

September 27, 2023

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

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

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the September 13, 2023 session stand approved as presented.

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COMMUNICATIONS:

Fulton County Board of Supervisors: Resolution No. 390, Supporting Senate Bill S7645 that Repeals Certain Provisions of the Executive Law Establishing a Fee for Background Checks on Certain Firearm and Ammunition Purchases.

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PUBLIC HEARING:

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on **Local Law Number 3-2023**, A Local Law Imposing an Additional Mortgage Recording Tax within the County of Cattaraugus, and that anyone wishing to speak for or against this may now do so.

There being no one wishing to speak, CHAIRMAN VANRENSELAER declared the public hearing closed.

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PRIVILEGE OF THE FLOOR:

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Crystal Abers, Director of the Department of Economic Development, Planning and Tourism, who disclosed that there was a conflict of interest concerning a grant award approved by the CCESGC through the Microenterprise Assistance Program to a new business. The parties involved in the conflict were board member Colleen Young, who is also President of the Bank of Cattaraugus, and the new business is Perky’s Market owned by Curtis Perkins. Ms. Young was not present at the meeting in which the grant award was approved. This conflict of interest does not violate state or local law and has been resolved.

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CHAIRMAN VANRENSELAER called up **Act No. 397-2023, Local Law Number 3-2023**, A Local Law Imposing an Additional Mortgage Recording Tax within the County of Cattaraugus, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 397-2023, which disclosed as follows:

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

Nays: none.

Act No. 397-2023, Local Law Number 3-2023, having received a majority vote of the Legislature, was declared Adopted.

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MR. BRISKY moved, seconded by Mr. Marsh, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 408-2023 through Act No. 415-2023. Carried.

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ACT NO. 408-2023 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**BID ACCEPTANCE FOR HOT DIP GALVANIZATION OF STEEL
(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 hot dip galvanization of steel, according to specifications and general information provided by the Public Works Committee, and

WHEREAS, the bids received meeting specifications for hot dip galvanization of steel are as follows:

FRONTIER HOT DIP GALVANIZING, INC.

1740 Elmwood Avenue

P.O. Box 199

Buffalo, New York 14207

<u>Job Size</u>	<u>2022-2023 Amount</u>	<u>2023-2024 Amount</u>
Single Dip up to 27 feet in length:		
Less than 1,000 lbs	\$0.55/lb	\$0.60/lb
1,000 – 2,000 lbs	\$0.50/lb	\$0.55/lb
Double Dip up to 40 feet in length:		
Less than 1,000 lbs	\$0.825/lb	\$0.90/lb
1,000 – 2,000 lbs	\$0.75/lb	\$0.825/lb

Additional Charges:

	Included in the pricing	Included in the pricing
1. Surcharge for double dip - For materials which are longer than tank length and which must be dipped first one end and then the other (double dip), any additional charges are included in the pricing.	\$ 0.75/lb	\$ 0.79/lb
2. Handrails	\$ 1.00/lb	\$ 1.25/lb
3. Tanks		
4. Additional:	\$50.00/hr	\$50.00/hr
Venting/Holes		\$.4000/lb
Zinc Stripping		

YOUNG GALVANIZING, INC.

8281 Mercer Street

Pulaski, Pennsylvania 16143

Job Size

2023-2024 Amount

Single Dip up to 27 feet in length:	
1,000 – 2,000 lbs	\$0.2950/lb
2,000 – 5,000 lbs	\$0.2550/lb
5,000 – 10,000 lbs	\$0.2400/lb
10,000 lbs & greater	\$0.2300/lb
Single Dip up to 48 feet in length:	
Less than 1,000 lbs	\$0.3200/lb
1,000 – 2,000 lbs	\$0.3200/lb
2,000 – 5,000 lbs	\$0.2700/lb
5,000 – 10,000 lbs	\$0.2600/lb
10,000 lbs & greater	\$0.2500/lb
Double Dip up to 40 feet in length:	
1,000 – 2,000 lbs	\$0.4425/lb
2,000 – 5,000 lbs	\$0.3825/lb
5,000 – 10,000 lbs	\$0.3600/lb
10,000 lbs & greater	\$0.3450/lb
Double Dip up to 90 feet in length:	
Less than 1,000 lbs	\$0.6637/lb
1,000 – 2,000 lbs	\$0.6637/lb
2,000 – 5,000 lbs	\$0.5737/lb
5,000 – 10,000 lbs	\$0.5400/lb
10,000 lbs & greater	\$0.5175/lb

Additional Charges:

1. Surcharge for double dip - For materials which are longer than tank length and which must be dipped first one end and then the other (double dip), any additional charges will be:	50% Surcharge added to the per pound price to double-dip items listed below
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Misc. Angle, Channel, etc.

Parts over 10 lbs	\$.3600/lb
Parts under 10 lbs	\$.5500/lb

now, therefore, be it

- I. RESOLVED, that the bid of Frontier Hot Dip Galvanizing, Inc., be, and the same hereby is, accepted, for a term commencing November 1, 2023 and terminating October 31, 2024, and be it further
- II. RESOLVED, that the bid of Young Galvanizing, Inc., be, and the same hereby is, accepted, for a term commencing November 1, 2023 and terminating October 31, 2024, and be it further
- III. 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.

Five sets of specifications were sent out.

Two bids were received meeting specifications.

Adopted September 27, 2023 by voice vote. Ms. Schröder abstained from the vote.

ACT NO. 409-2023 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
CHA CONSULTING, INC. FOR CONSULTANT DESIGN SERVICES
FOR MACHIAS BRIDGE NO. 19 FEDERAL-AID REPLACEMENT PROJECT**

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

WHEREAS, Act 258-2022 authorized a contract with CHA Consulting, Inc., 2200 Main Place Tower, Buffalo, New York 14202, for consultant design services for the Machias Bridge No. 19 federal-aid replacement project, located on County Road No. 62 (Maple Road) over Ischua Creek, PIN 5763.83, in the Town of Machias, the term of which expires December 31, 2023, and

WHEREAS, as part of the NYSDEC environmental screening and permitting process, a freshwater mussel survey is required at the project site, and

WHEREAS, CHA Consulting, Inc., shall subcontract with Environmental Solutions & innovations to perform the required freshwater mussel survey for an amount of \$27,500.00, and

WHEREAS, a contract amendment is necessary in order to include the aforementioned freshwater mussel survey and extend the termination date to June 30, 2024, and

WHEREAS, the total amount of the contract with CHA Consulting, Inc., for the provision of the consultant design services for the Machias Bridge No. 19 federal-aid replacement project and the required freshwater mussel survey shall not exceed \$231,500.00 to be paid periodically as invoiced, and as determined by the Department of Public Works, 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 CHA Consulting, Inc., for the provision of consultant design services for the above-described federal-aid replacement project to include a freshwater mussel survey, to amend the contract which commenced June 8, 2022 and now terminates June 30, 2024, according to the above-described terms.

Adopted September 27, 2023 by voice vote.

ACT NO. 410-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND INTANDEM
D/B/A CATTARAUGUS REHABILITATION CENTER, INC. FOR
JANITORIAL SERVICES FOR PUBLIC DEFENDER'S OFFICE**

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

WHEREAS, Act 107-2021, as amended by Act 417-2022, authorized a contract with the New York State Industries for the Disabled, Inc., 11 Columbia Circle Drive, Albany, New York 12203, through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., for the provision of janitorial services for the County Public Defender's Office, the term of which expired February 28, 2023, and

WHEREAS, the Public Defender's Office is desirous of renewing the aforementioned contract to continue the provision of janitorial services for the term March 1, 2023 through February 28, 2025, and

WHEREAS, the Public Defender's Office has also been advised that the New York State Department of Labor has increased the prevailing wage schedule effective July 1, 2023, and

WHEREAS, the New York State Industries for the Disabled, Inc., through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., has agreed to provide janitorial services for the Public Defender's Office, for an amount as follows:

3/1/2023 – 6/30/2023	\$915.15/month x 4 months = \$3,660.60
7/1/2023 – 9/30/2023	\$959.39/month x 3 months = \$2,878.17
10/1/2023 – 2/28/2025	\$1,140.45/month x 17 months = \$19,387.65

(subject to increase based upon NYSDOL 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, Inc., through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., for the provision of the above-described janitorial services, for a term commencing March 1, 2023 and terminating February 28, 2025, according to the above-described terms.

Adopted September 27, 2023 by voice vote.

ACT NO. 411-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
HEALTH DEPARTMENT WOMEN INFANT AND CHILDREN (WIC) PROGRAM**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 447-2022, as amended by Act 515-2022, authorized a contract with Healthy Community Alliance, Inc., One School Street, Suite 1, Gowanda, New York 14070, for the provision of a nutrition program aide for the Health Department WIC program, the term of which expires September 30, 2023, and

WHEREAS, the County Health Department is desirous of continuing the services of the full-time nutrition program aide, and

WHEREAS, Healthy Community Alliance, Inc., has agreed to provide the aforementioned WIC program components, in accordance with the following:

Nutrition Program Aide (one full-time)

*to be paid on a monthly basis, as invoiced	Total not to	\$64,501.27
*Approved work-related expenses will be reimbursed, including approved work-related cell phone usage	exceed	
*Mileage will be reimbursed at a rate not to exceed the County's rate		

and

WHEREAS, this program is 100% funded through the WIC Program, 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing October 1, 2023 and terminating September 30, 2024, according to the above-described terms, and be it further

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

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

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

Adopted September 27, 2023 by voice vote.

ACT NO. 412-2023 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**ACCEPTING MATERIAL BIDS FOR
HOT MIX ASPHALT IN-PLACE PAVING PROJECTS
(Department of Public Works)**

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

WHEREAS, Act 140-2023 accepted material bids for Hot Mix Asphalt In-Place Paving projects, and

WHEREAS, the low bidder is not able to provide the required materials for quantities of 501 tons and greater, and

WHEREAS, the bid of the second lowest bidder, Lake Shore Paving, Inc., 7 Osmer Street, Jamestown, New York 14701, should be accepted in the aforementioned category, now, therefore, be it

RESOLVED, that the Commissioner of Public Works is authorized to contract for materials with Lake Shore Paving, Inc., as recommended by the Public Works Committee for the season May 1, 2023 through April 30, 2024, and be it further

RESOLVED, that any county, city, village, town, school, or fire district in Cattaraugus County, including other municipalities and not-for-profit organizations authorized under the General Municipal Law of the State of New York, may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of all materials at any time during the season for which the bids are taken.

HOT MIX ASPHALT IN-PLACE PAVING PROJECTS

LAKE SHORE PAVING, INC.

7 Osmer Street

Jamestown, New York 14701

Price Is Per Ton In-Place Applied In One Working Day

Quantities Applied

Projects: 501 Tons and Greater

NE Quad.

\$110.00

NW Quad.

\$110.00

SE Quad.

\$110.00

SW Quad.

\$110.00

Cost Per Ton – If County Provides The Traffic Control

Projects: 501 Tons and Greater

\$105.00

\$105.00

\$105.00

\$105.00

No State Bid.

Eleven sets of specifications were sent out.

Five bids were received that met specifications.

Adopted September 27, 2023 by voice vote.

ACT NO. 413-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

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

Pursuant to Sections 215 and 450 of the County Law.

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

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

Space and Cost

Room 209-209B and Room 211

1268 square feet @ \$7.16/sq. ft. = \$9,078.88/year

County Attorney's Office – Risk Management

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

and

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

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease agreements, on behalf of Cattaraugus County, with the Cattaraugus-Little Valley Central School District, for the leasing of the above-described space in the Little Valley Campus building, for a term commencing October 1, 2023 and terminating September 30, 2024, with the option to renew for two (2) additional one-year terms, according to the above-described terms.

Adopted September 27, 2023 by voice vote.

ACT NO. 414-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
QUEST DIAGNOSTICS CLINICAL LABORATORIES, INC. FOR
HEALTH DEPARTMENT SUBSTANCE ABUSE TESTING SERVICES**

Pursuant to 10 NYCRR Part 763 and Section 450 of the County Law.

WHEREAS, Act 32-2019, as amended, authorized a contract with Quest Diagnostics Clinical Laboratories, Inc., 875 Greentree Road, Four Parkway Center, Pittsburgh, Pennsylvania 15220, for the provision of substance abuse testing services for the County Health Department, and

WHEREAS, the aforementioned contract has been amended several times and it is in the best interests of the parties to execute a new, revised contract, which will supersede the prior contract dated January 2, 2019, and all amendments thereto, and

WHEREAS, Quest Diagnostics Clinical Laboratories, Inc., can provide the aforementioned substance abuse testing services in accordance with the following revised rate schedule, which became effective June 1, 2023:

PRICING FOR "LAB BASED" TESTING AND SERVICES

<u>Description</u>	<u>Test Code</u>	<u>Client Test Code Price</u>
Blood SAP	1861B	\$194.65
Ethanol (Blood) .01%	443N	\$ 25.95
Quest Blood Collection Fee	22549N	\$ 11.90
Preferred Blood Collection Fee	22552N	\$ 21.50
MRO Fee Full	8746N	\$ 5.40
Quest Hair Collection Fee	21671N	\$ 16.20
Preferred Hair Collection Fee	22553N	\$ 23.35
Quest Urine Collection Fee	8766N	\$ 11.90
Preferred Urine Collection Fee	35499N	\$ 16.75
Hair-5	37000N (old panel 19870N)	\$ 37.85
Substance Abuse Panel 10-	35190N	\$ 17.30
Hair Kit w/o Shipping Supplies	POC0050	\$ 0.00

Hair Kit with Shipping Supplies	POC0051	\$ 0.00
Hair-5 (expanded OP)	37001N (old panel 26220N)	\$ 40.00
SAP 10-50/2000 W/TS + Fentanyl	59387N	\$31.30
SAP 10-50/2K+ALC W/TS + Fentanyl	59573N	\$32.40

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 Quest Diagnostics Clinical Laboratories, Inc., for the provision of the above-described services, for a term commencing June 1, 2023 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Adopted September 27, 2023 by voice vote.

ACT NO. 415-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALFA WASSERMANN DIAGNOSTIC TECHNOLOGIES, LLC
FOR THE PURCHASE AND INSTALLATION OF
CHEMISTRY ANALYZER FOR HEALTH DEPARTMENT LABORATORY AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Health Department)**

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

WHEREAS, the Alfa Wassermann Chemistry Analyzer in the Health Department, which was purchased in 2006, is in need of emergency replacement, and

WHEREAS, Alfa Wassermann Diagnostic Technologies, LLC, 4 Henderson Drive, West Caldwell, New Jersey 07006, can provide a new Chemistry Analyzer for an amount of \$37,500.00, which includes:

<u>Qty</u>	<u>Description</u>	<u>Price</u>
1	ACE Axcel Chemistry System	\$35,700.00
	Includes:	
	\$4,000 no-charge reagents for trade-in of Alera #06070467	
	\$4,850 no-charge installation supplies	
	One Year Warranty	
	Installation and on-site training	
	Freight Charges	<u>\$ 1,800.00</u>
	Total	\$37,500.00

and

WHEREAS, the aforementioned Chemistry Analyzer is 100% federally funded (CFDA #93.967), and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned purchase, 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 Alfa Wassermann Diagnostic Technologies, LLC,

for the provision and installation of the aforementioned chemistry analyzer, for a term commencing September 28, 2023 and terminating September 27, 2024, according to the above-described terms, and be it further

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

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

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

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

Increase Appropriation Account:		
A.401.4097.0000.20008	Tools & Equipment	\$27,500.00
Increase Appropriation Account:		
A.401.4097.0000.11000	Full-Time Wages	\$27,500.00.

Adopted September 27, 2023 by voice vote.

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MR. BURR moved, seconded by Mr. Benson, to adjourn until October 11, 2023 at 5:00 p.m. Carried.

Meeting adjourned at 5:10 p.m.

Ann M. Giglio
Journal Clerk