

August 23, 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 – Klancer.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the July 26, 2023 session stand approved as presented.

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COMMUNICATIONS:

Family of Jane Klancer: Thank you note for the flowers in memory of Legislator Klancer's mother.

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ACT NO. 353-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TWIN TIERS OVERHEAD DOORS, INC. FOR OVERHEAD DOOR REPAIR,
REPLACEMENT, INSTALLATION AND PREVENTIVE MAINTENANCE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 419-2019 authorized a contract with Twin Tiers Overhead Doors, Inc., 1997 Four Mile Road, Allegany, New York 14706, for the provision of overhead door repair, replacement, installation and preventive maintenance services, the term of which expires August 31, 2023, and

WHEREAS, the County Department of Public Works has solicited proposals for the provision of the aforementioned overhead door repair, replacement, installation and preventive maintenance services, and

WHEREAS, Twin Tiers Overhead Doors, Inc., can provide the aforementioned services in accordance with the following rate schedule, on an as-needed basis:

	<u>Labor Charges</u>	<u>Rates</u>
<i>Monday – Friday Business Hours</i>		
<i>Regular Hourly Rate</i>		
1 Overhead Door Mechanic		\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$105.00/hour/man
<i>Emergency</i>		
1 Overhead Door Mechanic		\$157.50/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$157.50/hour/man
<i>Evening Work</i>		
<i>Regular Hourly Rate</i>		
1 Overhead Door Mechanic		\$105.00/hour/man

1 Overhead Door Mechanic Plus 1 Apprentice		\$105.00/hour/man
<i>Emergency</i>		
1 Overhead Door Mechanic		\$157.50/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$157.50/hour/man
Saturday, Sunday and Holiday Work		
<i>Regular Hourly Rate</i>		
1 Overhead Door Mechanic		\$157.50/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$157.50/hour/man
<i>Emergency</i>		
1 Overhead Door Mechanic		\$157.50/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$157.50/hour/man
Maximum Response Time required to arrive on-site after receiving service call: <i>(unless otherwise agreed upon by both parties)</i>		8 hours
Service Charge <i>(includes labor to and from site)</i>	Per Visit	\$150.00
Materials and Parts <i>(not included in Preventive Maintenance)</i>	% Markup	35% - 45%
Rental Equipment	% Markup	35%
Scissor Lift Use		\$200.00/trip
	Mileage	\$0.62 per mile

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 Twin Tiers Overhead Doors, Inc., for the provision of the above-described services, for a term commencing September 1, 2023 and terminating August 31, 2025, with the option to renew for one (1) additional two (2) year term at the same rates, terms and conditions, according to the above-described terms.

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

Adopted August 23, 2023 by voice vote.

ACT NO. 354-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED GENERAL DESIGN SERVICE
TERM AGREEMENTS WITH VARIOUS ENGINEERING FIRMS FOR
GENERAL DESIGN SERVICES FOR HIGHWAY RELATED PROJECTS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 64-2022, as amended by Act 333-2022, authorized Agreements with the following three (3) engineering firms for the provision of general design services for highway related projects, the terms of which expire December 31, 2024, and

WHEREAS, the Agreements with the aforementioned three (3) engineering firms should be amended to allow for an increase as follows:

<u>Engineering Firm</u>	<u>Increase Amount</u>	
Greenman-Pedersen, Inc. 4950 Genesee Street, Suite 100 Buffalo, New York 14225	\$200,000.00	Not to Exceed \$700,000.00
Bergmann Associates, Inc. 40 LaRiviere Drive, Suite 200 Buffalo, New York 14202	\$150,000.00	Not to Exceed \$650,000.00
Fisher Associates, PE, LS, LA, DPC 180 Charlotte Street Rochester, New York 14607, and	\$150,000.00	Not to Exceed \$650,000.00

WHEREAS, sufficient funds are included in the budget to cover the increased cost for engineering services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended General Design Service Term Agreements, on behalf of Cattaraugus County, with the above-listed engineering firms, for the provision of the above-described engineering services, for a term commencing January 26, 2022 and terminating December 31, 2024, according to the above-described terms.

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

Adopted August 23, 2023 by voice vote.

ACT NO. 355-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ATLANTIC TESTING LABORATORIES FOR SOIL BORING SERVICES,
MATERIAL TESTING, DECK CORING AND GEOTECHNICAL SERVICES**

Pursuant to Section 117 of the Highway Law and
Section 450 of the County Law.

WHEREAS, Act 466-2022 authorized a contract with SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, for the provision of soil boring services for various bridge projects, and

WHEREAS, SJB Services, Inc. is now owned by Atlantic Testing Laboratories, and

WHEREAS, a contract is necessary with Atlantic Testing Laboratories for the provision of soil boring, material testing, deck coring and geotechnical engineering services for various 2023 projects, and

WHEREAS, effective August 23, 2023, Atlantic Testing Laboratories has agreed to perform soil boring, material testing, deck coring and geotechnical engineering services for various 2023 projects on an as-needed basis, for an amount not to exceed \$30,000.00, 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 Atlantic Testing Laboratories, for the provision of the above-described services, for a term commencing August 23, 2023 and terminating December 31, 2023, according to the above-described terms.

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

Adopted August 23, 2023 by voice vote.

ACT NO. 356-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ASCENDO HEALTHCARE STAFFING, LLC FOR
HEALTH CARE STAFFING COVERAGE FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

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

WHEREAS, Ascendo Healthcare Staffing, LLC, 12802 Science Drive, #202, Orlando, Florida 32826, can provide the aforementioned health care services staffing coverage for an amount as follows:

<u>Position</u>	<u>Basic Rates</u>
Registered Nurse	\$70.00 - \$75.00/hour
Licensed Practical Nurse	\$60.00 - \$65.00/hour
Certified Nurse Aide	\$35.00 - \$40.00/hour

**Overtime / Holiday Pay is Time and a Half. Minimum billing rate of 40 hours per week with a minimum of 13 weeks;

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 Ascendo Healthcare Staffing, LLC, for the provision of the above-described health care coverage services, for a term commencing August 24, 2023, to continue in full force and effect at the same rates until amended or terminated by either party hereto, according to the above-described terms.

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

Adopted August 23, 2023 by voice vote.

ACT NO. 357-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
PACE AND DAYBREAK PROGRAM HOME DELIVERED AND CONGREGATE MEALS**

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

WHEREAS, Act 138-2022 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants as part of a comprehensive program of services to participants, the term of which expires August 31, 2023, and

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

WHEREAS, the Department of Aging has agreed to provide the aforementioned meals through its Senior Nutrition Program to PACE and DayBreak Program participants at a rate of \$8.00 per home delivered and/or congregate meal, and

WHEREAS, Total Senior Care, Inc., has agreed to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants at the above-described rate, 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 Total Senior Care, Inc., for the provision of the above-described meals and meal services, for a term commencing September 1, 2023 and terminating August 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 August 23, 2023 by voice vote.

ACT NO. 358-2023 by Mrs. Andreano and Mr. Helmich

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, various appropriation accounts must be adjusted within the budget for the SAMSHA Grant Program through the Department of Community Services, now, therefore, be it

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

Decrease Appropriation Accounts:

A.431.4335.2110.41229	Social Worker Contracted	\$9,000.00
A.431.4335.2110.41244	Clinical Supervisor	\$ 500.00
A.431.4335.2110.46102	Employee Mileage	\$2,000.00
A.431.4335.2110.48112	Client Incentives	\$4,500.00

Increase Appropriation Accounts:

A.431.4335.2110.44401	Building Maintenance	\$1,500.00
A.431.4335.2110.45401	Small Equipment	\$2,500.00
A.431.4335.2110.46106	Training	\$4,500.00
A.431.4335.2110.47002	Office Supplies	\$7,500.00.

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

Adopted August 23, 2023 by voice vote.

ACT NO. 359-2023 by Mr. VanRensselaer
and Mr. Higgins and Mr. Morrow¹

LOCAL LAW NUMBER 2 - 2023
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 10 of the Municipal Home Rule Law and
Article 13-E of the Public Health Law.

A LOCAL LAW BANNING SMOKING AND VAPING OF PRODUCTS ON COUNTY PROPERTY

BE IT ENACTED by the County Legislature of the County of Cattaraugus as follows:

Section 1. Legislative Intent. It is the intent of this Local Law to preserve and improve the public health by limiting the exposure of the public to environmental tobacco smoke or vapor caused by the use of tobacco, cannabis, nicotine, vaping and other like substances by banning smoking and vaping of all products on County-owned, leased or occupied properties.

Section 2. Definitions. For purposes of this local law, the following terms shall have the following meanings described herein:

2.1 "County property" shall include any County-owned or County-leased vehicles; any County-owned or County-leased buildings, structures and facilities. Smoking is prohibited outdoors of County-owned or County-leased property, including the surrounding outdoor grounds within 100 feet of any County property, with the exception of designated smoking areas.

2.2 "Smoking" shall include lighting, smoking or carrying a lighted cigarette, cigar, or pipe, which may contain tobacco or cannabis products or any other chemical substance. Smoking also includes 'vaping' and the use of electronic smoking devices, which include e-cigarettes or other electronic devices that deliver vapor which is inhaled by a user.

Section 3. Ban on Smoking and Vaping of any Product in or on County Property. Effective October 1, 2023, smoking or vaping of all products shall not be permitted in or on County-owned, leased or occupied property, except as provided in the Cattaraugus County Smoke Free Workplace Policy.

Section 4. Collective Bargaining. The provisions of this local law are subject to the applicable law governing collective bargaining, in accordance with Public Health Law Section 1399-o(6).

Section 5. Supercession of Existing Local Laws and Resolutions. Any local law or resolution inconsistent herewith, including, but not limited to, Local Law Number 24-2000 (Intro Number 14-2000) authorized by Act 595-2000 of the Cattaraugus County Legislature is hereby superceded, except for Acts 521-2000 and 523-2000 of the Cattaraugus County Legislature.

Section 6. Effective Date. This Local Law shall take effect October 1, 2023.

Approved by 7 members of the Finance Committee and 7 members of the County Operations/
Public Safety Committee.

¹The following Legislators requested their names be listed as additional sponsors: “Mr. Higgins and Mr. Morrow”.

No further action taken at this time.

ACT NO. 360-2023 by Mr. VanRensselaer

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 2 - 2023

Pursuant to Section 10 of the Municipal Home Rule Law and
Article 13-E of the Public Health Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 23, 2023, a proposed Local Law entitled “A Local Law Banning Smoking and Vaping of Products on County Property”, and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days’ notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 13th day of September, 2023, at 5:01 p.m. at the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York, and that at least five days’ notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 7 members of the Finance Committee and 7 members of the County Operations/
Public Safety Committee.

Adopted August 23, 2023 by voice vote.

ACT NO. 361-2023 by Mr. VanRensselaer

**AMENDING ACT 570-1985 REGARDING IMPOSITION OF SALES
AND USE TAXES, AS AMENDED, TO EXTEND THE ADDITIONAL
1% RATE OF TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON
OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES**

Pursuant to Article 29 of the Tax Law and Chapter 58 of
the Laws of 2020, Part XXX, Subpart C, of the State of New York.

BE IT ENACTED by the Cattaraugus County Legislature, New York, as follows:

SECTION 1. The first sentence of Section 2 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 2. Imposition of Sales Tax.

On and after March 1, 1986, and through November 30, 2025, there is hereby imposed and there shall be paid a tax of four percent (4%) upon, and on and after December 1, 2025, there is hereby imposed and there shall be paid a tax of three percent (3%) upon:"

SECTION 2. Subdivisions (a), (b) and (c) of Section 2-A of Act 570-1985, as added by Act 174-1986 as amended, are amended to read as follows:

(a) Notwithstanding the rate of tax set forth in Section 2 of this resolution, on and after March 1, 1986, and through November 30, 2025, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds) natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of 3 percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in Section 4 of this resolution for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1986, and through November 30, 2025, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of 3 percent of the consideration given or contracted to be given for such property or for use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a

use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1986, and through November 30, 2025, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made after said date. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1986, and through November 30, 2025, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1986.

SECTION 3. Subdivision (g) of Section 3 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"(g) The taxes imposed under subdivisions (a), (c) and of (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December 1, 2025. With respect to the tax rate of 3 percent effective December 1, 2025, the provisions of subdivisions (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c) and (d) to an effective date shall be read as referring to December 1, 2023, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2025. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2025, any transaction which may not be subject to the lowered tax in effect on that date."

SECTION 4. Section 4 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 4. Imposition of Compensating Use Tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1991, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any personal property (other than computer software used by the author or other creator) manufactured, processed or assemble by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by

the user if user offers software of a similar kind for sale as the such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on

and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person."

SECTION 5. This resolution shall take effect December 1, 2023.

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

CHAIRMAN VANRENSELAER called a Roll Call vote on Act No. 361-2023, which disclosed as follows:

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

Nays: none.

Act No. 361-2023, having received a unanimous vote of the Legislature, was declared Adopted.

ACT NO. 362-2023 by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CONCEPT PRINTING, INC. D/B/A CONCEPTPRINT
FOR PRINTING OF 2023 AMISH TRAIL BROCHURES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of purchasing brochures to promote the Amish trail in Cattaraugus County, and

WHEREAS, Concept Printing, Inc., d/b/a ConceptPrint, 40 Lydecker Street, Nyack, New York 10960, can provide 35,000 copies of the 2023 Amish Trail brochure for an amount of \$11,811.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned brochures, 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 Concept Printing, Inc., d/b/a ConceptPrint, for the provision of the above-described brochures, for a term commencing August 1, 2023 and terminating September 30, 2023, according to the above-described terms.

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

Adopted August 23, 2023 by voice vote.

ACT NO. 363-2023 by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION AND
AMENDED CONTRACTS WITH CATTARAUGUS COUNTY FEDERATION OF SNOWMOBILE CLUBS, INC.
AND VARIOUS SNOWMOBILE CLUBS IN CATTARAUGUS COUNTY
FOR SNOWMOBILE TRAIL GRANT PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

Pursuant to Article 27 of the Parks, Recreation and Historic
Preservation Law and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 463-2022 authorized the Chair to execute contracts with the New York State Office of Parks, Recreation and Historic Preservation, the Cattaraugus County Federation of Snowmobile Clubs, Inc., and various snowmobile clubs for the snowmobile trail grant program, the terms of which expired March 31, 2023, and

WHEREAS, funding, which was awarded to the County through the New York State Office of Parks, Recreation and Historic Preservation for the maintenance of snowmobile trails for the 2022-2023 program year, has been reduced, and

WHEREAS, the County acts as a pass-through agency for purposes of disbursing the aforementioned grant funds, and

WHEREAS, the grant funding has been revised for each of the snowmobile clubs listed below, as follows:

	<u>2022-2023 Grant</u>	<u>REVISED</u> <u>2022-2023 Grant</u>
Ashford Snowmobile Club, Inc. P.O. Box 96 West Valley, NY 14171	\$12,342.00	\$10,482.61
Elibomwons, Inc. 4164 Elm Creek Road Randolph, NY 14772	\$30,045.00	\$30,440.79
Enchanted Mountains Border Riders Snowmobile Club, Inc. P.O. Box 325 Westons Mills, NY 14788	\$ 4,608.00	\$ 4,669.50
Franklinville Snow Sled Club, Inc. P.O. Box 22 Franklinville, NY 14737	\$28,206.00	\$27,930.97
Portville Snowmobile Club, Inc. P.O. Box 466 Portville, NY 14770	\$13,440.00	\$ 9,408.00

Snow Bounders, Inc. 9189 Cattaraugus-Otto Road Cattaraugus, NY 14719	\$51,426.00	\$48,584.55
Southern Tier Snow Drifters, Inc. 5075 Woodside Road Springville, NY 14141	\$10,074.00	\$10,620.37
Tri-County Drift Hoppers, Inc. Snowmobile Club P.O. Box 161 Sandusky, NY 14133-0161	\$15,360.00	\$15,736.92
Western New York Snowmobile Club of Boston, Inc. P.O. Box 137 Boston, NY 14025	\$ 5,082.00	\$ 5,258.06

and

WHEREAS, 70% of the grant funding has already been received and the remaining 30% is forthcoming to cover the aforementioned allocations, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended grant documents and contracts, on behalf of Cattaraugus County, with the New York State Office of Parks, Recreation and Historic Preservation, the Cattaraugus County Federation of Snowmobile Clubs, Inc., and the above-listed snowmobile clubs, in order to accept and receive the aforementioned funding, for a term commencing April 1, 2022 and terminating March 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, and be it further

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

Increase Estimated Revenue Account:

A.644.7180.0000.3889.01	NYS Snowmobile Trail Grant	\$43,723.67
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Increase Appropriation Account:

A.644.7180.0000.42037	Federation of Snowmobile Clubs	\$43,723.67.
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Approved by 7 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted August 23, 2023 by voice vote.

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MRS. ANDREANO moved, seconded by Ms. Schröder, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 364-2023 through Act No. 375-2023. Carried.

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ACT NO. 364-2023 by Mr. Marsh and Mr. VanRensselaer
who ask immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTY,
WAIVING RULE 40 OF THE RULES OF ORDER AND
RESCINDING ACT 341-2023
(Town of Randolph)**

Pursuant to Section 1166 of the Real Property Tax Law, Section 215 (5) of the County Law,
and Rule 33 of the Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County owns a parcel of land located at 2-8 Sheldon Street in the
Town of Randolph, County of Cattaraugus, New York, designated as Tax Map No. 70.071-3-16, and
WHEREAS, the metes and bounds description of the aforementioned property is as
follows:

All That Tract or Parcel of Land situate in the Village of Randolph, Town of Randolph, County of
Cattaraugus, State of New York, being part of Lot 23, Town 2, Range 9 of the Holland Land Company's
survey, bounded and described as follows:

Beginning at the point of intersection of the northerly bounds of Sheldon Street with the
southwesterly bounds of lands owned by the Southern Tier Rail Authority and being also the
southwesterly bounds of lands formerly owned by the Erie-Lackawanna Railroad Company;

Thence North 39° 36' 21" West along said southwesterly bounds 243.82 feet;

Thence South 82° 24' 12" West 51.75 feet;

Thence South 08° 56' 17" East 70.25 feet;

Thence South 12° 11' 20" East 48.00 feet;

Thence South 05° 14' 10" East 80.00 feet to the northerly bounds of Sheldon Street;

Thence North 85° 12' 09" East along said northerly bounds 179.01 feet to the point or place of
beginning, containing 0.5217 acre (22,723 ± square feet) of land more or less.

All Bearings referred to True North at 78° 35' 00" meridian of West longitude.

Subject to the easements, agreements and rights of way of record and also subject to the rights
of the public and others in and to any portion of the premises within the bounds of the public highway.

Also Subject to the following restrictive covenants and easements:

1) Groundwater may not be used unless treated in accordance with the requirements of
New York State Department of Health or the Cattaraugus County Health Department;

2) Environmental Easement recorded under Instrument No. 160467-001 in the Cattaraugus
County Clerk's Office, which includes adherence to the Site Management Plan;

and

WHEREAS, the aforementioned parcel is no longer necessary for public use and it is in the best interests of the County to sell the tax title property, and

WHEREAS, the purchaser shall be responsible for any and all closing costs, transfers fees and recording fees, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby declares the aforementioned parcel no longer necessary for public use and authorizes the sale of such parcel for the amount of \$500.00, and be it further

RESOLVED, that the County Treasurer is hereby authorized to convey, by Quit-Claim Deed, 100% of the County's interest in the aforementioned property to Allie W. Burdick and Kelly J. Burdick f/k/a Kelly J. Mitchell, 10 Sheldon Street, Randolph, New York 14772, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus County Legislature is hereby waived for this sale, and be it further

RESOLVED, that Act 341-2023 be, and hereby is, rescinded.

CHAIRMAN VANRENSELAER called a Roll Call vote on Act No. 364-2023, which disclosed as follows:

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

Nays: none.

Act No. 364-2023, having received a unanimous vote of the Legislature, was declared Adopted.

ACT NO. 365-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED 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 185-2023 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, an amended contract is needed due to an increase in rates as of August 1, 2023, and

WHEREAS, Wellnow Urgent Care, P.C., can provide random drug and alcohol testing services, in accordance with the revised 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

<u>Drug and Alcohol Testing Services</u>	<u>Rates</u>
DOT Urine Drug Screen	\$ 75.00/screen
Non-DOT Drug Screen – 5 Panel	\$ 70.00/screen
Breath Alcohol Testing w/Confirmation	\$ 45.00/test
Random Management Program	\$300.00/year
**On-Site Collection	\$500.00/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 an amended 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 August 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 August 23, 2023 by voice vote.

ACT NO. 366-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR
HEALTH DEPARTMENT LEAD HAZARD REDUCTION CAPACITY BUILDING GRANT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

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

WHEREAS, Act 313-2023 authorized the Chair to apply for funding through the U.S. Department of Housing and Urban Development (HUD) for the Health Department Lead Hazard Reduction Capacity Building Grant, and

WHEREAS, the Health Department has been awarded federal funding in the amount of \$2.5 million for the aforementioned Lead Hazard Reduction Program, and

WHEREAS, the purpose of the Lead Hazard Reduction Capacity Building Program is to assist municipalities in developing the infrastructure necessary to undertake comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned rental or owner-occupied housing, and

WHEREAS, a contract is necessary with the U.S. Department of Housing and Urban Development in order to accept, and receive, the grant funding, and

WHEREAS, the aforementioned grant program is federally funded (CFDA #14.912), with a 10% match provided through Childhood Lead Poisoning Prevention grant (DOH01-T36975GG), and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned grant 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 U.S. Department of Housing and Urban Development (HUD), to accept, and receive, the Lead Hazard Reduction Capacity Building Grant,

for a term commencing September 1, 2023 and terminating August 31, 2026, 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.401.4090.4073.4401.08	Federal Aid – Lead Hazard Reduction	\$60,000.00
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Increase Appropriation Accounts:

A.401.4090.4073.11000	Full Time Wages	\$25,000.00
A.401.4090.4073.13000	Overtime	\$ 2,500.00
A.401.4090.4073.20006	Computers/Software	\$ 4,125.00
A.401.4090.4073.45301	Van Per Diem	\$ 1,200.00
A.401.4090.4073.46102	Employee Mileage	\$ 1,000.00
A.401.4090.4073.47002	Office Supplies	\$ 258.75
A.401.4090.4073.47006	Operating Supplies	\$ 1,200.00
A.401.4090.4073.81000	FICA	\$ 2,103.75
A.401.4090.4073.82000	Retirement	\$ 2,612.50
A.401.4090.4073.20008	Tools & Equipment	\$20,000.00.

Adopted August 23, 2023 by voice vote.

ACT NO. 367-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
THE FARMERS' TRUCK, INC. FOR C-MODEL MOBILE MARKET TRUCK FOR
VEGGIE WHEELS – ROLLING INTO RURAL COMMUNITIES PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 344-2023 authorized the Chair to execute grant documents for the receipt of funding through the Highmark Blue Cross Blue Shield of Western New York 2022 Blue Fund Competitive Application Process for the Veggie Wheels – Rolling into Rural Communities Program, and

WHEREAS, the County Health Department has been awarded funding in the amount of \$250,000.00 through the aforementioned program and is desirous of purchasing a C-Model Mobile Market Truck with the grant funding, and

WHEREAS, The Farmers' Truck, Inc., 644 Main Street, Suite S400, Blue Cross Centre, Moncton, NB E1C 1E2, Canada, can provide the aforementioned C-Model Mobile Market Truck for a total amount of \$227,950.00, plus delivery in an estimated amount of \$5,000.00, for a total cost of \$232,950.00, and

WHEREAS, The Farmers' Truck, Inc. is a sole source vendor for the model and type of food truck desired by the Health Department, and

WHEREAS, sufficient funds are included through the Highmark Blue Cross Blue Shield of Western New York 2022 Blue Fund Competitive Application Process, 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 Farmers' Truck, Inc., for the provision of the C-Model Mobile Market Truck, for a term commencing August 24, 2023 and terminating upon delivery and acceptance of the truck, 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 August 23, 2023 by voice vote.

ACT NO. 368-2023 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DONALD A. PROTO, DDS AND DANIEL O. PROTO, DDS FOR
DEPARTMENT OF NURSING HOMES DENTAL SERVICES**

Pursuant to 10 NYCRR Section 415.17 and
Section 450 of the County Law.

WHEREAS, Act 322-2019, as extended, authorized a contract with Donald A. Proto, DDS, and Daniel O. Proto, DDS, 418 West State Street, Olean, New York 14760, for the provision of dental services for the patients/residents at The Pines Healthcare & Rehabilitation Center–Olean and Machias Campuses, the term of which expired July 31, 2023, and

WHEREAS, the County Department of Nursing Homes is desirous of continuing the provision of dental services for the patients/residents at The Pines Healthcare & Rehabilitation Centers, and

WHEREAS, the County Department of Nursing Homes solicited proposals from twenty-three dental firms in an effort to provide the aforementioned dental services, and

WHEREAS, Donald A. Proto, DDS, and Daniel O. Proto, DDS, 418 West State Street, Olean, New York 14760, have agreed to provide a credentialed dentist and dental assistant for 52 dental service sessions of three (3) hours each per year per facility for an amount as follows:

Olean Facility

September 1, 2023 – August 31, 2024	\$39,540.00 per year
September 1, 2024 – August 31, 2025	\$41,100.00 per year
September 1, 2025 – August 31, 2026	\$42,780.00 per year
September 1, 2026 – August 31, 2027	\$44,460.00 per year

Machias Facility

September 1, 2023 – August 31, 2024	\$39,540.00 per year
September 1, 2024 – August 31, 2025	\$41,100.00 per year
September 1, 2025 – August 31, 2026	\$42,780.00 per year
September 1, 2026 – August 31, 2027	\$44,460.00 per year,

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 Donald A. Proto, DDS, and Daniel O. Proto, DDS, for the provision of the above-described services, for a term commencing September 1, 2023 and terminating August 31, 2024, with the option to renew for three (3) additional one year periods, according to the above-described terms.

Adopted August 23, 2023 by voice vote.

ACT NO. 369-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, daycare costs through the Department of Social Services have increased, and
WHEREAS, various appropriation and revenue accounts must be adjusted to cover the
aforementioned increased daycare costs, now, therefore, be it

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

Increase Revenue Account:

A.601.6055.0000.4655	Federal Aid, Day Care	\$1,000,000.00
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Increase Appropriation Account:

A.601.6055.0000.40403.SDC	DSS Entitlements Services Day Care	\$1,000,000.00.
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Adopted August 23, 2023 by voice vote.

ACT NO. 370-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services – SAMSHA Grant)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Department of Community Services is desirous of purchasing office chairs
and a Zoll AED Plus Semi-Automatic AED machine, and

WHEREAS, various appropriation accounts must be adjusted within the budget for the
SAMSHA Grant Program through the Department of Community Services, now, therefore, be it

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

Decrease Appropriation Account:

A.431.4335.2110.41611	Consultant Services	\$14,000.00
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Increase Appropriation Account:

A.431.4335.2110.45401	Small Equipment	\$14,000.00.
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Adopted August 23, 2023 by voice vote.

ACT NO. 371-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
FOR PURCHASE OF VEHICLE FOR
DEPARTMENT OF COMMUNITY SERVICES
(Department of Community Services-DSRIP FUNDS)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Department of Community Services would like to utilize a portion of DSRIP funds to purchase a vehicle for the transportation of clients, and

WHEREAS, various appropriation and revenue funds must be adjusted in order to utilize DSRIP funds, now, therefore, be it

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

Increase Revenue Account:

A.431.4310.0890.4401.10	Federal Aid DSRIP	\$43,000.00
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Increase Appropriation Account:

A.431.4341.0670.20101	Vehicles	\$43,000.00.
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Adopted August 23, 2023 by voice vote.

ACT NO. 372-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act 112-2023 authorized a contract with Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem and NYSARD, Inc., for the provision of adult day care services and comprehensive programs and services for the mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expires December 31, 2023, and

WHEREAS, the Department of Community Services has received a Cost of Living Adjustment (COLA) in the amount of \$677.00 from the New York State Office of People with Developmental Disabilities (OPWDD) for the aforementioned services, and

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

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

Increase Revenue Account:

A.434.4322.0330.3491.965	State Aid OMRDD COLA	\$677.00
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Increase Appropriation Account:

A.434.4322.0330.42020.965	Rehabilitation Center COLA	\$677.00.
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Adopted August 23, 2023 by voice vote.

ACT NO. 373-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(2020 State Homeland Security Program Grant –
Office of Emergency Services)**

Pursuant to Public Law 107-56, Department of Homeland Security
Appropriations Act of 2005, Public Law 108-334 and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 359-2020 authorized the Chairman to execute grant documents with the
New York State Office of Homeland Security and Emergency Services for a grant for the fiscal year 2020
State Homeland Security Program, and

WHEREAS, \$24,486.90 from the aforementioned grant needs to be appropriated to cover
the cost of purchases for command post and emergency operations center equipment, and

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

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

Increase Estimated Revenue Account:

A.364.3645.3640.4389.01	Homeland Security Revenue	\$24,486.90
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Increase Appropriation Accounts:

A.364.3645.3640.45401	Small Equipment/Tools	\$18,986.90
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A.364.3645.3640.20006	Computer Equipment/Software	\$ 5,500.00.
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Adopted August 23, 2023 by voice vote.

ACT NO. 374-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING CHARGE-OFFS OF CERTAIN ACCOUNTS
RECEIVABLE IN THE PROBATION DEPARTMENT**

Pursuant to Section 153 of the County Law.

WHEREAS, the Probation Department has accounts receivable related to administrative,
supervision, and drug test fees which have been deemed to be uncollectable from 2013 through 2017,
and

WHEREAS, civil judgments for these accounts have not been issued, and
WHEREAS, it has been recommended that the County remove these bad debts from the records of the Probation Department, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Probation Department in an amount of \$37,332.42.

Adopted August 23, 2023 by voice vote.

ACT NO. 375-2023 by Mr. Helmich, Mr. Higgins, Mr. Marsh and Mr. Koch
who ask immediate consideration

**AUTHORIZING TRANSFER OF TAX FORECLOSURE PROPERTY TO
CATTARAUGUS COUNTY LAND BANK CORPORATION**

Pursuant to Section 450 of the County Law.

WHEREAS, pursuant to Act 679-2014, as amended, Cattaraugus County established the Cattaraugus County Land Bank Corporation, which is now an authorized land bank corporation in New York State, and

WHEREAS, the Cattaraugus County Land Bank Corporation is able to acquire properties through a variety of means, which includes properties obtained through the in-rem tax foreclosure process, as well as donated properties, now, therefore, be it

RESOLVED, the Chairman of the Legislature, upon approval of the County Treasurer, is hereby authorized to transfer the County-owned property listed below to the Cattaraugus County Land Bank Corporation for rehabilitation and/or demolition:

304 S. 8th Street, City of Olean
Tax Map No. 94.072-5-20,

and be it further

RESOLVED, that the Cattaraugus County Treasurer hereby agrees to waive any and all taxes, liens or other fees that may be due on the property being transferred to the Cattaraugus County Land Bank Corporation, and be it further

RESOLVED, that the Cattaraugus County Clerk is hereby authorized and directed to waive all recording fees and transfer taxes for property transferred to the Cattaraugus County Land Bank Corporation.

Adopted August 23, 2023 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
JOHN R. KELLER**

WHEREAS, John R. Keller, 83, of Erie, Pennsylvania, passed away on August 5, 2023, at Greenfield Healthcare and Rehabilitation Center, and

WHEREAS, Mr. Keller began his 27-year employment with Cattaraugus County on November 26, 1973 as a maintenance man in the Department of Public Works, retiring as a maintenance mechanic on December 15, 2000, and

WHEREAS, after graduation from Olean High School in 1960, Mr. Keller enlisted in the U.S. Navy where he served aboard the USS Enterprise stationed outside of Norfolk, Virginia, and

WHEREAS, Mr. Keller is survived by a sister, Virginia Cummins of Hinsdale; a niece, Joanne Lipka; several great-nieces and great-nephews; and his niece, Linda J. Lovell, who passed away on the same day, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of John R. Keller, 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 John R. Keller, 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 sister.

MOTION TO ADJOURN IN MEMORY OF LINDA J. LOVELL

WHEREAS, Linda J. Lovell, 60, of Hinsdale, passed away on August 5, 2023, at home, and

WHEREAS, on June 4, 2011, Attorney Lovell began her employment with Cattaraugus County in the Public Defender's Office as an Assistant Public Defender and held that position until her passing, and

WHEREAS, she defended thousands of clients during her career with the Public Defender's Office, representing clients in every town and village court in the County; over the last three years, however, her focus was almost exclusively Family Court, and

WHEREAS, Mrs. Lovell began her career in the legal community as a Hinsdale Town Justice in 2001 and served two four-year terms, and

WHEREAS, she received her bachelor's degree through the PACE program at Jamestown Community College and Houghton College in 2007, continued her education at the University of Buffalo School of Law, graduating with her Juris Doctorate in 2010 and again with her Master of Laws, Criminal Law Degree in 2011; she was admitted to the New York State Bar in 2011, and

WHEREAS, Attorney Lovell was a member of the Cattaraugus County Bar Association, the New York State Bar Association, and the Parental Representation Advisory Council (P-RAC) for the New York State Office of Indigent Legal Services, and

WHEREAS, Mrs. Lovell is survived by her husband of 36 years, Perry; their children, Brian and Kylene; her mother, Virginia Cummins; siblings, Joanne Lipka, Larry Oakley, Jr., and Jerry Oakley; and many aunts, uncles, cousins, nieces and nephews, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Linda J. Lovell, 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 Linda J. Lovell, 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 husband.

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MR. BURR moved, seconded by Mr. Brisky, to adjourn until September 13, 2023 at 5:00 p.m.
Carried.

Meeting adjourned at 5:17 p.m.

Ann M. Giglio
Journal Clerk