



CATTARAUGUS COUNTY

John R. Searles, County Administrator

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Little Valley, New York 14755

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Senior Services Committee Work Session
Monday, June 1, 2015, 6:00 p.m.
Olean Pines

Contingent Fund Balance: \$318,235

The following committees will meet on **Wednesday, June 3, 2015**, at the County Center in Little Valley, New York, at the indicated times:

Public Works	4:00 p.m.
Human Services	5:00 p.m.
Development & Agriculture	
• <i>Presentation – Youth Baseball Proposal</i>	5:15 p.m.
Public Safety	5:45 p.m.
Labor Relations	6:00 p.m.
Senior Services	6:15 p.m.
Finance	6:30 p.m.

ACT NO.

PREFILED RESOLUTIONS

- 298-15 Mr. Felton, Mr. Marsh, Mr. VanRensselaer, Ms. Vickman, Mr. Weller and Mr. Koch
AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 WITH
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN FEDERAL-AID
PROJECT ADMINISTERED BY THE NYSDOT AND ADJUSTING VARIOUS APPROPRIATION
AND REVENUE ACCOUNTS (Federal Aid Local Project Agreement No. D034837 – Bridge
Painting)
- 299-15 Mr. VanRensselaer and Mr. Boser
AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH NEW YORK STATE
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR SNOWMOBILE TRAIL
MAINTENANCE PROGRAM FUNDING
- 300-15 Mr. VanRensselaer and Mr. Boser
AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS WITH DM KRESS, LLC FOR A
BUSINESS DEVELOPMENT AND EQUIPMENT ACQUISITION PROJECT
- 301-15 Mr. Murphy and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN COMMUNITY SCHOOLS
FOR HIGH SCHOOL EQUIVALENCY INSTRUCTION (Department of Social Services and
Probation)

- 302-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH INSTITUTE FOR HEALTHCARE IMPROVEMENT FOR SCALE INITIATIVE FUNDED THROUGH ROBERT WOOD JOHNSON FOUNDATION AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Health Department)
- 303-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH P2 COLLABORATIVE OF WNY, INC. FOR PARTICIPATION IN COLLABORATING EFFORT TO PROMOTE HEALTH IN WESTERN NEW YORK
- 304-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION PROGRAM ADMINISTRATION (EIP)
- 305-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR HEALTH DEPARTMENT REPRODUCTIVE HEALTH EDUCATOR
- 306-15 Ms. Edstrom and Mrs. Stockman
LOCAL LAW NUMBER 6-2015 – A LOCAL LAW AMENDING LOCAL LAW NUMBER 10-2011 (INTRO NUMBER 16-2011), ENTITLED “A LOCAL LAW REGULATING ELECTRONIC CIGARETTES [“E-CIGARETTES”] AND HERBAL CIGARETTES”
- 307-15 AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 6-2015

Committee Referrals for the June 3, 2015 Committee Meetings									
Act #	Finance	County Ops	DPW	Senior Services	Strategic Planning	Human Services	Dev & Ag	Public Safety	Labor Relations
298	X		X						
299	X						X		
300	X						X		
301	X					X		X	
302	X			X		X			
303	X					X			
304	X					X			
305	X					X			
306	X					X			
307	X					X			
TOTALS	10	0	1	1	0	7	2	1	0

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1
WITH NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN
FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Federal Aid Local Project Agreement No. D034837 - Bridge Painting)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

I. WHEREAS, Act 293-2014 authorized a Marchiselli agreement with the New York State Department of Transportation (NYSDOT) for the Cattaraugus County Bridge Painting Project: Four (4) Bridges in the Towns of Conewango, Ellicottville, Franklinville and Freedom, Cattaraugus County, PIN 5760.51 (the "Project"), which is eligible for funding under Title 23 U.S. Code, as amended, and that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

II. WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Construction & Construction Inspection phase of the Project, PIN 5760.51, and

III. WHEREAS, various appropriation and revenue accounts must be adjusted to accommodate the aforementioned funding, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

II. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction & Construction Inspection phase of the Project, or portions thereof, and be it further

III. RESOLVED, that the sum of \$410,000.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

IV. RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

V. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and

state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

VI. RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

VII. RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Accounts:

D.502.5111.0000.3591.01	Marchiselli Aid	\$ 16,500.00
D.502.5111.0000.4597.01	Federal Aid	\$ 88,000.00

Increase Appropriation Account:

D.502.5111.5112.41425	Bridge Painting Contracted	\$104,500.00.
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Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input checked="" type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
FOR SNOWMOBILE TRAIL MAINTENANCE PROGRAM FUNDING**

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

I. WHEREAS, Act 411-2014 authorized the Chair to execute a grant application with the New York State Office of Parks, Recreation and Historic Preservation for snowmobile trail maintenance program funding for the 2014-2015 program year, and

II. WHEREAS, funding is again available through the New York State Office of Parks, Recreation and Historic Preservation for maintenance of snowmobile trails for the 2015-2016 program year, and

III. WHEREAS, Cattaraugus County has been requested by the Cattaraugus County Snowmobile Federation to act as a local sponsor for the grant application, and

IV. WHEREAS, if the grant application is successful, then the Legislature would consider legislation entering into contracts with either the Cattaraugus County Federation of Snowmobile Clubs, Inc. or the snowmobile clubs for the snowmobile trail maintenance, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature, be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Office of Parks, Recreation and Historic Preservation, for the 2015-2016 program year, according to the above-described terms, and be it further

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

III. 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

IV. 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.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input checked="" type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS
WITH DM KRESS, LLC FOR
A BUSINESS DEVELOPMENT AND EQUIPMENT ACQUISITION PROJECT**

Pursuant to Section 99-h of the State Finance Law and
Section 450 of the County Law.

- I. WHEREAS, Cattaraugus County has designated casino funds for economic development in the approved spending plan to address projects such as business retention and expansion by providing incentives to companies that retain and expand employment within Cattaraugus County, and
- II. WHEREAS, the County is desirous of retaining and expanding employment in Cattaraugus County, and
- III. WHEREAS, DM Kress, LLC, P.O. Box 637, Ellicottville, New York 14731, will operate Groove Fitness, a health, wellness, and fitness center in Ellicottville and proposes a development project that creates a need for equipment acquisition and working capital, and
- IV. WHEREAS, DM Kress, LLC, will operate Groove Fitness at 6696 Route 219, Ellicottville, New York, and is completing extensive physical improvements to the building and premises at that location, and
- V. WHEREAS, DM Kress, LLC, projects that one (1) full time equivalent position and one (1) part time equivalent position will be created as a result of this project, and
- VI. WHEREAS, DM Kress, LLC, proposes owner equity and investment and other project financing of an additional \$238,000.00, and
- VII. WHEREAS, DM Kress, LLC, is in need of \$75,000.00 to help defray costs of the aforementioned project, and
- VIII. WHEREAS, the County has \$75,000.00 in its economic development loan program, using casino funds for economic development projects in the County, and
- IX. WHEREAS, it is proposed that the County loan to DM Kress, LLC, the sum of \$75,000.00, at a 5% fixed interest rate per annum, to be repaid in monthly installments over a seven (7) year period, with the following conditions:
- Payments for months 1 (one) through 84 (eighty-four) shall be principal and interest;
 - Upon the County's receipt of acceptable documentation verifying the creation of one (1) full-time equivalent (FTE) position, DM Kress, LLC, is eligible for loan principal forgiveness of \$5,000.00 per one (1) FTE position created (to a maximum of \$25,000) over the term of the loan;
 - DM Kress, LLC, shall provide job creation documentation once per year, and such loan principal forgiveness will be pro-rated for the preceding 12 month period; and
 - To maintain eligibility for loan principal forgiveness, loan repayments must be made on time,
- and

X. WHEREAS, sufficient funds are included in the economic development fund from casino proceeds for this project, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute loan documents, on behalf of Cattaraugus County, with DM Kress, LLC, for a term commencing upon signing of the loan documents and terminating seven (7) years thereafter, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input checked="" type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN COMMUNITY SCHOOLS FOR HIGH SCHOOL EQUIVALENCY INSTRUCTION
(Departments of Social Services and Probation)**

Pursuant to Section 450 of the County Law.

I. WHEREAS, Act 326-2014 authorized a contract with the Olean Community Schools for the provision of high school equivalency (HSE) instruction services for eligible recipients up to the age of 21, in the Olean area, referred by the Department of Social Services, the term of which expires June 30, 2015, and

II. WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned HSE instruction services in the Olean area, and

III. WHEREAS, the County Probation Department is in need of HSE instruction services in the Salamanca area, and

IV. WHEREAS, Olean Community Schools, 410 West Sullivan Street, Olean, New York 14760, through its Adult Education Program, can provide the aforementioned HSE instruction services for the Departments of Social Services and Probation for a total amount not to exceed \$10,680.00, to be paid on a quarterly basis as invoiced, as follows:

Department of Social Services share	\$ 6,000.00
Probation Department share	\$ 4,680.00,

and

V. WHEREAS, this program is 100% federally funded, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Olean Community Schools, for the provision of the above-described services, for a term commencing July 1, 2015 and terminating December 31, 2015, according to the above-described terms, and be it further

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

III. 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

IV. 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.

Resolution Referred to:

Finance <input checked="" type="checkbox"/>	Human Services <input checked="" type="checkbox"/>
Co. Operations <input type="checkbox"/>	Develop. & Ag <input type="checkbox"/>
DPW <input type="checkbox"/>	Public Safety <input checked="" type="checkbox"/>
Senior Services <input type="checkbox"/>	Labor Relations <input type="checkbox"/>
Strategic Planning <input type="checkbox"/>	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
INSTITUTE FOR HEALTHCARE IMPROVEMENT FOR SCALE INITIATIVE
FUNDED THROUGH ROBERT WOOD JOHNSON FOUNDATION
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

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

I. WHEREAS, Act 238-2015 authorized the Chairman to apply for funding through the Robert Wood Johnson Foundation for the SCALE Program (Spreading Community Accelerators through Learning and Evaluation), and

II. WHEREAS, the purpose of the SCALE program is to provide an opportunity for communities to substantially accelerate their health improvement by equipping communities with skills and resources to unlock their potential and achieve significant results, and

III. WHEREAS, the County Health Department was awarded a grant in the amount of \$71,000.00 and selected to participate in a 20-month intensive "learning and doing" program designed to assist communities to achieve unprecedented results in improving the health and well-being of people and the community, and

IV. WHEREAS, the funding awarded for participation in the aforementioned SCALE Program in the amount of \$71,000.00, will be disbursed in two (2) installments, as follows:

1 st Installment – Year 1		
(May 1, 2015 – January 31, 2016)		\$27,500.00
	plus travel	<u>\$ 6,000.00</u>
	Total Year 1	\$33,500.00
2 nd Installment – Year 2		
(February 1, 2016 – December 31, 2016)		\$34,500.00
	plus travel	<u>\$ 3,000.00</u>
	Total Year 2	\$37,500.00,

and

V. WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned grant funding, now, therefore, be it

I. 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 Institute for Healthcare Improvement, in order to accept the aforementioned grant funding which was provided through the Robert Wood Johnson Foundation, for a term commencing May 1, 2015 and terminating December 31, 2016, according to the above-described terms, and be it further

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

III. 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

IV. 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

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

Increase Estimated Revenue Account:

A.401.4015.4020.2705.29	SCALE	\$33,500.00
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Increase Appropriation Accounts:

A.401.4015.4020.41603	Contracted Services	\$29,020.00
A.401.4015.4020.48003	Meeting Expense	\$ 800.00
A.401.4015.4020.46101	Employee Meal Reimbursement	\$ 680.00
A.401.4015.4020.46103	Employee Other Travel	\$ 3,000.00.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input checked="" type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
P2 COLLABORATIVE OF WNY, INC. FOR PARTICIPATION IN
COLLABORATING EFFORT TO PROMOTE HEALTH IN WESTERN NEW YORK**

Pursuant to Section 450 of the County Law.

I. WHEREAS, Act 443-2014 authorized a contract with P2 Collaborative of WNY, Inc., 355 Harlem Road, Building C, 2nd Floor, West Seneca, New York 14224, for participation in a collaborative effort to promote health in Western New York, the term of which expired May 31, 2015, and

II. WHEREAS, a contract extension to December 31, 2015 is needed in order to allow for more time to utilize the grant funding, and

III. WHEREAS, P2 Collaborative of WNY, Inc., has agreed to the aforementioned contract extension at no cost to the County, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with P2 Collaborative of WNY, Inc., for participation in the Promoting Health in Western New York Collaborative, extending the term of the contract which commenced June 1, 2014 to December 31, 2015, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
EARLY INTERVENTION PROGRAM ADMINISTRATION (EIP)**

Pursuant to Public Law 98-8 and Section 450 of the County Law.

I. WHEREAS, Act 441-2014 authorized the Chair to execute a contract with the New York State Department of Health and various entities for the Child Find (Infant & Child Health Assessment Program) and the Early Intervention Program (EIP) administration, the term of which expires September 30, 2015, and

II. WHEREAS, the New York State Department of Health, Bureau of Child and Adolescent Health, has approved funding in the amount of \$33,377.00 for the County Health Department to continue a system to gather quality information about children with special health care needs in Cattaraugus County for the period commencing October 1, 2015 and terminating September 30, 2016, and

III. WHEREAS, a contract is necessary with the New York State Department of Health in order to obtain the aforementioned funding, and

IV. WHEREAS, this program is 62% federally funded and 38% state funded, now, therefore, be it

I. 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 New York State Department of Health, in order to obtain the aforementioned funding for the Early Intervention Programs, for a term commencing October 1, 2015 and terminating September 30, 2016, according to the above-described terms, and be it further

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

III. 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

IV. 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.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
HEALTH DEPARTMENT REPRODUCTIVE HEALTH EDUCATOR**

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

I. WHEREAS, Act 82-2015 authorized a contract with Healthy Community Alliance, Inc., 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, for the provision of services of a Reproductive Health Educator for the County Health Department family planning clinics, the term of which expires December 31, 2015, and

II. WHEREAS, an amendment to the aforementioned contract is necessary to include the additional amount of \$2,000.00, now, therefore, be it

I. 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing March 1, 2015 and terminating December 31, 2015, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**LOCAL LAW NUMBER 6-2015
COUNTY OF CATTARAUGUS, NEW YORK**

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

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 10-2011 (INTRO NUMBER 16-2011),
ENTITLED "A LOCAL LAW REGULATING ELECTRONIC CIGARETTES
["E-CIGARETTES"] AND HERBAL CIGARETTES"**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to amend Local Law Number 10-2011 (Intro Number 16-2011) to reflect that the provisions of such local law relating to the sale of electronic cigarettes to minors have been preempted by state law and to otherwise amend such local law.

SECTION 2. Amendments. Local Law Number 10-2011 (Intro Number 16-2011), entitled "A Local Law Regulating Electronic Cigarettes ("E-Cigarettes") and Herbal Cigarettes" is hereby amended as follows:

A. Section 1 thereof, entitled "Legislative Intent", is amended by deleting therefrom subparagraph (c) and by relettering former subparagraphs (d) and (e) as subparagraphs (c) and (d) respectively; and by deleting the following words from subparagraph d (formerly e) thereof: "and to ban the sale of such products to persons under the age of eighteen (18)".

B. Section 2 of such local law, entitled "Definitions", is amended in the following respects:

(1) by adding a new subparagraph (f) thereof, which shall read as follows:

"f) "Business" shall mean a sole proprietorship, corporation, limited liability company, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of e-cigarettes, e-cigarette cartridges, e-cigarette cartridge filler, or accessories, either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental. A Business shall include but not be limited to a lounge where e-cigarette use is permitted as well as any establishment which sells e-cigarette materials.";

(2) by adding a new subparagraph (g) thereof, which shall read as follows:

"g) "Director" shall mean the Director of the Cattaraugus County Department of Health."; and

(3) by adding a new subparagraph (h) thereof, which shall read as follows:

"h) "Department" shall mean the Cattaraugus County Department of Health".

C. Section 3 of such local law, entitled "Sale to Minors Prohibited", is hereby rescinded and deleted in its entirety.

D. Section 4 of such local law, entitled "Restrictions on Smoking of Herbal or E-Cigarettes", is renumbered as Section 3 and amended to read as follows:

"The smoking of herbal and electronic cigarettes shall not be permitted and no person shall smoke electronic or herbal cigarettes in any areas in which smoking tobacco products is prohibited or

restricted pursuant to the Public Health Law. For violations of this section, it shall be an affirmative defense that during the relevant time period actual control of the indoor area open to the public was not exercised by the respondent, but rather by a lessee, a sub-lessee or any other person. To establish an affirmative defense, the respondent shall submit an affidavit and may submit any other relevant proof indicating that the respondent did not exercise actual control of said area during the relevant time period. Such affidavit and other proof shall be mailed by certified mail to the Board within 30 days of receipt of such notice of violation.”

E. A new Section 4 is hereby added as follows:

“SECTION 4. Business Registration. Any Business which relies on the provision of on-site sampling as a mechanism to market and/or sell e-cigarettes, e-cigarette cartridges or e-cigarette cartridge fillings and accessories may register with the Department as a Certified E-Cigarette Business. The Department shall develop, and make available to Businesses, a certification form by which a Business may certify that it meets the definition of Business contained within this local law. The certification will also include any provisions which the Department finds necessary to protect the health and safety of the residents of Cattaraugus County. When a Business completes the certification form to the Department’s satisfaction, the Department shall add such Business to a registry of Certified E-Cigarette Businesses which it shall control and maintain.”

F. A new Section 5 is hereby added as follows:

“SECTION 5. Application. The restrictions contained in Section 3 of this local law shall not apply to Businesses registered as Certified E-Cigarette Businesses pursuant to Section 4 above or to individuals while they are patronizing a Certified E-Cigarette Business. Otherwise, the terms and conditions of this local law shall have general effect county wide.”

G. By renumbering the remaining sections of such local law as Sections 6 through 11, respectively.

H. Section 6 of such local law, entitled “Enforcement”, subparagraph (c) is hereby amended as follows: at the end, add: “, and in addition thereto, may suspend or revoke any certification issued to the Business committing such violation”.

SECTION 3. SEQRA Determination: This Legislature, being the state environmental quality review act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II Action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title VI of the New York Code of Rules and Regulations and within the meaning of Section 8-0109(2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures and legislative decisions in connection with continuing agency administration, management and information collection. The County Administrator is hereby directed to circulate any appropriate SEQRA notice of determination of non-applicability or non-significance in accordance with this law.

SECTION 4. Effective Date. This local law shall become effective upon filing with the Secretary of State.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 6-2015

Pursuant to Article 5 of the Workers' Compensation Law.

I. WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 10, 2015, a proposed Local Law entitled, "A Local Law Amending Local Law Number 10-2011 (Intro Number 16-2011) entitled 'A Local Law Regulating Electronic Cigarettes ["E-Cigarettes"] and Herbal Cigarettes", and

II. WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five (5) days' notice, now, therefore, be it

I. RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 24th day of June, 2015, at 3:02 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five (5) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>