

October 11, 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 – Morrow.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the September 27, 2023 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Acknowledged receipt of Local Law No. 2-2023 and the filing of the same on September 18, 2023.

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APPOINTMENTS:

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

Tracey Godfrey, Fire District 3

filling the vacancy of the voting member from Fire District 3, term expires December 31, 2023

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PRIVILEGE OF THE FLOOR:

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Karen Trevaskis, President of the Board of Directors of the S.P.C.A. of Cattaraugus County, who introduced Cathy Stevens, Treasurer of the S.P.C.A. Ms. Stevens provided an overview of their program and the impact the NYS Companion Animal Care Standards Act, which is to take effect December 2025, will have on their facility and program.

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ACT NO. 416-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
U & S SERVICES, LLC FOR HVAC CONTROL SYSTEM MAINTENANCE
AND FIRE ALARM INSPECTION
(Department of Buildings & Grounds)**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 395-2019 authorized a contract for inspection, testing and maintenance of HVAC controls for various County buildings, the term of which expires December 31, 2023, and

WHEREAS, the County is desirous of continuing the aforementioned services, and

WHEREAS, U & S Services, LLC, 95 Stark Street, Tonawanda, New York 14150, can provide inspection, testing and maintenance services for the HVAC control system at the facilities listed below, for an amount as follows:

<u>Location</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
LV DPW Facility	\$ 4,700.00	\$ 4,841.00	\$ 4,986.00	\$ 5,136.00
Franklinville DPW Facility	\$ 600.00	\$ 618.00	\$ 637.00	\$ 656.00
Pines-Machias	\$ 3,900.00	\$ 4,017.00	\$ 4,138.00	\$ 4,262.00
Pines-Olean	\$ 9,680.00	\$ 9,970.00	\$10,270.00	\$10,578.00
(includes annual inspection of Fire Alarm & CO sensors)				
LV County Center/Jail	\$11,830.00	\$12,185.00	\$12,551.00	\$12,927.00
(includes calibration of water meter in courthouse 1/yr.)				
Stonehouse	\$ 1,820.00	\$ 1,875.00	\$ 1,931.00	\$ 1,989.00
Olean Office Facility	<u>\$ 9,400.00</u>	<u>\$ 9,682.00</u>	<u>\$ 9,972.00</u>	<u>\$10,272.00</u>
Total Annual Cost	\$41,930.00	\$43,188.00	\$44,485.00	\$45,820.00

**Amounts include cost of Autotask Endpoint Management (AEM) software used to monitor computer performance, audit all assets and pinpoint deficiencies,

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 U & S Services, LLC, for the provision of the above-described services, contingent upon and subject to inclusion in the 2024 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2024 and terminating December 31, 2027, according to the above-described terms.

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

Adopted October 11, 2023 by voice vote.

ACT NO. 417-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TIMEKEEPING SYSTEMS, INC. FOR SHERIFF'S OFFICE
ROUNDS TRACKER SOFTWARE AND EQUIPMENT AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Sheriff's Office)**

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

WHEREAS, the County Sheriff's Office is desirous of purchasing a new rounds checker with associated software and support for the Jail, and

WHEREAS, TimeKeeping Systems, Inc., 30700 Bainbridge Road, Solon, Ohio 44139, can provide Guard1 Plus software and support and the Pipe touch button reader for a total amount of \$9,487.24, as follows:

<u>Qty</u>	<u>Description</u>	<u>Price</u>	<u>Total</u>
1	GUARD1 Plus Professional Edition Software	\$1,395.00	\$1,395.00
7	The PIPE Touch Button Reader	\$795.00	\$5,565.00
1	USB Downloader	\$395.00	\$ 395.00
3	5mm Touch Memory Button, 10 pieces	\$39.50	\$ 118.50
30	Metal Wall Mount Button Holders	\$19.95	\$ 598.50
1	Shipping Charge (estimated)	\$25.24	\$ 25.24
	Sub Total		\$8,097.24
1	Rounds Tracker	\$995.00	\$ 995.00
1	GUARD1 Plus One Year Support	\$395.00	\$ 395.00
	Total		\$9,487.24

and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned software, support services and equipment, 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 TimeKeeping Systems, Inc., for the provision of Rounds Tracker software, support services and equipment, for a term commencing September 8, 2023 and terminating one (1) year after installation and acceptance of the aforementioned PIPE touch button readers and Guard1 software, 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 Appropriation Account:

A.311.3150.0000.20008 Tools & Equipment \$5,000.00

Decrease Appropriation Account:

A.311.3150.0000.11000 Full-Time Wages \$5,000.00.

Approved by 6 members of the Finance Committee and 4 members of the County Operations/Public Safety Committee.

Adopted October 11, 2023 by voice vote.

ACT NO. 418-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED 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 250-2023 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 expires February 28, 2024, and

WHEREAS, the New York State Department of Labor has increased the prevailing wage schedule, which results in an amendment to the aforementioned contract, and

WHEREAS, the New York State Industries for the Disabled, Inc., through the Suburban Adult Services, Inc., has agreed to provide janitorial services for the Delevan Department of Motor Vehicles Offices, as follows:

March 1, 2023 – June 30, 2023	\$448.65/month
July 1, 2023 – June 30, 2024	\$466.58/month

(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 an amended 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, to amend the contract which commenced March 1, 2023 and now terminates June 30, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee, 5 members of the Public Works Committee, and 4 members of the County Operations/Public Safety Committee.

Adopted October 11, 2023 by voice vote.

ACT NO. 419-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ARJO, INC. FOR THE PURCHASE AND INSTALLATION OF BATHING TUBS
IN THE PINES HEALTHCARE AND REHABILITATION CENTERS AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

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

WHEREAS, the County Department of Nursing Homes is desirous of purchasing two (2) new bathing tubs for The Pines Healthcare and Rehabilitation Center-Machias Campus, and

WHEREAS, Parker AF bath tubs are available for purchase through GSA Contract No. V797D-50430 for an amount of \$13,836.44 each, and

WHEREAS, ARJO, Inc., 2349 West Lake Street, Addison, Illinois 60101, shall provide and install in The Pines Healthcare and Rehabilitation Center-Machias Campus two (2) Parker AF, DES, AS, Leg Rest bathing tubs and provide annual preventive maintenance for an amount as follows:

<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
Parker AF, DES, AS, Leg Rest Bathing Tub	(2)	\$13,836.44	\$27,672.88
Annual Preventive Maintenance, including 1 st year warranty	(2)	\$ 3,564.40	<u>\$ 7,128.80</u>
Grand Total			\$34,801.68

and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned purchase and maintenance, 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 ARJO, Inc., for the provision of two (2) bathing tubs, installation and maintenance services, for a term commencing September 19, 2023 and terminating five (5) years after installation and acceptance of the aforementioned bathing tubs, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

El.453.4530.1160.20002	Capital Building Improvements	\$36,000.00
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Increase Appropriation Account:

El.453.4530.1190.20203	Medical Equipment	\$36,000.00.
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Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted October 11, 2023 by voice vote.

ACT NO. 420-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
RTG MEDICAL 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, RTG Medical, 4611 East 22nd Street, Fremont, Nebraska 68025, can provide the aforementioned health care services staffing coverage for an amount as follows:

<u>Position</u>	<u>Basic Rates</u>
Registered Nurse	\$80.00/hour
Licensed Practical Nurse	\$70.00/hour
Certified Nurse Aide	\$50.00/hour

- 36 hours per week for 12 hour shifts, or 40 hours per week for 8 to 10 hour shifts;
- Each part of an hour beyond 40 hours in a single payroll week (Sunday through Saturday) will be billed at time and a half (1½) of the hourly rate (and be subject to adjustment for Holidays);
- Holiday rates apply from midnight to midnight. The following days are billed at time and a half (1½) of the hourly rate: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas Day;
- The two (2) facilities are separate entities and overtime pay will be calculated by facility hours;
- Two (2) hours' notice of shift cancellation by the County is required for all shifts including PRN; if no notice is given, or if the contracted staff is cancelled after they have reported for shift, the entire shift will be billed,

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 RTG Medical, for the provision of the above-described health care coverage services, for a term commencing October 12, 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 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted October 11, 2023 by voice vote.

ACT NO. 421-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
LISA TRAINA FNP-C FOR THE PINES HEALTHCARE &
REHABILITATION CENTER-OLEAN CAMPUS
CONTINGENT MEDICAL DIRECTOR SERVICES**

Pursuant to 10 NYCRR Section 415.15 and Section 450 of the County Law.

WHEREAS, Act 52-2023 authorized a contract with Lisa Traina FNP-C, 77 Kent Boulevard, Salamanca, New York 14779, for the provision of Medical Director services in the event the current medical director for The Pines Healthcare & Rehabilitation Center-Olean Campus is unavailable, the term of which expires December 31, 2023, and

WHEREAS, the Department of Nursing Homes is desirous of renewing the aforementioned contract, and

WHEREAS, Lisa Traina FNP-C has agreed to provide the services of Medical Director at The Pines Healthcare & Rehabilitation Center-Olean Campus, in the event the current medical director is unavailable, for an amount of \$125.00 per hour, to be paid as invoiced, 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 Lisa Traina FNP-C, for the provision of the above-described contingent Medical Director services, contingent upon and subject to inclusion in the 2024 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted October 11, 2023 by voice vote.

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MR. SMITH moved, seconded by Mr. Koch, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 422-2023 through Act No. 429-2023. Carried.

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ACT NO. 422-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AMENDING ACT 367-2023 REGARDING 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 367-2023 authorized the Chair to execute a contract with The Farmers' Truck, Inc., 644 Main Street, Suite S400, Blue Cross Centre, Moncton, NB E1C 1E2, Canada, for the provision of a C-Model Mobile Market Truck for the Veggie Wheels – Rolling into Rural Communities Program, and

WHEREAS, The Farmers' Truck, Inc., requires a 50% deposit, in the amount of \$115,475.00, prior to ordering the C-Model Mobile Market Truck, and

WHEREAS, Act 367-2023 should be amended to include authorization for the advance payment to The Farmers' Truck, Inc., in the amount of \$115,475.00, now, therefore, be it

RESOLVED, that Act 367-2023 be, and hereby is, amended to include a new second Resolved, as follows:

"II. RESOLVED, that the Cattaraugus County Legislature hereby authorizes advance payment to The Farmers' Truck, Inc., in the amount of \$115,475.00, which is 50% of the purchase price of the C-Model Mobile Market Truck, and be it further".

Adopted October 11, 2023 by voice vote.

ACT NO. 423-2023 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING PUBLIC HEARING ON REQUESTS FOR INCLUSION INTO
A CERTIFIED AGRICULTURAL DISTRICT OF AGRICULTURAL PARCELS
SUBMITTED DURING THE 2023 THIRTY-DAY INCLUSION PERIOD**

Pursuant to Section 303-b of the Agriculture and Markets Law.

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law requires counties with state certified agricultural districts to designate an annual thirty-day period to allow a landowner to submit a request for inclusion of his or her land, which is predominantly viable agricultural land, into a certified agricultural district, and

WHEREAS, the Cattaraugus County Legislature has received the recommendation of the Agricultural and Farmland Protection Board to include those parcels requesting inclusion into the appropriate agricultural district, and

WHEREAS, the inclusion of these parcels would serve the public interest by assisting in maintaining a viable agricultural industry within each applicable district, and

WHEREAS, parcels requesting inclusion are located in the existing Consolidated Agricultural District No. 5, as follows:

<u>Town</u>	<u>Tax Map No.</u>	<u>Acreage</u>
Allegany	75.004-1-47.3	57.7
Allegany	75.004-1-47.14	1.25
Perrysburg	2.013-2-28	8.95
Lyndon	50.004-1-41.3	80
Mansfield	46.003-1-41.2	61.7
Napoli	71.001-3-18.7	13.5
Napoli	71.001-1-7.1	0.36
Napoli	71.001-1-8.1	9.65
Napoli	71.001-3-18.4	10.9
Machias	30.001-1-13	295.5
Ashford	11.002-2-20	27.25

and

WHEREAS, a public hearing is necessary on the inclusion of the aforementioned parcels, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes a public hearing on the inclusion into a certified agricultural district of agricultural parcels submitted during the 2023 thirty-day inclusion period to be held at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, on the 25th day of October, 2023 at 5:01 p.m., and be it further

RESOLVED, that the notice of hearing be published in the area newspapers and mailed to the landowners requesting inclusion to the above-listed towns and to the Commissioner of the New York State Department of Agriculture & Markets.

Adopted October 11, 2023 by voice vote.

ACT NO. 424-2023 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND
DESIGNATING GRANT ADMINISTRATOR**

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 379-2022 authorized an application for tourism promotion and designated the grant administrator, and

WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

WHEREAS, before an application for matching funds for the promotion of tourism can be submitted, it is required that the Cattaraugus County Legislature designate a tourist promotion agency to make such application and to receive grants for the purposes specified in the law, and

WHEREAS, Cattaraugus County should contribute a local share of \$70,000.00 in Fiscal Year 2024 to leverage additional funds from the New York State I Love New York Matching Funds Program, now, therefore, be it

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby authorized and directed to submit all the required applications and other documents, on behalf of Cattaraugus County, necessary for the purpose of receiving these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby authorized and directed to receive grants from the State of New York for, and on behalf of, Cattaraugus County for the purposes herein specified, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby designated as the administrator of these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000.00 for the program year January 1, 2024 through December 31, 2024, and be it further

RESOLVED, that if the application for such funding is approved, then the Cattaraugus County Department of Economic Development, Planning and Tourism shall submit the grant agreement to the Legislature for approval and appropriation prior to the commencement of any work, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York and the Marketing Manager, Matching Funds, New York State Department of Economic Development, 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 October 11, 2023 by voice vote.

ACT NO. 425-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NYS OFFICE OF MENTAL HEALTH FOR THE
CARES UP INITIATIVE PROGRAM
(Sheriff's Office)**

Pursuant to Section 450 of the County Law.

WHEREAS, funding in the amount of \$60,000, plus extra funding for training, is available through the New York State Office of Mental Health for The CARES UP Initiative Program, and

WHEREAS, The CARES UP Initiative (Changing the Conversation, Awareness, Resilience, Empower Peers, Skills Building/Suicide Prevention for Uniformed Personnel) was developed by New York State Office of Mental Health's (OMH) Suicide Prevention Center of New York, and

WHEREAS, first responders and uniformed personnel regularly face stress and trauma, which can lead to increased risk of significant issues, including marital/family strain, poor sleep, depression, Post-Traumatic Stress Disorder, substance misuse and even suicide, and

WHEREAS, the Program will utilize \$1 million in funding annually from OMH to provide grant opportunities for uniformed personnel departments and Veteran-serving organizations across the State to improve suicide prevention efforts and bolster wellness and resiliency programming, and

WHEREAS, the Sheriff's Office is desirous of applying for funding through OMH for The CARES UP Initiative Program, and

WHEREAS, the aforementioned Program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Office of Mental Health in order to apply for The CARES UP Initiative Program funding, according to the above-described terms, and be it further

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

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

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

Adopted October 11, 2023 by voice vote.

ACT NO. 426-2023 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NYS DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE
LAW ENFORCEMENT TECHNOLOGY GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available through the New York State Division of Criminal Justice Services for the Law Enforcement Technology (LETECH) Grant, and

WHEREAS, the aforementioned funding will allow police departments and sheriff's offices to purchase new technology and equipment to modernize their operations and more effectively solve and prevent crime, and

WHEREAS, the Sheriff's Office is desirous of applying for the aforementioned Law Enforcement Technology Grant, and

WHEREAS, the aforementioned Program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Division of Criminal

Justice Services in order to apply for the Law Enforcement Technology Grant, 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 October 11, 2023 by voice vote.

ACT NO. 427-2023 by Mr. Brisky and Ms. Schröder
who ask immediate consideration

**APPROVING THE SUBMISSION OF A VICTIM IMPACT STATEMENT BY THE
CATTARAUGUS COUNTY PROBATION DEPARTMENT SEEKING RESTITUTION**

Pursuant to Section 153 of the County Law.

WHEREAS, on January 19, 2023, Russell Ulmer was accused of animal cruelty, and

WHEREAS, following an investigation and jury trial, Russell Ulmer was convicted of 38 counts of failure to provide proper sustenance and two counts of improper disposal of dead animals, and

WHEREAS, pending the outcome of the trial, the County was forced to seize the animals and provide them with food and shelter, and

WHEREAS, additionally, many County employees worked several hours to coordinate care, pay invoices, complete paperwork, testify at trial, and respond to the incident, and

WHEREAS, Cattaraugus County and its taxpayers should be reimbursed for the expenses involved with caring for these animals due to their owner's cruelty and neglect, which resulted in an economic loss of \$46,167.73, now, therefore, be it

RESOLVED, the Cattaraugus County Legislature does hereby approve the submission of the Probation Department's victim impact statement to be included with the pre-sentence investigation report seeking restitution from the Court, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to the Cattaraugus County Probation Department.

Adopted October 11, 2023 by voice vote.

ACT NO. 428-2023 by Mr. Snyder
and Mr. Benson and Mr. Helmich¹
who ask immediate consideration

**BID ACCEPTANCE AND AUTHORIZING THE CHAIR TO
EXECUTE CONTRACT FOR SALE OF TIMBER
(Farmersville/Lyndon Ash Timber Sale - Towns of Farmersville and Lyndon)**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the sale of ash timber from Cattaraugus County Farmersville Hardwoods Timber Tract No. 27, located off Route 98 in the Town of Farmersville, and Cattaraugus County Lyndon Hardwoods Timber Tract No. 9, located off Livingston Road in the Town of Lyndon, according to specifications provided by Generations Forestry, and

WHEREAS, the highest bid received meeting specifications for the sale of marked timber from the aforementioned property was the bid of Wagner Hardwoods, LLC, PO Box 68, Cayuta, New York 14824, in the amount of \$107,887.00, and

WHEREAS, Wagner Hardwoods, LLC, shall pay to the County 100% of the bid price upon signing of the Timber Sale contract, and

WHEREAS, Generations Forestry, the County's Forest Manager, has indicated that the price offered is fair and reasonable and should therefore be accepted, and

WHEREAS, Wagner Hardwoods, LLC, will complete the harvest and cleanup/restoration of the property by October 31, 2025, now, therefore, be it

RESOLVED, that the bid of Wagner Hardwoods, LLC, be, and the same hereby is, accepted, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Wagner Hardwoods, LLC, for the above-described sale of timber.

43 sets of specifications were sent out.

4 bids were received meeting specifications.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Benson and Mr. Helmich".

Adopted October 11, 2023 by voice vote.

ACT NO. 429-2023 by Mrs. Andreano, Mr. Brisky, Mr. Burr and Mr. VanRensselaer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL MEDICAID UPPER PAYMENT LIMIT
SCHEDULE REQUEST FOR DEPARTMENT OF NURSING HOMES SUPPLEMENTAL FUNDING**

Pursuant to Section 2808(12)(e-1) of the Public Health Law.

WHEREAS, the New York State Public Health Law provides for Supplemental Medicaid Upper Payment Limit payments of up to \$500 million statewide to non-state operated public nursing facilities, and

WHEREAS, the federal Centers for Medicare and Medicaid Services (CMS) have approved State Plan amendments to implement this supplemental payment provision in the amount of \$184,465,930.00 attributable to April 1, 2022 – March 31, 2023, and

WHEREAS, this \$184 million has been allocated to each qualifying nursing home based upon the ratio of each facility's reported Medicaid days divided by the total reported Medicaid days for all eligible public nursing homes for the 2020 calendar year, and

WHEREAS, the County's The Pines Healthcare and Rehabilitation Centers are eligible for payments of \$3,339,472.00 for the Olean facility and \$3,386,770.00 for the Machias facility, and

WHEREAS, since these payments are exempt from the Medicaid local share cap statute, counties in New York State are responsible for transferring the full 43.8% non-federal share of each payment to the State prior to the corresponding 100% payment being released to the nursing homes, and

WHEREAS, Cattaraugus County is responsible for contributing an Intergovernmental Transfer of the full non-federal share of the nursing home Upper Payment Limit in the amount of \$2,946,094.00 in 2023, and

WHEREAS, upon the State's receipt of the County's local share, a payment of \$6,726,242.00 will be made to the County in 2023, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the Supplemental Medicaid Upper Payment Limit Schedule Request Form for the County Department of Nursing Homes as described above.

Adopted October 11, 2023 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
DANIEL P. PICCIOLI**

WHEREAS, Daniel P. Piccioli, 66, of Allegany, passed away on September 30, 2023, at The Pines Healthcare & Rehabilitation Center in Machias, and

WHEREAS, Mr. Piccioli began his employment with Cattaraugus County on April 21, 1997 in the Department of Social Services as a caseworker in the child services division, and

WHEREAS, he was promoted to Administrative Analyst on January 27, 2003, and

WHEREAS, on January 8, 2005, Mr. Piccioli was named Deputy Commissioner of the Department of Social Services, and

WHEREAS, on February 28, 2013, he was appointed Commissioner of the Department of Social Services, retiring on July 30, 2018; during his tenure with the County, Dan was fair-minded, even-tempered, and had a practical and compassionate approach to his work, and

WHEREAS, a lifelong resident of the Olean area, he graduated from Archbishop Walsh High School and received a bachelor's degree in history from St. Bonaventure University in 1979, and

WHEREAS, Mr. Piccioli had coached freshman boys' basketball and tennis teams at Olean High School, and

WHEREAS, Mr. Piccioli is survived by his wife Diana; their children, Bryan of Las Vegas, Nevada, and Lauren Dotterer of Herndon, Virginia; two grandchildren: Otto Piccioli and Willow Dotterer; siblings, Patrick and Mary; sister-in-law Margel; and numerous cousins and nephews, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Daniel P. Piccioli, 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 Daniel P. Piccioli, and be it further

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

**MOTION TO ADJOURN IN MEMORY OF
ANNE MARIE COSTELLO JARVO**

WHEREAS, Anne Marie Costello Jarvo, 87, formerly of the Salamanca area, passed away on October 5, 2023 at The Pines Healthcare & Rehabilitation Center-Olean Campus, and

WHEREAS, Mrs. Costello was elected from then District #12 to the Cattaraugus County Legislature in 1976 and served as a legislator for 18 years, and

WHEREAS, in 1982, Mrs. Costello became the first woman member of the Legislature to hold a leadership position, being elected as Minority Leader; she was later elected to Majority Leader in 1992, and

WHEREAS, Mrs. Costello was appointed by former Gov. Mario Cuomo in 1984 to the Western New York Regional Economic Development Council, and

WHEREAS, Mrs. Costello was also a member of the Route 219 Association, Cattaraugus County Firemen's Auxiliary, Kill Buck Firemen's Auxiliary, Olean Business Institute Advisory Board, Allegany Rehabilitation Center, the Cattaraugus County Living Arts Association, and the Board of Trustees of the Salamanca Rail Museum, and

WHEREAS, Mrs. Costello is survived by her children: Dr. Celine Daly of Humphrey, and Roger of Randolph; four granddaughters; one grandson; two step-grandchildren; several great-grandchildren; 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 Hunt and Koch hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Anne Marie Costello Jarvo, 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 Anne Marie Costello Jarvo, and be it further

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

* * * * *

MR. BRISKY moved, seconded by Mr. Burr, to adjourn until October 25, 2023 at 5:00 p.m. Carried.

Meeting adjourned at 5:30 p.m.

Ann M. Giglio
Journal Clerk