



CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street
Little Valley, New York 14755

(716) 938-2577 Fax (716) 938-2760

The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, September 23, 2015** for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$128,067

4:00 p.m.

CALL TO ORDER
ROLL CALL
INVOCATION
MINUTES OF PREVIOUS MEETING
COMMUNICATIONS
PRIVILEGE OF THE FLOOR
RESOLUTIONS READY FOR ACTION
RESOLUTIONS – IMMEDIATE CONSIDERATION
UNFINISHED BUSINESS
ADJOURNMENT

ACT NO.

RESOLUTION TO BE CONSIDERED FOR AMENDMENTS ONLY

463-15

Mr. Sprague and Mrs. Labuhn

LOCAL LAW NUMBER 9-2015 – A LOCAL LAW PROHIBITING THE SALE OF PERSONAL COSMETIC PRODUCTS CONTAINING MICROBEADS IN CATTARAUGUS COUNTY (see attached for amendments)

RESOLUTIONS READY FOR ACTION

443-15

Mr. Weller and Mr. Koch

AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR ENGINEERING CONSULTANT SERVICES FOR 2014 BRIDGE PAINTING PROGRAM

Approved by 8 Finance and 8 Public Works

444-15

Mr. Weller and Mr. Koch

AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT

Approved by 8 Finance and 8 Public Works

445-15

Mr. Weller and Mr. Koch

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WENDEL WD, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. FOR ENGINEERING SERVICES FOR MAKEUP AIR UNITS AND FABRICATION SHOP AIR EXTRACTION PROJECTS AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Public Works)

Approved by 8 Finance and 8 Public Works

- 446-15 Mr. Weller and Mr. Koch
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS-LITTLE VALLEY
CENTRAL SCHOOL DISTRICT FOR WORK-BASED LEARNING PROGRAM
Approved by 8 Finance and 8 Public Works
- 447-15 Mr. Weller and Mr. Koch
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH NEW YORK STATE
INDUSTRIES FOR THE DISABLED FOR OLEAN OFFICE FACILITY JANITORIAL SERVICES TO
REFLECT PREVAILING WAGE RATE INCREASE
Additional sponsor: Mr. Teachman
Approved by 6 Finance and 8 Public Works
- 448-15 Ms. Edstrom and Mrs. Stockman
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. FOR
JANITORIAL SERVICES FOR DEPARTMENT OF COMMUNITY SERVICES PROS AND CASE
MANAGEMENT OFFICES
Approved by 6 Finance and 4 Human Services
- 449-15 Mr. Teachman and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MERIDAN IT, INC. FOR
TELEPHONE SYSTEM MAINTENANCE SERVICES
Approved by 8 Finance and 7 County Operations
- 450-15 Mr. Marsh
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CORNELL COOPERATIVE
EXTENSION ASSOCIATION OF CATTARAUGUS COUNTY AND TRANSFER OF FUNDS
(Contingent Fund – Cooperative Extension)
Additional sponsors: Mr. Hale, Mrs. Stockman, Mr. Teachman and Mr. VanRensselaer
Approved by 8 Finance and 6 Development & Agriculture
- 451-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATHOLIC CHARITIES OF
WESTERN NEW YORK, INC., FOR DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM
Approved by 8 Finance and 5 Human Services
- 452-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN YMCA FOR YMCA
MEMBERSHIPS FOR FAMILIES WITH CHILDREN AT RISK OF PLACEMENT
Additional sponsor: Mr. Teachman
Approved by 8 Finance and 5 Human Services
- 453-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VARIOUS ENTITIES FOR
DEPARTMENT OF SOCIAL SERVICES FAMILY GROUP CONFERENCING PROGRAM
Approved by 8 Finance and 5 Human Services

- 454-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM
Approved by 8 Finance and 5 Human Services
- 455-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH UNITED WAY OF CATTARAUGUS COUNTY FOR EARNED INCOME TAX CREDIT PROGRAM COORDINATOR
Approved by 8 Finance and 5 Human Services
- 456-15 Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN COMMUNITY SCHOOLS FOR AFTER SCHOOL AND SUMMER PROGRAM FOR AT-RISK YOUTH FOR DEPARTMENT OF SOCIAL SERVICES
Additional sponsors: Mr. Teachman and Mr. Padlo
Approved by 8 Finance and 4 Human Services
- 457-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF SOCIAL SERVICES CHILD ABUSE PREVENTION SERVICES AND FAMILY ASSESSMENT RESPONSE SERVICES
Approved by 8 Finance and 5 Human Services
- 458-15 Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN COMMUNITY SCHOOLS FOR HIGH SCHOOL EQUIVALENCY INSTRUCTION AND MATH AND READING TUTORIAL SERVICES (Departments of Social Services and Probation)
AMENDED: in the 1st Whereas, delete “up to the age of 21”; in the 4th Whereas, delete “\$22,000”, replace with “\$32,000”
Additional sponsors: Mr. Teachman and Mr. Padlo
Approved by 8 Finance 4 Human Services and 6 Public Safety
- 459-15 Ms. Edstrom and Mrs. Stockman
APPROVING 804 AGREEMENT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND WESTERN NEW YORK CHILDREN’S PSYCHIATRIC CENTER FOR FOLLOW-UP MENTAL HEALTH SERVICES MONITORING
Approved by 8 Finance and 5 Human Services
- 460-15 Ms. Edstrom and Mrs. Stockman
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND NEW YORK STATE OFFICE OF MENTAL HEALTH FOR DEPARTMENT OF COMMUNITY SERVICES EARLY RECOGNITION SERVICES
Approved by 8 Finance and 5 Human Services

- 461-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CITY OF OLEAN FOR
REIMBURSEMENT FOR OATS BUS SERVICE
Additional sponsor: Mr. Padlo
Approved by 8 Finance and 5 Human Services
- 462-15 Labor Relations Committee: Mr. Edwards, Mr. Lamberson, Ms. Edstrom, Ms. Vickman
and Mr. Boser and Mr. Marsh
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH AON RISK SERVICES CENTRAL,
INC. FOR BROKER OF RECORD SERVICES FOR COUNTY INSURANCE PROGRAM
Approved by 8 Finance
- 464-15 Mr. Sprague and Mrs. Labuhn
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 9-2015
Approved by 8 Finance and 5 Human Services
- 465-15 Mr. Weller and Mr. Koch
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH LABELLA ASSOCIATES, D.P.C.
FOR THIRD FLOOR COURT RENOVATION STUDY
Approved by 8 Finance and 8 Public Works

LOCAL LAW NUMBER 9 - 2015
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW PROHIBITING THE SALE OF PERSONAL ~~COSMETIC~~ CARE PRODUCTS
CONTAINING MICROBEADS IN CATTARAUGUS COUNTY**

SECTION 1. Legislative Findings and Intent. The Legislature hereby makes the following findings and determinations:

1.1 The Legislature hereby finds and determines that microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal and pumice, found in over one hundred personal ~~cosmetic care~~ products, including facial cleansers, shampoos and toothpastes, pose a serious threat to Cattaraugus County's environment.

1.2 Microbeads have been documented to collect harmful pollutants, already present in the environment, and harm fish and other aquatic organisms that form the base of the aquatic food chain.

1.3 Microbeads have been found in high quantity in New York State's water bodies.

1.4 Research has indicated that the majority of these microbeads are entering bodies of water through disposal down household drains following the use of such personal ~~cosmetic care~~ products. Without significant and costly improvements to Cattaraugus County's sewage treatment facilities, **and the many private and municipal sewage treatment facilities throughout Cattaraugus County**, microbeads contained in personal ~~cosmetic care~~ products have the potential to pollute the water bodies and waterways located within Cattaraugus County.

1.5 It is the intent of the Legislature to protect and preserve the waterways located within Cattaraugus County, which are vital to the health and wellbeing of the public, as well as the protection and preservation of wildlife. The waterways within Cattaraugus County include, **without limitation, the Allegheny River and** the following:

Allegheny River	Dodge Creek	Lime Lake Outlet	Red House Lake
Allen Brook	Drakes Run	Limestone Brook	Rice Brook
Bailey Brook	Dry Brook Creek	Linlyco Lake	Robinson Run
Barker Run	Dry Creek	Little Bone Run	Saunders Creek
Battle Creek	Dublin Creek	Little Conewango Creek	Sawmill Run
Bay State Brook	East Branch Bucktooth Run	Little Indian Creek	Science Lake
Bear Creek	East Otto Creek	Little Valley Creek	Scott Branch
Beaver Lake	Elk Creek	Louds Creek	Skim Lake
Beaver Meadow Creek	Elkins Brook	Mansfield Creek	Slab City Creek
Beehunter Creek a/k/a			
Beeline Creek	Elm Creek	Maples Club Pond	Snow Brook
Big Indian Creek	Elton Creek	McIntosh Creek	South Branch Cattaraugus Creek
Birch Run	English Creek	McKinstry Creek	South Branch Sawmill Run
Birch Run Pond #1	Fay Hollow Brook	McMurray Creek	South Branch State Line Run
Blaisdell Creek	Five Mile Creek	Meetinghouse Run	State Line Run

Bolivar Brook	Flatstone Creek	Mill Creek	Stephens Lake
Bone Run	Fly Creek	Mill Run Brook	Stoddard Creek
Bova Creek	Forks Creek	Mud Creek	Stony Creek
Boyce Run	Four Mile Creek	Moore's Pond	Storrs Creek
Breeds Run	France Brook	Murray Brook	Sucker Pond
Browns Run	Franklinville Retention Pond	New Albion Lake	Sunfish Run
Allegany Reservoir	Frog Pond	Newton Run	Ten Mile Creek
Bryant Hill Creek	Gates Creek	Nichols Run	Thatcher Brook
Buttermilk Creek	Godfrey Hollow Branch	Nigh Creek	Timber Lake
Butternut Brook	Goodell Creek	Nine Mile Creek	Titus Run
Cabic Pond	Gooseneck Creek	North Branch Conewango Creek	Tunungwant Creek
Caneadea Creek	Great Valley Creek	North Branch Indian Creek	Two Mile Creek
Carrollton Run	Guernsey Run	North Branch Mill Creek	Union Valley Creek
Case Lake	Gulf Brook	North Branch Sawmill Run	Utleigh Brook
Cass Run	Gulf Creek	Oil Creek	Vee Pond
Cattaraugus Creek	Haines Creek	Olean Creek	Waterman Brook
Cherry Creek	Harwood Lake	Oswayo Creek	Wayman Branch
Chipmunk Creek	Haskell Creek	Paisley Park Pond	West Branch Bucktooth Run
Clear Creek	Hidden Creek	Perrysburg Conservation Club Pond	West Branch Conewango Creek
Cold Spring Creek	Holts Run	Peters Creek	West Branch Creek
Conewango Creek	Honey Brook	Phillips Brook	West Branch Four Mile Creek
Connoisarauley Creek	Hotchkiss Run	Pickup Lake	Wheeler Brook
Coon Branch	Indian Creek	Pierce Run	Whig Street Creek
Coon Creek	Irish Brook	Plum Brook	Willis Creek
County Pond A	Ischua Creek	Plum Creek	Willoughby Creek
County Pond B	Johnson Brook	Point Peter Brook	Windfall Creek
Crandall Pond	Johnson Creek	Porter Creek	Wolf Run Creek
Cricks Run	King Brook	Pratts Brook	Wrights Creek
Crystal Lake	Kings Brook	Quaker Lake	Yeager Brook
Cuba Lake Outlet	Lake Flavia	Quaker Run	
Davis Brook	Leonard Brook	Rainbow Lake	
Deer Creek	Lillibridge Creek	Rawson Creek	
Devereaux Branch	Lime Lake	Red House Brook	

SECTION 2. Definitions. As used in this Local Law, the following terms shall have the meanings indicated:

2.1 "Microbead" shall mean any intentionally added plastic particle measured to be five millimeters or less in size used to exfoliate or cleanse in a personal care product.

2.2 "Personal care product" shall mean any (a) article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, including but not limited to soap, exfoliates, shampoos, toothpastes and scrubs, and (b) article intended for use as a component of any such article. The term "personal ~~cosmetic care~~ product" shall not include any product for which a prescription is required for distribution or dispensation as provided in Section 281 of New York State Public Health Law or Section 6810 of New York State Education Law.

SECTION 3. Restrictions on the Sale of Microbeads in Cattaraugus County. It shall be unlawful for any person, firm, corporation, or any other entity no matter how constructed to sell, offer or expose for sale, give or furnish any personal ~~cosmetic care~~ product which contains microbeads as defined herein.

SECTION 4. Enforcement.

4.1 The County of Cattaraugus through its Department of Health ("the Department") shall have sole jurisdiction to enforce the provisions of this local law.

4.2 Any person, firm, corporation, or other entity who/which violates Section 3 of this local law shall be liable for a civil penalty not to exceed two thousand five hundred dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation. For a second violation, such person, firm, corporation, or other entity shall be liable for a civil penalty not to exceed five thousand dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation.

4.3 The Cattaraugus County Attorney may bring actions in the name of Cattaraugus County to recover the civil penalty provided by this local law and to enjoin violations of such law in any court of competent jurisdiction.

SECTION 5. Reverse Preemption. This local law shall be null and void on the day that state-wide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Cattaraugus. The Cattaraugus County Legislature shall determine by resolution whether or not identical or substantially similar state-wide legislation has been enacted for purposes of triggering the provisions of this section.

SECTION 6. Severability. If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

SECTION 7. Effective Date. This local law shall become effective 180 days after filing with the Secretary of State.

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

Pursuant to Section 450 of the County Law.

- I. WHEREAS, Act 301-2015 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 December 31, 2015, and
- II. WHEREAS, Act 508-2014 authorized a contract with Olean Community Schools for the provision of math and reading tutorial services for recipients of services, the term of which expires September 30, 2015, and
- III. WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned HSE instruction services in the Olean area for a period to terminate September 30, 2016, and
- IV. WHEREAS, the County Probation Department is also in need of HSE instruction services in the Salamanca area for a period to terminate September 30, 2016, and
- V. WHEREAS, the County Department of Social Services is also desirous of continuing the aforementioned math and reading tutorial services for a period to terminate September 30, 2016, and
- VI. WHEREAS, Olean Community Schools, 410 West Sullivan Street, Olean, New York 14760, through its Adult Education Program, can provide the aforementioned HSE instruction services and math and reading tutorial services for the Departments of Social Services and Probation for a total amount not to exceed ~~\$22,000.00~~ **\$32,000**, to be paid as invoiced, and
- VII. 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 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.