



March 23, 2022

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed three Legislators absent – Higgins, Koch and Snyder.

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**PUBLIC HEARING:**

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on requests for inclusion into a certified agricultural district of agricultural parcels submitted during the 2022 Thirty-Day Inclusion Period, 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 Capt. Jordan Haines, Chief of Detectives, from the Sheriff's Office who provided an update on their bulletproof vest program. They are collecting retired body armor - helmets and bullet-proof vests. These items are donated to a non-profit company that is shipping them, along with donations from other Western New York law enforcement agencies, to Ukraine civilians.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the March 9, 2022 session stand approved as presented.

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CHAIRMAN VANRENSELAER called up **Act No. 129-2022**, Authorizing the Chair to Execute Contract Modification with U.S. Department of Justice, United States Marshals Service for Intergovernmental Agreement for Housing of Federal Prisoners, and asked that it be read.

Approved by 7 members of the Finance Committee and 4 members of the County Operations/ Public Safety Committee.

Adopted March 23, 2022 by voice vote.

**ACT NO. 136-2022** by Mr. VanRensselaer

**APPOINTMENT OF MEMBER TO THE CHAUTAUQUA, CATTARAUGUS,  
ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Pursuant to Section 2642-C(4) of the Public Authorities Law.

RESOLVED, that Eric W. Wohlers shall be a Cattaraugus County voting member on the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority, filling the vacancy created by the resignation of Earl B. McElfresh, with a term expiring 9/12/2022, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority.

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 137-2022** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TOTAL SENIOR CARE, INC., FOR SOCIAL ADULT DAY CARE SERVICES  
THROUGH DAYBREAK PROGRAM**

Pursuant to Older Americans Act Title III-E and  
Section 450 of the County Law.

WHEREAS, Act 125-2021 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, for the provision of social adult day care services through the Daybreak Program, the term of which expires March 31, 2022, and

WHEREAS, the Department of Aging is desirous of continuing the aforementioned social adult day care services for the Daybreak Program, and

WHEREAS, Total Senior Care, Inc., shall provide social adult day care services through the Daybreak Program for an amount of \$60/full day and \$40/half day, for a total contract amount not to exceed \$5,000.00, to be paid monthly, as invoiced and approved by the Department of Aging, and

WHEREAS, this program is 20% federal (CFDA #93.052), 68% state and 12% county funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Total Senior Care, Inc., for the provision of social adult day care services, 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.

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 138-2022** 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 546-2020, as amended by Act 126-2021, 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 March 31, 2022, 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 April 1, 2022 and terminating August 31, 2023, according to the above-described terms.

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 139-2022** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS REHABILITATION CENTER, INC., D/B/A INTANDEM, INC. FOR  
SOCIAL ADULT DAY SERVICES THROUGH THE LINWOOD CENTER PROGRAM**

Pursuant to Older Americans Act Title III-E and  
Section 450 of the County Law.

WHEREAS, Act 127-2021 authorized a contract with Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, Inc., 1439 Buffalo Street, Olean, New York 14760, for the management, operation and control of the Linwood Center, the term of which expires March 31, 2022, and

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

WHEREAS, Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, Inc., shall provide for the provision of social adult day services at the Linwood Center Adult Day Services Program for a daily amount of \$95.00, not to exceed a total amount of \$15,000.00, to be paid monthly as invoiced and approved by the Department of Aging, and

WHEREAS, this program is 22% federal (CFDA# 93.052), 56% state and 22% county funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, Inc., for the provision of social adult day services at the Linwood Center, 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.

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 140-2022** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS REHABILITATION CENTER, INC. D/B/A INTANDEM, INC.  
FOR SENIOR NUTRITION PROGRAM MEALS AT  
LINWOOD SOCIAL ADULT DAY PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 128-2021 authorized a contract with Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of meals for the participants of the Linwood Social Adult Day Program who are participating in the County's congregate nutrition day program, the term of which expires March 31, 2022, and

WHEREAS, the Department of Aging is desirous of continuing the aforementioned services, and

WHEREAS, the Department of Aging sponsors Senior Nutrition Program Meals, in the federally funded Nutrition Program for the elderly which provides meals and other approved services related to the provision of meals for residents of Cattaraugus County aged 60 and over and/or their spouses regardless of their age, and

WHEREAS, social day care, transportation, and congregate meal services qualify as additional services provided under Federal waiver to address other currently unmet social, nutritional and environmental needs of residents, and

WHEREAS, Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, Inc., is desirous of purchasing meals from the County Department of Aging Senior Nutrition Program for the participants of the Linwood Social Adult Day Program who are participating in the County's congregate nutrition day program, and

WHEREAS, the Department of Aging has agreed to provide the aforementioned meals, through its Senior Nutrition Program, to the Linwood Social Adult Day Program participants in accordance with the following rates:

- Congregate Meal for Breakfast      \$3.25 per meal, with current Child and Adult Care Food Program reimbursement rates
- Congregate Meal for Lunch            \$7.25 per meal, with current Child and Adult Care Food Program reimbursement rates
- Congregate Meal                         \$7.25 per meal for a guest,

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 Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, Inc., for the provision of the above-described meals, for a term commencing April 1, 2022 and terminating March 31, 2023, according to the above-described terms.

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 141-2022** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
THE CENTER FOR ELDER LAW AND JUSTICE FOR LEGAL  
SERVICES FOR ELDERLY RESIDENTS OF CATTARAUGUS COUNTY**

Pursuant to 45 CFR 1321 and Section 450 of the County Law.

WHEREAS, Act 130-2021 authorized a contract with The Center for Elder Law and Justice, 438 Main Street, Suite 1200, Buffalo, New York 14202, for the provision of legal services for elderly residents of Cattaraugus County in accordance with Title III of the Older Americans Act of 1965, as amended, the term of which expires March 31, 2022, and

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

WHEREAS, The Center for Elder Law and Justice is desirous of continuing the aforementioned services for an annual amount not to exceed \$28,000.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, these services are 90% federal (CFDA #93.044), 10% state funded, 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 The Center for Elder Law and Justice, for the provision of the above-described services, 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.

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 142-2022** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
HEALTHY COMMUNITY ALLIANCE, INC. FOR  
HEALTH INSURANCE AND LONG-TERM CARE INFORMATION AND COUNSELING**

Pursuant to Article 2, Title 3 of the Elder Law and  
Section 450 of the County Law.

WHEREAS, Act 129-2021 authorized a contract with Healthy Community Alliance, Inc., One School Street, Suite 100, Gowanda, New York 14070, for the provision of information, counseling and workshops to Cattaraugus County residents in order to help them better understand health insurance and long term care services, the term of which expires March 31, 2022, and

WHEREAS, the Department of Aging is desirous of continuing the aforementioned program, and

WHEREAS, Healthy Community Alliance, Inc., can provide staff persons to the Department of Aging who will provide information, counseling and workshops to Cattaraugus County residents in order to help them better understand health insurance, Medicare benefits, EPIC and other long-term care services, for an amount of \$85,181.00 for staffing, training and travel-related expenses, to be paid on a quarterly basis, as invoiced, and

WHEREAS, this program is 73% federal (CFDA# 93.779 & 93.071), 2% local and 25% county funded, 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 Healthy Community Alliance, Inc., for the provision of the above-described services, 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.

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 143-2022** by Mrs. Andreano and Mr. Helmich

**APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND JAMESTOWN PSYCHIATRIC, P.C. FOR DEPARTMENT OF COMMUNITY SERVICES NURSING AND PSYCHIATRIC SERVICES FOR MENTAL HEALTH CLINIC & PROS PROGRAM**

Pursuant to Section 41.13(a)(6) of the Mental Hygiene Law and Section 450 of the County Law.

WHEREAS, Act 523-2021 authorized a contract with Jamestown Psychiatric, P.C., 305 East Fairmount Avenue, Lakewood, New York 14750, for the provision of nursing and psychiatric services for the Department of Community Services Mental Health Clinic and PROS Program, the term of which expires December 31, 2022, and



WHEREAS, the Cattaraugus County Community Services Board is in need of a second registered nurse to act as Nursing Supervisor to oversee the nursing day-to-day responsibilities in the Clinic, and

WHEREAS, in addition to the staff that Jamestown Psychiatric, P.C., is currently providing, Jamestown Psychiatric, P.C. shall provide a second registered nurse to act as Nursing Supervisor to oversee the nursing day-to-day responsibilities in the Clinic for an amount of \$74,888.00, for a total contract amount not to exceed \$825,377.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, the costs of these services are provided through a combination of state aid, billable insurance, and County funds, 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 an amended contract, between the Cattaraugus County Community Services Board and Jamestown Psychiatric, P.C., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2022 and terminating December 31, 2022, according to the above-described terms, and be it further

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

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

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

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 144-2022** by Mrs. Andreano and Mr. Helmich

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CATTARAUGUS REHABILITATION CENTER, INC. D/B/A INTANDEM AND  
NYSARC, INC., CATTARAUGUS NIAGARA COUNTIES CHAPTER D/B/A INTANDEM  
FOR PROVISION OF SERVICES**

Pursuant to Sections 41.07 and 75.13 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 42-2021 authorized approval of a contract with Cattaraugus Rehabilitation Center, Inc. d/b/a Intandem and NYSARC, Inc., Cattaraugus Niagara Counties Chapter d/b/a Intandem, 1439 Buffalo Street, Olean, New York 14760, for the provision of adult day care services and comprehensive programs and service facilities for the mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expired December 31, 2021, and

WHEREAS, the Department of Community Services is desirous of continuing the provision of the aforementioned services, and

WHEREAS, Cattaraugus Rehabilitation Center, Inc. d/b/a Intandem and NYSARC, Inc., Cattaraugus Niagara Counties Chapter d/b/a Intandem can provide comprehensive programs and services for the mentally ill, developmentally disabled and physically handicapped individuals for an amount not to exceed \$265,551.00, to be paid as invoiced, and

WHEREAS, New York State has approved funding for the above-described programs in the total amount not to exceed \$265,551.00 for the period January 1, 2022 through December 31, 2022, and

WHEREAS, these programs are 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board with Cattaraugus Rehabilitation Center, Inc. d/b/a Intandem and NYSARC, Inc., Cattaraugus Niagara Counties Chapter d/b/a Intandem, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2022 and terminating December 31, 2022, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) or reduction in funding for this program, and be it further

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

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

RESOLVED, that upon reduction of either state or federal funding for this program, the County, in its sole discretion, and upon notice, may reduce the rate for services provided by the percentage of reduction in state or federal funding, and be it further

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

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

Adopted March 23, 2022 by voice vote.

**ACT NO. 145-2022** by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH RELIAS, LLC FOR PURCHASE OF  
SKILLED NURSING & ASSISTED LIVING TRAINING SOFTWARE  
FOR THE PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Nursing Homes is desirous of purchasing a training software package for The Pines Healthcare and Rehabilitation Center-Olean Campus, focused on enhancing clinical and interpersonal skills, and

WHEREAS, Relias, LLC, 1010 Sync Street, Suite 100, Morrisville, North Carolina 27560, can provide a Skilled Nursing and Assisted Living – Standard Package training software to the County for an amount not to exceed \$14,286.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned training software, 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 Relias, LLC, for the provision of the above-described training software, for a term commencing April 1, 2022 to continue in full force and effect until 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 March 23, 2022 by voice vote.

**ACT NO. 146-2022** by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
STATEWIDE MACHINERY, INC. FOR UNIMAC LAUNDRY EQUIPMENT FOR  
THE PINES HEALTHCARE AND REHABILITATION CENTERS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of two (2) washer-extractors and one (1) dryer for The Pines Healthcare and Rehabilitation Centers, and

WHEREAS, Statewide Machinery, Inc., 319 West Main Street, Suite 5, Batavia, New York 14020, is the sole source provider for the UniMac equipment that the Department of Nursing Homes uses to operate the laundry, and

WHEREAS, Statewide Machinery, Inc., can provide and install at The Pines Healthcare and Rehabilitation Centers, two (2) UniMac<sup>1</sup> Industrial Hard Mount Washer-Extractors and one (1) UniMac<sup>1</sup> Fast Dry Commercial Gas Drying Tumbler with Reversing Cylinder, for a total amount of \$50,425.00, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned laundry 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 Statewide Machinery, Inc., for the provision of the above-described laundry equipment, according to the above-described terms.

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

<sup>1</sup>Mrs. Andreano moved, seconded by Mr. Burr, to amend as follows: In the third Whereas, delete: “65 lbs.” and “75 lb.”. Carried.

Adopted, as amended, March 23, 2022 by voice vote.

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MR. BENSON moved, seconded by Ms. Schröder, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 147-2022 through Act No. 150-2022. Carried.

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**ACT NO. 147-2022** by Mr. Higgins and Mr. Marsh  
who ask immediate consideration

**DECLARING MODIFIED CONSOLIDATED AGRICULTURAL DISTRICT NO. 5  
TO BE AN UNLISTED SEQR ACTION**

Pursuant to 6 NYCRR Section 617.11.

WHEREAS, Act 123-2022 authorized a public hearing on requests for inclusion into the Consolidated Agricultural District No. 5 of agricultural parcels submitted during the 2022 thirty (30) day inclusion period, and

WHEREAS, the aforementioned modified agricultural district includes the following towns:

| <u>Town</u>   | <u>Tax Map No.</u> | <u>Acreage</u> |
|---------------|--------------------|----------------|
| Conewango     | 61-004-1-11.1      | 84.2           |
| Conewango     | 70.050-3-1.1       | 26.7           |
| Randolph      | 70.065-1-1.2       | 28.6           |
| Randolph      | 70.065-2-5.2       | 10.1           |
| Randolph      | 70.065-2-6         | 53.61          |
| Randolph      | 70.066-1-1.1       | 38.0           |
| Randolph      | 70.066-1-3         | 26.15          |
| Ischua        | 67.001-2-1.7       | 58.58          |
| Ischua        | 67.001-2-1.1       | 77.2           |
| Little Valley | 64.001-1-1         | 61.71          |
| Little Valley | 64.001-1-7         | 9.36           |
| Little Valley | 64.001-3-2         | 35.41          |

and

WHEREAS, the modification of the aforementioned district is an Unlisted SEQR Action,

and

WHEREAS, the Cattaraugus County Legislature, as Lead Agency, has determined that the modification of the aforementioned agricultural district will not have a significant adverse impact on the environment and does not require the preparation of an Environmental Impact Statement, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature, as Lead Agency, hereby determines that the modification of the aforementioned agricultural district is an Unlisted Action, within the meaning of 6 NYCRR Section 617.11, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby issues a Negative Declaration (Notice of Determination of Non-Significance) for the aforementioned modified agricultural district.

Adopted March 23, 2022 by voice vote.

**ACT NO. 148-2022** by Mr. Boberg and Mr. Klancer  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE WORK PLAN FOR  
STATEWIDE EXPANSION OF HURRELL-HARRING REFORM GRANT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Indigent Legal Services – Year 3)**

Pursuant to Executive Law Section 832 (4), Article 18-B of the County Law  
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Cattaraugus County has been allocated \$10,273,307.16, over a five (5) year period, through the New York State Office of Indigent Legal Services (ILS) for the Statewide Expansion of the Hurrell-Harring Reform Grant for Counsel at Arraignment, Quality Improvement and Caseload Relief, and

WHEREAS, Act 369-2019 authorized the five-year contract with the New York State Office of Indigent Legal Services for the Statewide Expansion of the Hurrell-Harring Reform Grant, with Work Plans required for each year, and

WHEREAS, the Public Defender's Office and the Assigned Counsel Program have worked closely with ILS to develop Work Plans for the third year of the Statewide Expansion Grant that meet mandated performance measures, and

WHEREAS, the third year of the Grant commenced April 1, 2020 and terminated March 31, 2021, for which Cattaraugus County will receive the following amounts:

|                                       |                |
|---------------------------------------|----------------|
| Public Defender's Office              | \$1,721,847.41 |
| Assigned Counsel Program              | \$ 297,814.02  |
| Legal Aid Bureau of Buffalo (Appeals) | \$ 35,000.00,  |

and

WHEREAS, the Work Plan for the aforementioned third year funding shall reflect the following proposed uses as have been agreed upon by the Public Defender, the Administrator of Assigned Counsel and Legal Assistance of Western New York, with the approval of the Executive Officer of Cattaraugus County:

| <u>Description</u>  | <u>Year 3</u><br><u>4/1/2020 – 3/31/2021</u> |
|---|--|
| <b>PUBLIC DEFENDER</b>  |  |
| <b>Caseload Relief</b>  |  |
| (3) Assistant Public Defenders Salary and Associated Fringe Benefits  | \$321,493.05                                 |
| Professional Client Liaison Salary and Associated Fringe Benefits     | \$ 84,485.91                                 |
| Staff Social Worker Salary and Associated Fringe Benefits             | \$ 98,850.26                                 |
| (2) Assistant Public Defenders Salary and Associated Fringe Benefits  | \$226,024.65                                 |
| Data Officer/Paralegal Salary and Associated Fringe Benefits          | \$111,066.68                                 |
| Junior Accountant/Grant Manager Salary and Associated Fringe Benefits | \$ 80,276.41                                 |
| (3) Assistant Public Defenders Salary and Associated Fringe Benefits  | \$314,037.00                                 |
| Law Secretary Salary Enhancement and Enhancement Fringe Benefits      | \$ 15,385.50                                 |
| Keyboard Specialist Salary and Associated Fringe Benefits             | \$ 66,807.00                                 |
| <b>• OTPS (Other Than Personnel Expenses):</b>                        |  |
| Technology Upgrades   | \$ 15,000.00                                 |
| Office Expansion Study  | \$ 20,000.00                                 |
| Office Renovations/Rent   | \$ 60,000.00                                 |

|  |                       |
|--|-----------------------|
| Increased Office Utilities   | \$ 6,000.00           |
| Worker's Compensation  | \$ 16,000.00          |
| <b>Quality Improvement</b>   |                       |
| • <b>Contract/Consultant:</b>  |                       |
| Experts/Forensic Services/Psychiatrist/Transcripts                           | \$ 38,358.95          |
| • <b>OTPS (Other Than Personnel Expenses):</b>                               |                       |
| Laptops & Monitors   | \$ 10,000.00          |
| Microsoft Office Licenses  | \$ 1,600.00           |
| Cell Phone Service/Data Plans  | \$ 12,400.00          |
| iPads w/Keyboards/iPhones w/Cases & Extended Warranties for iDevices         | \$ 2,400.00           |
| Internet Service/Network Connectivity  | \$ 5,600.00           |
| Office Furniture & Supplies, Printers, Scanners                              | \$ 29,200.00          |
| CLE Trainings/Other Professional Trainings/Hosting Trainings                 | \$ 15,000.00          |
| Travel/Mileage   | \$ 20,000.00          |
| Legal Reference Materials/Subscriptions/Books                                | \$ 15,000.00          |
| Notary Licenses/Bar Association Dues/NYSBA Dues/Professional Membership Fees | \$ 5,000.00           |
| Client Travel  | \$ 5,000.00           |
| <b>Counsel At First Appearance</b>   |                       |
| (2) Investigators Salary Enhancement and Salary Enhancement Fringe           | \$ 26,862.00          |
| Counsel at First Appearance Stipends   | \$100,000.00          |
| <b>Public Defender Total</b>   | <b>\$1,721,847.41</b> |

**ASSIGNED COUNSEL PLAN****Caseload Relief**

|  |              |
|--|--------------|
| Assigned Counsel Administrator Salary and Associated Fringe Benefits | \$ 80,738.00 |
| Paralegal Salary Enhancement and Salary Enhancement Fringe           | \$ 9,050.00  |
| (2) Secretary Salary Enhancements and Salary Enhancement Fringe      | \$ 15,690.00 |

• **OTPS (Other Than Personnel Expenses):**

|  |             |
|--|-------------|
| CLE Trainings/Trainings/Meetings/Hosting Trainings                                       | \$15,000.00 |
| Office Supplies/Office Furniture/Equipment/Technology Upgrades/Internet/Phone Data Plans | \$ 2,128.00 |
| Office Space   | \$ 4,872.00 |
| Case Management System   | \$ 5,000.00 |

**Quality Improvement**• **Contracted/Consultant:**

|  |              |
|--|--------------|
| Investigators/Experts/Transcripts      | \$ 63,336.02 |
| Second-Chair Program (Statutory Rates) | \$ 52,000.00 |
| (2) Resource Attorneys (contracted)    | \$ 50,000.00 |

**Assigned Counsel Program Total** **\$297,814.02**

• **Contract Services-Appeals:**

|   |              |
|---|--------------|
| Appeals - Legal Aid Bureau of Buffalo, Inc. | \$ 35,000.00 |
|---|--------------|

**Appeals Total** **\$ 35,000.00**

**TOTAL YEAR 3 BUDGET** **\$2,054,661.43**

and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate funds provided through the Hurrell-Harring Reform Grant which are included in the Public Defender's Office and Assigned Counsel budgets to cover the costs proposed in the aforementioned Work Plan, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to

execute the Work Plan for the third year, on behalf of Cattaraugus County, with the New York State Office of Indigent Legal Services, for a term commencing April 1, 2020 and terminating March 31, 2021, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments or extensions when needed for this program, as long as the amount of the grant has not changed, and be it further

RESOLVED, that upon termination of funding for this program, then this program and the salary enhancements hereby authorized 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 Accounts:

|                      |  |                |
|----------------------|--|----------------|
| A.117.1170.1183.3025 | State Aid, ILS Hurrell-Harring Public Defender | \$1,756,847.41 |
| A.119.1183.0000.3025 | State Aid, Indigent Legal Services Fund        | \$ 297,814.02  |

Increase Appropriation Accounts:

|                         |                                |               |
|-------------------------|--------------------------------|---------------|
| A.117.1170.1183.11000   | Full-Time Wages                | \$ 954,903.00 |
| A.117.1170.1183.13000   | Overtime                       | \$ 2,740.00   |
| A.117.1170.1183.14000   | Pay-in-Lieu of Benefit Hours   | \$ 5,500.00   |
| A.117.1170.1183.20005   | Office Furnishings             | \$ 20,000.00  |
| A.117.1170.1183.20006   | Computer Equipment/Software    | \$ 13,000.00  |
| A.117.1170.1183.40401.2 | Regional Appellate Defender    | \$ 35,000.00  |
| A.117.1170.1183.41206   | Transcripts                    | \$ 3,000.00   |
| A.117.1170.1183.41213   | Engineering Services           | \$ 20,000.00  |
| A.117.1170.1183.41233   | Professional Services          | \$ 35,359.00  |
| A.117.1170.1183.41404   | Internet Contracts             | \$ 5,600.00   |
| A.117.1170.1183.44102   | Heat                           | \$ 2,500.00   |
| A.117.1170.1183.44103   | Electric                       | \$ 3,500.00   |
| A.117.1170.1183.44203   | Office Rental                  | \$ 60,000.00  |
| A.117.1170.1183.45202   | Equipment Repair & Maintenance | \$ 1,000.00   |
| A.117.1170.1183.45401   | Small Equipment/Tools          | \$ 12,400.00  |
| A.117.1170.1183.46102   | Employee Mileage               | \$ 20,000.00  |
| A.117.1170.1183.46106   | Training                       | \$ 15,000.00  |
| A.117.1170.1183.46108   | Cellular Phone Charges         | \$ 10,000.00  |
| A.117.1170.1183.47002   | Office Supplies                | \$ 14,200.00  |
| A.117.1170.1183.47011   | Law Books                      | \$ 15,000.00  |
| A.117.1170.1183.48002   | Dues                           | \$ 5,000.00   |
| A.117.1170.1183.48213   | Client Activity Expenditures   | \$ 5,000.00   |
| A.117.1170.1183.81000   | FICA                           | \$ 73,870.00  |
| A.117.1170.1183.82000   | Retirement                     | \$ 124,434.00 |
| A.117.1170.1183.83000   | Health Insurance               | \$ 279,565.00 |
| A.117.1170.1183.84000   | Dental Insurance               | \$ 4,277.00   |
| A.117.1170.1183.85000   | Workers Compensation           | \$ 15,999.41  |
| A.119.1183.1173.40401.4 | Second Chair Program           | \$ 102,000.00 |

|                       |                                   |              |
|-----------------------|-----------------------------------|--------------|
| A.119.1183.1175.41233 | Professional Services             | \$ 63,336.02 |
| A.119.1183.1176.11000 | Full Time Wages                   | \$ 95,500.00 |
| A.119.1183.1176.43006 | Maintenance Shared Services       | \$ 4,872.00  |
| A.119.1183.1176.45203 | Software Licenses and Maintenance | \$ 5,000.00  |
| A.119.1183.1176.46106 | Training                          | \$ 15,000.00 |
| A.119.1183.1176.47002 | Office Supplies                   | \$ 2,128.00  |
| A.119.1183.1176.81000 | FICA                              | \$ 7,305.75  |
| A.119.1183.1176.82000 | Retirement                        | \$ 2,672.25. |

Adopted March 23, 2022 by voice vote.

**ACT NO. 149-2022** by Mr. Boberg and Mr. Klancer  
who ask immediate consideration

**AUTHORIZING PLAN FOR DISBURSEMENT OF  
CERTAIN FUNDS RECEIVED FROM THE  
STATEWIDE EXPANSION OF HURRELL-HARRING REFORM GRANT  
(Indigent Legal Services – Year 3)**

Pursuant to Executive Law Section 832 (4), Article 18-B of the County Law  
and Section 450 of the County Law.

WHEREAS, Act 369-2019 authorized a five-year contract with the New York State Office of Indigent Legal Services for the Statewide Expansion of the Hurrell-Harring Reform Grant, with Work Plans required for each year, and

WHEREAS, Act 148-2022 authorized a Work Plan for the disbursement of Hurrell-Harring Grant funds, which includes salary enhancements and stipends for various staff of the Public Defender's Office and the Office of Assigned Counsel, covering services provided April 1, 2020 through March 31, 2021, and

WHEREAS, the salary enhancements and stipends were made in accordance with criteria established in the Office of Indigent Legal Services Standards and Criteria for the Provision of Mandated Representation effective January 1, 2013, and

WHEREAS, sufficient funds are provided through the Hurrell-Harring Reform Grant, with no cost to the County, and are included in the Public Defender's Office and Assigned Counsel budgets to cover the costs proposed in the aforementioned Work Plan, now, therefore, be it

RESOLVED, that in addition to the regular compensation of the positions listed below, the following amounts be disbursed as indicated, minus withholding tax, FICA, retirement and other required withholdings therefrom:

| <u>Position Title</u>                        | <u>Position No.</u>      | <u>Bi-Weekly Amount as<br/>adjustment to pay</u> |
|--|--------------------------|--|
| Administrator of Assigned Counsel            | Position No. 117-008-001 | \$2,884.62                                       |
| Paralegal (assigned counsel)                 | Position No. 142-239-001 | \$288.46   |
| Secretary (assigned counsel)                 | Position No. 142-295-001 | \$250.00   |
| Secretary (assigned counsel)                 | Position No. 142-295-004 | \$250.00   |
| Investigator (Public Defender)               | Position No. 117-175-001 | \$423.07   |
| Investigator (Public Defender)               | Position No. 117-175-002 | \$423.07   |
| Confidential Law Secretary (Public Defender) | Position No. 117-062-001 | \$500.00   |



and be it further

RESOLVED, that effective January 1, 2022, in addition to the regular compensation of the Public Defender and Assistant Public Defender positions, stipends for after-hour arraignments will be disbursed to the attorney on-call in accordance with the following schedule:

Attorney On-Call Stipend Schedule

|         | Start Day | Time | End Day   | Time | Normal    | Days/yr |              |
|---------|-----------|------|-----------|------|-----------|---------|--------------|
| Weekday | Monday    | 4PM  | Tuesday   | 8AM  | \$ 200.00 | 52      | \$ 10,400.00 |
| Weekday | Tuesday   | 4PM  | Wednesday | 8AM  | \$ 200.00 | 52      | \$ 10,400.00 |
| Weekday | Wednesday | 4PM  | Thursday  | 8AM  | \$ 200.00 | 52      | \$ 10,400.00 |
| Weekday | Thursday  | 4PM  | Friday    | 8AM  | \$ 200.00 | 52      | \$ 10,400.00 |
| Weekend | Friday    | 4PM  | Saturday  | 12PM | \$ 300.00 | 53      | \$ 15,900.00 |
| Weekend | Saturday  | 12PM | Sunday    | 8PM  | \$ 300.00 | 53      | \$ 15,900.00 |
| Weekday | Sunday    | 8PM  | Monday    | 8AM  | \$ 200.00 | 52      | \$ 10,400.00 |
|         |           |      |           |      |           | 366     | \$ 83,800.00 |

| <b>Recognized Holidays</b> |       |                  |     |     | <b>Weekday Rate</b> | <b>Weekend Rate</b> |
|----------------------------|-------|------------------|-----|-----|---------------------|---------------------|
| New Year's Eve             | Start | New Year's Day   | End | 300 | 400                 |                     |
| New Year's Day             | Start | Next Day         | End | 300 | 400                 |                     |
| MLK Jr Day Eve             | Start | MLK Day Eve      | End | 300 |                     |                     |
| MLK Day                    | Start | Next Day         | End | 300 |                     |                     |
| President's Day Eve        | Start | President's Day  | End | 300 |                     |                     |
| President's Day            | Start | Next Day         | End | 300 |                     |                     |
| Memorial Day Eve           | Start | Memorial Day     | End | 300 |                     |                     |
| Memorial Day               | Start | Next Day         | End | 300 |                     |                     |
| Independence Day Eve       | Start | Independence Day | End | 300 | 400                 |                     |
| Independence Day           | Start | Next Day         | End | 300 | 400                 |                     |
| Labor Day Eve              | Start | Labor Day        | End | 300 |                     |                     |
| Labor Day                  | Start | Next Day         | End | 300 |                     |                     |
| Columbus Day Eve           | Start | Columbus Day     | End | 300 |                     |                     |
| Columbus Day               | Start | Next Day         | End | 300 |                     |                     |
| Veteran's Day Eve          | Start | Veteran's Day    | End | 300 | 400                 |                     |
| Veteran's Day              | Start | Next Day         | End | 300 | 400                 |                     |
| Thanksgiving Day Eve       | Start | Thanksgiving Day | End | 300 |                     |                     |
| Thanksgiving Day           | Start | Black Friday     | End | 300 |                     |                     |
| Black Friday               | Start | Next Day         | End |     | 400                 |                     |
| Christmas Eve              | Start | Christmas Day    | End | 300 | 400                 |                     |
| Christmas Day              | Start | Next Day         | End | 300 | 400                 |                     |

and be it further

RESOLVED, that upon termination of funding for this program, then this program and the salary enhancements and stipends hereby authorized 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.

Adopted March 23, 2022 by voice vote.

**ACT NO. 150-2022** by Mr. Benson and Mr. Helmich  
who ask immediate consideration

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR  
HIGHWAY SIGNS  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase of highway signs for the Department of Public Works, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the Department of Public Works would like to reject the bids received for the highway signs, which were opened on March 17, 2022, and rebid after modifying the specifications and the method of award, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for highway signs for the Department of Public Works, and requests permission to rebid.

Adopted March 23, 2022 by voice vote.

\* \* \* \* \*

**PRIVILEGE OF THE FLOOR:**

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Richard Smith who asked that the Legislature recognize the 50<sup>th</sup> Anniversary of the Meals on Wheels Program and to extend a genuine thank you to all the volunteers who make this program a success.

\* \* \* \* \*

MR. BOBERG moved, seconded by Mr. Burr, to adjourn until April 13, 2022 at 5:00 p.m. Carried.

Meeting adjourned at 5:18 p.m.

Ann M. Giglio  
Journal Clerk