIVE POINTS LANDFILLS
AND KYLER HILL SHOOTING RANGE
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the mowing of Farwell and Five Points Landfills and Kyler Hill Shooting Range for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received for the mowing of the Farwell and Five Points Landfills and the Sheriff's Office Shooting Range was the bid of Bill Bognar Excavating, 5888 Dublin Road, Salamanca, New York 14779, as follows:

Single Mowing of Farwell Landfill and Five Points Landfill Sites	\$8,500.00/year
Weed eat/cut Sheriff's Shooting Range (twice)	\$4,450.00/year,

now, therefore, be it

RESOLVED, that the bid of Bill Bognar Excavating be, and the same hereby is, accepted, for a term commencing August 1, 2023 and terminating September 30, 2026, and be it further

RESOLVED, that the acceptance of the aforementioned bids is contingent upon and subject to inclusion in the budget of sufficient funds to cover the costs of the aforementioned services, 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.

Three sets of specifications were sent out.

One bid was submitted.

Approved by 7 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted May 24, 2023 by voice vote.

ACT NO. 239-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH GEITER DONE OF WNY, INC.
FOR WASTE TIRE RECYCLING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 210-2019 authorized a contract with Geiter Done of WNY, Inc., for the recycling of waste tires disposed of at County Transfer Stations, the term of which expires May 31, 2023, and

WHEREAS, the County Department of Public Works is desirous of contracting for the recycling of waste tires disposed of at County Transfer Stations, and

WHEREAS, the Department of Public Works solicited proposals from two (2) companies for the provision of the aforementioned services, and

WHEREAS, Geiter Done of WNY, Inc., 300 Greene Street, Buffalo, New York 14206, can provide an enclosed van trailer at the Salamanca Transfer Station located at 289 Center Street in the City of Salamanca, and will remove the full trailer and replace with an empty trailer, upon request by the County, for an amount of \$163.00 per ton, with a ten (10) ton minimum, 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 Geiter Done of WNY, Inc., for the provision of the above-described services, for a term commencing June 1, 2023 and terminating May 31, 2025, with the option to extend for two (2) additional one-year terms at the same rates, upon mutual agreement of the parties, according to the above-described terms.

Approved by 7 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted May 24, 2023 by voice vote.

ACT NO. 240-2023 by Mr. Burr and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VILLAGE OF GOWANDA FOR THATCHER BROOK HAZARD MITIGATION PROJECTS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 442-2022 authorized a contract with the Village of Gowanda, 27 E. Main Street, Gowanda, New York 14070, for the provision of \$75,000 for assistance with the Thatcher Brook Flood Mitigation Projects, and

WHEREAS, since the devastating flood of 2009, the Village of Gowanda has been working on a \$10.7 million federal project to reduce the risk of future flood damage from frequent overbank flooding of Thatcher Brook by the execution of Project Partnerships Agreements with the U.S. Army Corps of Engineers and the NYS Department of Environmental Conservation, and

WHEREAS, as part of the Village of Gowanda's local share of \$1,872,500, it is responsible for land acquisition, easements, rights of way, relocation and disposal area on impacted properties as well as a portion of the construction costs of the diversion channel, and

WHEREAS, the Village of Gowanda is requesting assistance from the County in the amount of \$800,000, which will be used for land acquisition, easements, rights-of-way, relocation and disposal areas for all 28 impacted properties, and

WHEREAS, the County shall pay to the Village of Gowanda an amount of \$800,000, to be paid as invoiced, and

WHEREAS, this project is 65% federally funded through the Army Corps of Engineers (\$6,954,000) and a 35% split between the NYS Department of Environmental Conservation (\$1,872,500) and the Village of Gowanda (\$1,872,500), and

WHEREAS, the Village of Gowanda has been promised \$1,000,000 through a DASNY grant, which will be paid upon the Village spending \$872,500, and

WHEREAS, sufficient funds are provided through Casino funds to cover the County's \$800,000 contribution to the Village of Gowanda, 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 Village of Gowanda, for the payment of \$800,000 in funding to the Village of Gowanda for the Thatcher Brook Hazard Mitigation Projects, for a term commencing January 1, 2023 and terminating December 31, 2025, according to the above-described terms, *and be it further*

RESOLVED, that the County Administrator is hereby directed to use Economic Development Funds through Committee Fund Balance Account ED.913.0000 to fund the above-described project.¹

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

¹MR. BURR moved, seconded by Mr. Klancer, to amend as follows: "at the end of the first Resolved, add: ", and be it further RESOLVED, that the County Administrator is hereby directed to use Economic Development Funds through Committee Fund Balance Account ED.913.0000 to fund the above-described project." Carried.

Adopted, as amended, May 24, 2023 by voice vote.

ACT NO. 241-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING SUBMISSION OF PUBLIC COMMENT TO
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SOLID WASTE MANAGEMENT PLAN**

Pursuant to 6 NYCRR Part 360.

WHEREAS, the Cattaraugus County Department of Public Works has reviewed the New York State Solid Waste Management Plan, and

WHEREAS, the plan, as submitted, sets unattainable goals which tend to drive aggressive regulations that can adversely impact local government units, and

WHEREAS, a surcharge on all waste landfilled or combusted, known as the "per ton disposal disincentive charge", will drive up disposal costs and incentivize illegal dumping, and

WHEREAS, the "circular economy" concept, a model of production and consumption that involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products for as long as possible, is supported by staff; however, municipalities are noticeably excluded from financial inclusion in the reimbursements from manufacturing and/or funding from the state, and

WHEREAS, New York State places a dependence on municipal participation through "unfunded mandated" services such as source separation policy, and

WHEREAS, in 2022, the County's collection sites received 117,622 pounds of electronic waste, and

WHEREAS, as of January 1, 2023, the State requires that the County no longer charge for the handling of electronics, and

WHEREAS, the cost for labor and benefits alone is estimated at \$79,000.00 to collect that volume of E-waste all at County/taxpayer expense, and

WHEREAS, the extended producer responsibility (EPR) is a mandatory form of product stewardship that places the primary financial and managerial obligation for the environmentally responsible end-of-life management of a product on its manufacturer and shifts the financial burden away from municipalities and taxpayers, and

WHEREAS, the above-described EPR is supported by staff; however, the scope is not broad enough for a ten-year plan, and

WHEREAS, waste derived from renewable energy sources, such as solar, wind turbine, electric vehicle batteries, etc., is noticeably absent from the plan, and

WHEREAS, by the year 2030 there will be 10 million tons of solar waste in the United States and 78 million tons globally by the year 2050, and

WHEREAS, the State plan, as proposed, is not sufficient to sustain the ten-year period it is intended to cover, and

WHEREAS, local municipalities seek guidance from the regulators for the proper management of hazardous waste; this plan does not provide for that need, and

WHEREAS, source reduction is defined as the elimination of waste before it is created and involves the design, manufacture, purchase or use of materials and products to reduce the amount of toxicity of what is thrown away; and the Plan, as proposed, does not require the responsibility for product toxicity, recyclability, and planned obsolescence to reside solely with the manufacturer, and

WHEREAS, the Plan does not do enough to emphasize source reduction as a strategy, and

WHEREAS, this Plan does not address the reduction of contaminants in photovoltaic panels that contain chemistries that include PFAS (per- and polyfluoroalkyl substances) and other hazardous materials or the end-of-life takeback, and

WHEREAS, this Plan does not appear to address access to markets for rural and disadvantaged communities, and

WHEREAS, municipalities remain providing services at taxpayer expense without accessible markets, and

WHEREAS, many rural municipalities do not have the capacity for the volumes of recyclable material that have no market, and

WHEREAS, the plan does not address the ecosystem impact of renewable energies, and

WHEREAS, disposal or recycling of electric vehicle (EV) batteries is not addressed, and

WHEREAS, being a primary part of the chemistry for photovoltaic cells, wind turbines and EV batteries, are not addressed, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature here submits to the New York State Department of Environmental Conservation, Division of Materials Management, Bureau of Solid Waste Management, the above-described public comments for consideration, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward copies of this resolution to Senator Borrello and Assemblyman Giglio, and all others deemed necessary and proper.

Approved by 7 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted May 24, 2023 by voice vote.

ACT NO. 242-2023 by Mr. Benson and Mr. Helmich

**DECLARING CERTAIN REAL PROPERTY IN THE
TOWN OF MANSFIELD NECESSARY FOR PUBLIC USE**

Pursuant to Sections 215 of the County Law and
Section 406 of the Real Property Tax Law.

WHEREAS, the County has tax title to certain property located in the Town of Mansfield, which is identified as Tax Map No. 36.003-2-11 and described as follows: Being approximately 4.68 acres located at 7640 Jersey Hollow Road, and

WHEREAS, the County desires to hold title to the above-described property, and

WHEREAS, the above-described property is necessary for the Mansfield Bridge No. 9 Replacement Project, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby declares the above-described property necessary for public use.

Approved by 7 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted May 24, 2023 by voice vote.

ACT NO. 243-2023 by Mr. Brisky and Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DRESCHER & MALECKI, LLP FOR AUDITING SERVICES**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 263-2020 authorized a contract with the firm of Drescher & Malecki, LLP, for the provision of certain auditing services for Cattaraugus County for fiscal years 2021, 2022, 2023 and 2024, and

WHEREAS, the County Treasurer is desirous of contracting with Drescher & Malecki to provide the aforementioned services in 2023, 2024, 2025 and 2026, and

WHEREAS, the firm of Drescher & Malecki, LLP, 3083 William Street, Suite 5, Cheektowaga, New York 14227, can provide audit services for the County for an amount not to exceed as follows:

Fiscal year ending December 31, 2023	\$58,886.00
Fiscal year ending December 31, 2024	\$59,886.00
Fiscal year ending December 31, 2025	\$60,960.00
Fiscal year ending December 31, 2026	\$62,060.00,

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned audit 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 firm of Drescher & Malecki, LLP, for the

provision of the above-described auditing services, for a term commencing January 1, 2023 and terminating December 31, 2027, according to the above-described terms.

Approved by 7 members of the Finance Committee.

Adopted May 24, 2023 by voice vote.

ACT NO. 244-2023 by Mrs. Andreano and Mr. Helmich

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS REGARDING
TRANSFER OF FOOD SERVICE FUNCTIONS FROM
DEPARTMENT OF AGING TO DEPARTMENT OF NURSING HOMES FOR
THE PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS**

Pursuant to Sections 205, 363 and 366 of the County Law and
Section 70(2) of the Civil Service Law.

WHEREAS, Act 472-2022 transferred certain food service positions and functions of the Department of Aging to the Department of Nursing Homes, and

WHEREAS, various appropriation and revenue accounts should be adjusted in order to cover the costs of the aforementioned transfer of positions and functions, now, therefore, be it

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

Decrease Appropriation Accounts:

El.453.4530.8212.48322	Aging Dietary Contracted Services	\$964,878.00
El.453.4530.8212.00002.83000	Health Insurance	\$ 2,802.48

Increase Appropriation Accounts:

El.453.4530.8212.00007.11000	Full-Time Wages	\$368,004.24
El.453.4530.8212.00007.12000	Part-Time Wages	\$216,961.52
El.453.4530.8212.00007.13000	Overtime	\$ 23,800.56
El.453.4530.8212.00007.14000	Pay-in-Lieu of Benefit Hours	\$ 14,763.04
El.453.4530.8212.00007.81000	FICA	\$ 45,720.24
El.453.4530.8212.00007.82000	Retirement	\$ 48,917.64
El.453.4530.8212.00007.83000	Health Insurance	\$122,336.04
El.453.4530.8212.00007.84000	Dental Insurance	\$ 1,986.40
El.453.4530.8212.00007.85000	Workers Compensation	\$ 27,465.50
El.453.4530.8212.00002.11000	Full-Time Wages	\$ 66,109.40
El.453.4530.8212.00002.81000	FICA	\$ 4,839.40
El.453.4530.8212.00002.85000	Workers Compensation	\$ 6,211.50
El.453.4530.8212.43003	Information Shared Services	\$ 13,079.00
El.453.4530.8212.43004	Information Shared Services	\$ 7,486.00.

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

Adopted May 24, 2023 by voice vote.

ACT NO. 245-2023 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS WITH
ECOLAB, INC. FOR DISHMACHINE EQUIPMENT AT THE
PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of five (5) dishmachines for The Pines Healthcare and Rehabilitation Center – Machias Campus, and

WHEREAS, Ecolab, Inc., Sysco Pittsburgh, Ecolab Center, 370 Wabasha Street, St. Paul, Minnesota 55102, can provide, through a lease, and install at The Pines Healthcare and Rehabilitation Center – Machias Campus, four (4) dishmachines Model #UHT-70F and one (1) dishmachine Model #ES-4400, for a total amount of \$1,020.95 per month for a term of five (5) years, plus a minimum chemical purchase of \$1,300.00 per month, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned expenses, 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 Ecolab, Inc., Sysco Pittsburgh, for the provision of the above-described leased dishmachines, for a term commencing on the date the dishmachines are delivered and continuing for five (5) years thereafter, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted May 24, 2023 by voice vote.

ACT NO. 246-2023 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH WESCOM SOLUTIONS, INC. D/B/A
POINTCLICKCARE FOR ELECTRONIC MEDICAL RECORDS SYSTEM
(Nutrition Management Module-Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 407-2021, as amended, authorized a contract with Wescom Solutions, Inc., d/b/a PointClickCare, 5570 Explorer Drive, Mississauga, Ontario Canada L4W 0C4, for the provision of a cloud-based electronic medical records system for The Pines Healthcare and Rehabilitation Centers-Olean and Machias Campuses, the term of which expires July 31, 2026, and

WHEREAS, the Department of Nursing Homes is desirous of adding a Nutrition Management Module to the current contract for the Machias Campus, and

WHEREAS, Wescom Solutions, Inc., d/b/a PointClickCare, can provide the Nutrition Management Module for the Machias Campus, for an amount of \$352.54 per month, and

WHEREAS, a contract amendment is necessary to cover the aforementioned Nutrition Management Module, 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 Wescom Solutions, Inc., d/b/a PointClickCare, for the provision of the above-described additional services, for a term to commence August 1, 2023 and shall terminate to coincide with the five (5) year term of the original contract dated August 1, 2021, according to the above-described terms.

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

Adopted May 24, 2023 by voice vote.

ACT NO. 247-2023 by Mrs. Andreano and Mr. Helmich

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

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

WHEREAS, Act 199-2021 authorized a lease agreement with the City of Olean, 101 East State Street, P.O. Box 668, Olean, New York 14760, for a County Department of Aging Senior Wellness and Nutrition (SWAN) Program site, the term of which expires May 31, 2023, and

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

WHEREAS, the City of Olean has agreed to lease approximately 2,211 square feet of space, located in the John J. Ash Community Center, to the County for a SWAN Program site for an amount of \$1,365.94 per quarter for 2023-2024 and an amount of \$1,406.91 per quarter for 2024-2025, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with the City of Olean, for the leasing of a Senior Wellness and Nutrition Program site, for a term commencing June 1, 2023 and terminating May 31, 2025, according to the above-described terms, and be it further

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

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

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

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

Adopted May 24, 2023 by voice vote.

ACT NO. 248-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TAMMI VAN HOLLANDER D/B/A MAIN LINE PLAY THERAPY, LLC
FOR MENTAL HEALTH THERAPIST PLAY THERAPY TRAINING**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Community Services is desirous of training a Mental Health Therapist in Play Therapy, and

WHEREAS, Tammi Van Hollander d/b/a Main Line Play Therapy, LLC, 100 Chetwynd Drive, Suite 201, Bryn Mawr, Pennsylvania 19010, can provide training for an amount not to exceed \$5,250.00, which shall include the following:

- 10 Group Sessions - \$75 each
- 25 Individual Sessions - \$150 each
- 5 Play Therapy Sessions - \$150 each,

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned training 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 Tammi Van Hollander d/b/a Main Line Play Therapy, LLC, for the provision of the above-described training services, for a term commencing January 1, 2023 and terminating December 31, 2024, according to the above-described terms.

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

Adopted May 24, 2023 by voice vote.

* * * * *

MR. SNYDER moved, seconded by Mr. Koch, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 249-2023 through Act No. 259-2023. Carried.

* * * * *

ACT NO. 249-2023 by Mr. Benson
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MDA CONSULTING ENGINEERS, PLLC FOR
ONOVILLE MARINA PARK REHABILITATION PROJECT CONSULTATION SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County is desirous of obtaining engineering consultant services to protect the County's interests as the Onoville Marina Park Rehabilitation and Expansion Project begins and advances through implementation, and

WHEREAS, MDA Consulting Engineers, PLLC, P.O. Box 604, Three Bristol Lane, Ellicottville, New York 14731, can provide engineering consultant services during the project planning, design and implementation phases of the aforementioned project for an amount to be paid as invoiced, in accordance with the following rate schedule:

<u>Title</u>	<u>2023 Hourly Rate</u>
01-Principal Engineer	\$167.00
02-Senior Engineer	\$145.00
03-Partner/Project Engineer	\$128.00
04-Project Manager III	\$115.00
05-Project Engineer II	\$108.00
06-Project Engineer 1	\$ 98.00
07-Engineering Designer III	\$ 90.60
08-Engineering Designer II	\$ 86.40
09-Engineering Designer I	\$ 81.00
10-Engineering Technician	\$ 59.40
11-CADD Technician / Designer II	\$ 88.00
12-CADD Technician / Designer I	\$ 77.80
13-Construction Observer II	\$ 93.00
	Over 40 hours/week
14-Construction Observer I	\$116.25
	Over 40 hours/week
15-Clerical	\$ 74.00
CADD Computer Time	\$ 92.50
16-GPS Time (non-prevailing wage)	\$ 64.00
17-GPS Time (prevailing wage)	\$ 8.00
Reimbursable Expenses:	\$108.00
Mileage (to and from Engineer's Office – based on IRS published rate)	\$130.00
Black or Color Wide Format Plots:	\$0.655/mile
Black and White	\$0.50/sq.ft.
Color	\$0.67/sq.ft.
Typical B&W Plan Sheet – 24' x 36"	\$3.00
Typical Color Plan Sheet – 24' x 36"	\$4.00
Photocopies:	
8 ½" x 11 Black	\$0.20
8 ½" x 11 Color	\$0.25
11" x 17" Black	\$0.25
11" x 17" Color	\$0.50
12" x 18" Black	\$0.25
12" x 18" Color	\$0.50

*Subcontract charges: actual cost + 15%

Review Fees/Application Fees/Submission Fees: actual cost with no markup

*Rate Schedule will be subject to change at the end of the calendar year and will follow the latest schedule, as established at the beginning of each calendar year,

and

WHEREAS, it is in the best interests of the County and its residents to assist with the Onoville Marina Park Rehabilitation and Expansion Project, and

WHEREAS, sufficient funds are included through Federal American Rescue Plan Act [ARPA] to cover the cost of the aforementioned engineering consulting 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 May 1, 2023 and terminating December 31, 2024, according to the above-described terms.

Adopted May 24, 2023 by voice vote.

ACT NO. 250-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR
DELEVAN DEPARTMENT OF MOTOR VEHICLES OFFICES JANITORIAL SERVICES**

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

WHEREAS, Act 158-2022 authorized a contract with New York State Industries for the Disabled, Inc., for the provision of janitorial services for the Delevan Department of Motor Vehicles Offices located at 46 North Main Street, Delevan, New York, the term of which expired February 28, 2023, and

WHEREAS, the Cattaraugus County Clerk is desirous of obtaining janitorial services for the Delevan Department of Motor Vehicles Offices located at 46 North Main Street, Delevan, New York, and

WHEREAS, the New York State Industries for the Disabled, Inc., through Suburban Adult Services, Inc., has agreed to provide janitorial services for the aforementioned offices for an amount of \$5,383.84 per year (subject to increase based upon NYS DOL Prevailing Wage Rates), and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with New York State Industries for the Disabled, through Suburban Adult Services, Inc., for the provision of the above-described janitorial services, for a term commencing March 1, 2023 and terminating February 28, 2024, according to the above-described terms.

Adopted May 24, 2023 by voice vote.

ACT NO. 251-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
TO ALLOCATE OPIOID SETTLEMENT FUNDS TO SHERIFF'S OFFICE**

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

WHEREAS, the County has been awarded funding in the amount of \$503,328.00 through the Opioid Settlement Fund, and

WHEREAS, the aforementioned Opioid funding will be used for medication assisted treatment (MAT) in the Cattaraugus County Jail, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to allocate the aforementioned Opioid Settlement Funds to the Sheriff's Office, now, therefore, be it

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

Increase Estimated Revenue Accounts:

A.311.3150.3152.2735.R	Opioid Settlement Funds, Restricted	\$333,690.10
A.311.3150.3152.2735.NR	Opioid Settlement Funds, Not Restricted	\$212,493.90

Decrease Estimated Revenue Accounts:

A.901.0000.0000.2690.04	Other Comp. for Loss, Opioid Settlement, Unrestricted	\$ 21,428.00
A.901.0000.0000.2690.04R	Other Comp. for Loss, Opioid Settlement, Restricted	\$ 21,428.00

Increase Appropriation Accounts:

A.364.4030.0000.11000	Full Time Wages	\$ 22,014.00
A.364.4030.0000.14000	Pay-in-Lieu of Benefit Hours	\$ 841.00
A.364.4030.0000.81000	FICA	\$ 1,747.00
A.364.4030.0000.82000	Retirement	\$ 2,074.00
A.364.4030.0000.83000	Health Insurance	\$ 338.00
A.364.4030.0000.84000	Dental Insurance	\$ 14.00
A.311.3150.3152.11000	Full Time Wages	\$184,672.00
A.311.3150.3152.14000	Pay-in-Lieu of Benefit Hours	\$ 10,900.00
A.311.3150.3152.81000	FICA	\$ 15,930.00
A.311.3150.3152.82000	Retirement	\$ 29,445.00
A.311.3150.3152.83000	Health Insurance	\$ 3,794.00
A.311.3150.3152.84000	Dental Insurance	\$ 148.00
A.311.3150.3152.47039	Pharmacy Supplies	\$500,000.00

Decrease Appropriation Accounts:

A.901.9010.0000.40602.4	Provision for Wage Settlements	\$ 80,037.00
A.311.3150.0000.11000	Full Time Wages	\$138,032.00
A.311.3150.0000.14000	Pay-in-Lieu of Benefit Hours	\$ 1,446.00
A.311.3150.0000.81000	FICA	\$ 10,671.00
A.311.3150.0000.82000	Retirement	\$ 12,626.00
A.311.3150.0000.83000	Health Insurance	\$ 25,287.00
A.311.3150.0000.84000	Dental Insurance	\$ 490.00

Adopted May 24, 2023 by voice vote.

ACT NO. 252-2023 by Mrs. Andreano, Mr. Helmich and Ms. Schröder
who ask immediate consideration

**CREATING ONE (1) PART-TIME POSITION OF SITE MANAGER IN THE
DEPARTMENT OF AGING AND ESTABLISHING COMPENSATION FOR THE SAME
(Aging)**

Pursuant to Sections 204 and 205 of the County Law
and Section 22 of the Civil Service Law.

WHEREAS, the Department of Aging needs a site manager for its South Dayton SWAN location, and

WHEREAS, this location has been staffed utilizing part-time substitutes for over two years, has become increasing difficult to staff, and would be better served by a regular part-time employee, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title of Site Manager in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds are available in the budget of the Department of Aging for the aforementioned position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Site Manager to be filled on a part-time basis in the Department of Aging in the Part-Time Bargaining Unit, Pay Grade 14a (\$19.21 per hour), Position No. 677-303-015, and be it further

RESOLVED, that upon termination of either state or federal funding for this position, then this position shall be automatically abolished, 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 May 24, 2023 by voice vote.

ACT NO. 253-2023 by Mr. Boberg, Mr. Klancer and Ms. Schröder
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF SENIOR INVESTIGATOR (RISK MANAGEMENT)
IN THE COUNTY ATTORNEY'S OFFICE, ESTABLISHING COMPENSATION
FOR THE SAME AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(County Attorney's Office – Risk Management)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law
and Section 22 of the Civil Service Law.

WHEREAS, the County Attorney's Office is in need of a supervisory investigator position in its Risk Management Division to handle complaints of workplace violence, sexual harassment, employee misconduct, and discrimination as well as assist the Privacy, Security and Compliance Officer and the County Attorney in such matters; assist the Safety Engineer in investigating accidents involving County personnel or equipment; and assure compliance with indemnification requirements and risk management specifications, and

WHEREAS, the position of Senior Investigator can perform such functions as well as related duties, and

WHEREAS, a New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title of Senior Investigator (Risk Management) in accordance with Civil Service Law Section 22, and

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

RESOLVED, that effective May 11, 2023, there is hereby created one (1) position of Senior Investigator (Risk Management) to be filled on a full-time basis in the County Attorney’s Office in the Managerial and Confidential Officers and Employees Salary Schedule, Pay Grade 28-4 (\$43.47 per hour), Position No. 142-416-001, and be it further

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

Decrease Appropriation Account:

A.144.1930.0000.40603 Judgment and Claims \$5,887.00

Increase Appropriation Accounts:

A.144.1445.0000.11000 Full Time Wages \$4,804.00

A.144.1445.0000.81000 FICA \$ 367.00

A.144.1445.0000.82000 Retirement \$ 716.00.

Adopted May 24, 2023 by voice vote.

ACT NO. 254-2023 by Mr. Marsh and Mr. VanRensselaer who ask immediate consideration

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

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

WHEREAS, Cattaraugus County has tax title to certain property located in the Town of Napoli, Enchanted Lake Subdivision, described as Tax Map No. 62.046-2-27, and

WHEREAS, pursuant to subdivision law, this property is too small to inhabit and develop as stand-alone property, and

WHEREAS, it is in the County’s best interest to offer for sale the subject property to the adjacent landowner, who will combine this parcel with their existing property, for an amount of \$367.64, which amount will cover the County’s involvement in this parcel, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to accept \$367.64 for the aforementioned parcel known as Tax Map Number 62.046-2-27 located in the Enchanted Lake Subdivision in the Town of Napoli 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 May 24, 2023 by voice vote.

ACT NO. 255-2023 by Mrs. Andreano, Mr. Brisky, Mr. Burr, Mr. Higgins, Mr. Klancer,
Mr. Marsh, Ms. Schröder, Mr. Smith and Mr. VanRensselaer
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(City of Olean and Towns of Franklinville, New Albion and South Valley)**

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

WHEREAS, Cattaraugus County has tax title to certain properties situate in the City of Olean and Towns of Franklinville, New Albion and South Valley, and

WHEREAS, the former owners of the properties have offered to tender an amount which will cover the County's financial involvement in these premises, and

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

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

CITY OF OLEAN

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
1	94.039-4-40	David Ahern Tracy A. Ahern	615 Homer Street Olean, NY 14760	\$815.41
73	94.072-4-37	Oliver Smith Gail Smith	610 W. Green Street Olean, NY 14760	\$8,986.02

TOWN OF FRANKLINVILLE

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
196	40.003-2-40	Estate of Kenneth J. Wells	2415 Maple Ave. Ext. Franklinville, NY 14737	\$10,315.39
197	40.003-2-43	Estate of Kenneth J. Wells	2415 Maple Ave. Ext. Franklinville, NY 14737	\$846.95

TOWN OF NEW ALBION

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
289	35.074-2-40	Donald L. Smith	59 N. Franklin Street Cattaraugus, NY 14719	\$2,126.87

TOWN OF SOUTH VALLEY

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
337	97.003-1-3	Michael T. Blodgett Thomas E. Blodgett	PO Box 8761 Midland, TX 79708	\$1,382.11

Adopted May 24, 2023 by voice vote.

ACT NO. 256-2023 by Mr. Benson
who asks immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT
SENATE BILL S1112A AND ASSEMBLY BILL A1515A PERMITTING THE
LEASING 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 County to lease certain reforestation lands known as "Perrysburg Pond", "Crocker's Pond", and "Bob's Pond", designated as Tax Map No. 2.003-1-20, and

WHEREAS, Senate Bill S1112A and Assembly Bill A1515A have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to discontinue as parklands and enter into a lease agreement for a term not exceeding thirty years for the use of certain parcels of reforested land in the Town of Perrysburg, 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 S1112A and Assembly Bill A1515A, which authorizes the Cattaraugus County Legislature to discontinue as parklands and lease certain reforestation lands known as "Perrysburg Pond", "Crocker's Pond", and "Bob's Pond", designated as Tax Map No. 2.003-1-20, 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.

Adopted May 24, 2023 by voice vote.

ACT NO. 257-2023 by Mrs. Andreano, Mr. Burr and Ms. Schröder
who ask immediate consideration

**SUPPORTING ESSENTIAL CAREGIVERS ACT TO PROTECT
HUMANE VISITATION POLICIES AT LONG-TERM CARE FACILITIES**

Pursuant to Section 153 of the County Law.

WHEREAS, during the public health emergency caused by the COVID pandemic, caregivers were denied access to patients in nursing homes and long-term care facilities, and

WHEREAS, H.R. 3733, known as the Essential Caregivers Act, was introduced in the United States House of Representatives by New York State Representative Claudia Tenney, which allows essential caregivers access to long-term care facilities to provide care and support to a facility resident during any public health emergency, and

WHEREAS, an essential caregiver is defined in H.R. 3733 as an individual who provides direct care consisting of activities of daily living, emotional support, or companionship to a resident, and is chosen by the resident or the resident's legal representative, and

WHEREAS, for more than two (2) years, many residents in long-term care facilities have been separated from their loved ones – far too many lost their will to survive, and many others have suffered untold and irreversible emotional, psychological and physical pain as a result of this separation, and

WHEREAS, it is vital that we as a society realize the critical role that family members and caregivers play in the support and well-being of residents in long-term care facilities, and

WHEREAS, this Bill will ensure that in any future public health emergency, designated essential caregivers will have their access to their loved ones protected in a manner consistent with all applicable health and safety protocols, and

WHEREAS, this Bill further safeguards a resident's civil rights and other rights under Federal Law while taking into account public health concerns, now, therefore, be it

RESOLVED, the Cattaraugus County Legislature does hereby strongly support the Essential Caregiver Act introduced as H.R. 3733, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to the New York representatives in the House of Representatives and U.S. Senate, including Senator Tenney, New York State Senator Borrello and Assemblyman Giglio, New York State Association of Counties, and all others deemed necessary and proper.

Adopted May 24, 2023 by voice vote.

ACT NO. 258-2023 by Mrs. Andreano, Mr. Brisky, Mr. Burr and Ms. Schröder
Mr. Benson, Mr. Boberg, Mr. Helmich, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
Mr. Parker, Mr. Smith, Mr. Snyder, Mr. VanRensselaer and Mr. Koch¹
 who ask immediate consideration

**SUPPORTING H.R. 2600 TO ENSURE EQUITABLE TREATMENT OF POLITICAL SUBDIVISIONS
 CONTRIBUTING TO STATE EXPENDITURES UNDER THE MEDICAID PROGRAM
 PROVIDED BY THE AFFORDABLE CARE ACT
 ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE**

Pursuant to Section 153 of the County Law.

WHEREAS, Congressman Langworthy introduced the Protect Local Taxpayer's Act (H.R. 2600) to block Governor Hochul from raiding \$625 million in Federal Medical Assistance Percentage (FMAP) funds designated to local governments, and

WHEREAS, the State is proposing to permanently intercept all of these federal savings and use them to cover overspending in the Medicaid program, and

WHEREAS, the county share of Medicaid is currently \$7.6 billion per year, and if Hochul's plan passes, counties in the 23rd Congressional District will face a budget shortfall in the tens of millions, and

WHEREAS, the estimated impact to Cattaraugus County is \$2,175,544, and

WHEREAS, counties are already struggling under out-of-control state mandates and Governor Hochul's plan to raid Medicaid funds will leave counties with a choice of cutting safety net services or significantly increasing property taxes, and

WHEREAS, according to the New York State Association of Counties (NYSAC), the Governor's plan may result in a property tax increase estimated at 5% to 10% at a time when inflation and gasoline prices are already crippling middle-class families, and

WHEREAS, it is hypocritical of the State to impose a property tax cap and then push massive New York State mandated costs onto the counties, and

WHEREAS, the Protect Local Taxpayer's Act will prevent the state from further shifting Medicaid expenses onto local county governments, and

WHEREAS, counties have used these federal funds over the past 20 years to pay for local services and reduce property tax burdens in our communities, as intended by Congress, and

WHEREAS, while the Governor purports to help low income counties, the elimination of FMAP funds will have a devastating effect on Cattaraugus County and its residents, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature strongly supports Congressman Langworthy's Protect Local Taxpayers Act introduced as H.R. 2600, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby urges the State Legislature to reject the Governor's proposed administrative action and ensure that these federal funds continue to be shared with counties as is Congress' intent and has been the State's precedent and interpretation of the federal statute for over 20 years, and be it further

RESOLVED, that copies of this resolution be sent to all the counties of New York State encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to Congressman Langworthy, the Committee on Energy and Commerce, Governor Hochul, Senate Majority Leader Stewart-Cousins, Assembly Speaker Heastie, Senator Borrello, Assemblyman Giglio, New York State Association of Counties, 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: "Mr. Benson, Mr. Boberg, Mr. Helmich, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Mr. Smith, Mr. Snyder, Mr. VanRensselaer and Mr. Koch".

Adopted May 24, 2023 by voice vote.

ACT NO. 259-2023 by 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, Mr. VanRensselaer and Mr. Koch who ask immediate consideration

**CONGRATULATING CLASS OF 2023 HIGH SCHOOL
VALEDICTORIANS AND SALUTATORIANS**

Pursuant to Section 153 of the County Law.

WHEREAS, every year, area schools recognize graduating students who have earned the highest grade point average, and

WHEREAS, these students should be recognized and congratulated for their academic achievements, and

WHEREAS, the hard work and dedication of class valedictorians and salutatorians should be commended by the Cattaraugus County Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates the following students as Class of 2023 high school valedictorians and salutatorians:

<u>School</u>	<u>Valedictorian</u>	<u>Salutatorian</u>
Allegany-Limestone Central School	Aiden Gardiner	Eric Spring
Archbishop Walsh Academy	Samantha Soyke	Parveen Saba
Cattaraugus-Little Valley Central School	Caitlin O'Neil	Marley Dundas
Central Baptist Christian School	Riley West	Lincoln Hess
Cuba-Rushford Central School	Gracie Motil	Aleah Demick
Ellicottville Central School	Katie Krotz	Katrina DeChane
Forestville Central School	Gabrielle Van-Zile	Mackenzy Graziano
Franklinville Central School	Anna Slavinski	McKenzie Schuyler
Frewsburg Central School	Zackery Carr	Teresa Molé
Gowanda Central School	Logan Forthman	Lani Farley
Hinsdale Central School	Fransisca Childs	Hannah Sutton
Olean City School	Chance Padlo	Michelle Droney
Pine Valley Central School	Sophia Jones	Allyson Morey
Pioneer Central School	Kailey Place	Kevina Drennan
Portville Central School	Kendyl Rogers	Chloe Grandusky
Randolph Central School	Mathurin Griffith	Kendall Steward
Salamanca City Central School	Andrew Herrick	Alyssa Perkins
Springville-Griffith Institute Central School	Maria Rumfola	Simon George
West Valley Central School	Ben Fisher	Kasper Heitman,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Class of 2023 valedictorians and salutatorians.

Adopted May 24, 2023 by voice vote.

* * * * *

MR. BENSON moved, seconded by Mr. Boberg, to adjourn until June 14, 2023 at 5:00 p.m. Carried.

Meeting adjourned at 5:24 p.m.

Ann M. Giglio
Journal Clerk