



CATTARAUGUS COUNTY

John R. Searles, County Administrator

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Little Valley, New York 14755
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Olean, New York 14760
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Committee of the Whole will meet on
Wednesday, September 14, 2016,
immediately following the Board

The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, September 14, 2016**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$55,809

4:00 p.m. CALL TO ORDER
 ROLL CALL
 INVOCATION
 MINUTES OF PREVIOUS MEETING
 COMMUNICATIONS
 PRIVILEGE OF THE FLOOR
 • Public Hearing – Local Law Number 8-2016
 RESOLUTIONS READY FOR ACTION
 RESOLUTIONS – IMMEDIATE CONSIDERATION
 UNFINISHED BUSINESS
 ADJOURNMENT

.....
ACT NO.

RESOLUTIONS NOT READY FOR ACTION

- 375-16 ~~**County Operations/Public Safety Committee:**~~ Mr. Neal, Mr. Padlo, Mr. Boberg, Mr. Klancer, Mr. Snyder, Jr., Mr. VanRensselaer ~~**and Mr. Koch**~~ and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR INDIGENT LEGAL SERVICES FUNDING AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (January 1, 2015 – December 31, 2017 Grant – Round 5)
Held in County Operations/Public Safety Committee
- 376-16 ~~**County Operations/Public Safety Committee:**~~ Mr. Neal, Mr. Padlo, Mr. Boberg, Mr. Klancer, Mr. Snyder, Jr., Mr. VanRensselaer ~~**and Mr. Koch**~~ and Mrs. Stockman
LOCAL LAW NUMBER 7 – 2016 - A LOCAL LAW ESTABLISHING SALARY FOR PUBLIC DEFENDER
Held in County Operations/Public Safety Committee
- 377-16 ~~**County Operations/Public Safety Committee:**~~ Mr. Neal, Mr. Padlo, Mr. Boberg, Mr. Klancer, Mr. Snyder, Jr., Mr. VanRensselaer ~~**and Mr. Koch**~~ and Mrs. Stockman
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 7-2016
Held in County Operations/Public Safety Committee

435-16 Mr. Snyder, Jr.
ESTABLISHING LOCAL BANKING AND INVESTMENT POLICY FOR CATTARAUGUS
COUNTY FUNDS
Held in Finance Committee

RESOLUTIONS READY FOR ACTION

399-16 Mr. Helmich, Mr. Neal, Ms. Vickman, Ms. Hastings and Mrs. Labuhn
LOCAL LAW NUMBER 8-2016 – A LOCAL LAW RAISING THE LEGAL AGE FOR THE
PURCHASE OF TOBACCO PRODUCTS IN CATTARAUGUS COUNTY TO TWENTY-
ONE
Approved by 4 Finance and 6 Human Services

405-16 Mr. Klancer and Mr. Koch
BID ACCEPTANCE FOR HOT DIP STEEL GALVANIZATION (Department of Public
Works)
Approved by 6 Finance and 6 Public Works

406-16 Mr. Klancer and Mr. Koch
BID ACCEPTANCE FOR PURCHASE OF TRI-AXLE EJECTOR TRAILERS (Department of
Public Works)
Approved by 6 Finance and 6 Public Works

407-16 Mr. Klancer and Mr. Koch
BID ACCEPTANCE FOR SALT AND SAND PREMIX (Department of Public Works)
Approved by 6 Finance and 6 Public Works

408-16 Mr. Klancer and Mr. Koch
BID ACCEPTANCE FOR 2016 STONE HOUSE IMPROVEMENTS – PART 2
(Department of Public Works)
Additional sponsor: Ms. Vickman
Approved by 6 Finance and 6 Public Works

409-16 Mr. Klancer and Mr. Koch and Mr. Breton and Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH ERDMAN,
ANTHONY AND ASSOCIATES, INC. FOR ASHFORD BRIDGE NO. 37 ENGINEERING
DESIGN SERVICES
Approved by 6 Finance and 6 Public Works

410-16 Mr. Klancer and Mr. Koch
AUTHORIZING THE CHAIR TO EXECUTE AGREEMENT WITH NYSDOT AND
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE FEDERAL-AID
PROJECT ADMINISTERED BY THE NYSDOT (2011 Flood Damage Repairs)
Approved by 6 Finance and 6 Public Works

- 411-16 Mr. Klancer and Mr. Snyder, Jr.
AUTHORIZING COUNTY ADMINISTRATOR AND COMMISSIONER OF PUBLIC WORKS TO SOLICIT TIMBER/FORESTRY CONSULTANT SERVICES AND TO ADVERTISE FOR SEALED BIDS FROM QUALIFIED PROVIDERS FOR FOREST MANAGEMENT SERVICES
Approved by 6 Finance and 6 Public Works
- 412-16 Ms. Vickman and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH JAMESTOWN COMMUNITY COLLEGE, NEW YORK STATE DEPARTMENT OF LABOR AND CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC., FOR ONE STOP SYSTEM OPERATOR SERVICES
Approved by 6 Finance and 5 Human Services
- 413-16 Mr. Neal and Mr. Boberg
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR INDIGENT LEGAL SERVICES FUNDING (2013 – 2016 Grant Round 3)
Approved by 6 Finance and 5 County Operations/Public Safety
- 414-16 Mr. Neal, Mr. Boberg, Ms. Vickman and Mr. Padlo
ABOLISHING ONE (1) FULL-TIME POSITION OF NETWORK SYSTEMS ADMINISTRATOR, CREATING ONE (1) FULL-TIME POSITION OF NETWORK COORDINATOR AND ESTABLISHING COMPENSATION FOR THE SAME (Information Services)
Approved by 6 Finance, 5 County Operations/Public Safety and 4 Labor Relations
- 415-16 Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH BMI AUDIT SERVICES, LLC FOR HEALTH BENEFIT CLAIMS AUDIT SERVICES (Self-Insured Health Plan)
Approved by 6 Finance and 4 Labor Relations
- 416-16 Mrs. Stockman
ESTABLISHING STANDARD WORKDAY FOR CERTAIN ELECTED AND APPOINTED OFFICIALS FOR REPORTING PURPOSES TO NEW YORK STATE RETIREMENT SYSTEM
Approved by 6 Finance, 6 Human Services, 5 County Operations/Public Safety and 4 Labor Relations
- 417-16 Mr. Neal and Mr. Boberg
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR SHERIFF'S DEPARTMENT DWI CRACKDOWN GRANT PROGRAM
Approved by 6 Finance and 5 County Operations/Public Safety

- 418-16 Mr. Neal and Mr. Boberg
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE
DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR TACTICAL
TEAM TARGETED FUNDING
Approved by 6 Finance and 5 County Operations/Public Safety
- 419-16 Mr. Neal and Mr. Boberg
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
COMMUNICATION SERVICES OF WNY & PA, INC. D/B/A EAGLE RADIO
TECHNOLOGIES FOR RADIO MAINTENANCE
Approved by 6 Finance and 5 County Operations/Public Safety
- 420-16 Mr. Neal and Mr. Boberg
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK
STATE OFFICE OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR 2016
STATE HOMELAND SECURITY PROGRAM GRANT AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS (Sheriff's Office)
Approved by 6 Finance and 5 County Operations/Public Safety
- 421-16 Ms. Vickman
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY
COMMUNITY SERVICES BOARD AND COUNCIL ON ADDICTION RECOVERY
SERVICES, INC. FOR SUBSTANCE ABUSE PROGRAM FUNDS AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of
Community Services)
Approved by 6 Finance and 6 Human Services
- 422-16 Mr. VanRensselaer
AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION AND CONTRACT
WITH DEFENSE LOGISTICS AGENCY FOR PROCUREMENT TECHNICAL ASSISTANCE
PROGRAM
Approved by 6 Finance and 5 Development & Agriculture
- 423-16 Mr. VanRensselaer
AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND DESIGNATING
GRANT ADMINISTRATOR
Approved by 6 Finance and 5 Development & Agriculture
- 424-16 Mr. VanRensselaer
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH APPALACHIAN
REGIONAL COMMISSION FOR THE COUNTY-WIDE TRAILS SYSTEM PLAN AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department
of Economic Development, Planning & Tourism)
Approved by 6 Finance and 5 Development & Agriculture

- 425-16 Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH INTERACTIVE HEALTH, INC. FOR HEALTH WELLNESS PROGRAM
Approved by 6 Finance and 4 Labor Relations
- 426-16 Ms. Vickman and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN YMCA, INC. FOR YMCA MEMBERSHIPS FOR FAMILIES WITH CHILDREN AT RISK OF PLACEMENT
Approved by 6 Finance and 6 Human Services
- 427-16 Ms. Vickman and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES FAMILY GROUP CONFERENCING PROGRAM
Approved by 6 Finance and 6 Human Services
- 428-16 Ms. Vickman and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM
Approved by 6 Finance and 6 Human Services
- 429-16 Ms. Vickman and Mrs. Labuhn
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 6 Finance and 6 Human Services
- 430-16 Ms. Vickman and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATHOLIC CHARITIES OF WESTERN NEW YORK, INC. FOR DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM
Approved by 6 Finance and 6 Human Services
- 431-16 Ms. Vickman and Mrs. Labuhn
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
Approved by 6 Finance and 6 Human Services
- 432-16 Ms. Vickman and Mrs. Labuhn
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)
Approved by 6 Finance, 6 Human Services and 5 County Operations/Public Safety

- 433-16 Ms. Vickman and Mrs. Labuhn
AMENDING ACT 393-2016 REGARDING CONTRACT WITH CATTARAUGUS
COMMUNITY ACTION, INC. FOR WIC NUTRITIONIST AND ADJUSTING VARIOUS
APPROPRIATION ACCOUNTS (Health Department)
**AMENDED: in the 2nd Whereas, delete"\$880.00", replace with "\$7,038.00";
delete "\$47,224.00", replace with "\$53,382.00"; in the 1st Resolved, delete
"\$47,224.00", replace with "\$53,382.00"; in the 3rd Resolved, delete both
appropriations amounts of "\$880.00", replace with "\$7,038.00".**
Approved by 6 Finance and 6 Human Services
- 434-16 Mrs. Stockman
APPOINTMENT TO INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS
Approved by 6 Finance and 6 Development & Agriculture
- 436-16 Mrs. Labuhn
CALLING FOR AN OFFICIAL INVESTIGATION INTO THE PRICE GOUGING OF
EPIPENS
Additional sponsors: Mr. Breton, Mr. Helmich and Ms. Hastings
Approved by 6 Finance and 6 Human Services

**LOCAL LAW NUMBER 8 - 2016
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW RAISING THE LEGAL AGE FOR THE PURCHASE OF
TOBACCO PRODUCTS IN CATTARAUGUS COUNTY TO TWENTY-ONE**

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

Section 1. Legislative Intent. The purpose of this local law is to prohibit the sale of tobacco and related products in Cattaraugus County to individuals under the age of twenty-one in order to:

1.1 further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law §1399-ii;

1.2 respond to the fact that tobacco is the leading cause of preventable death and disease in New York State;

1.3 respond to findings made by the Institute of Medicine, which prepared a report at the request of the U.S. Food and Drug Administration entitled "Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products," concluding and suggesting that:

- a. adolescent brains are uniquely vulnerable to the effects of nicotine;
- b. a younger age of initiation is strongly associated with greater nicotine dependence and is also associated with greater intensity and persistence of smoking beyond adolescence and into adulthood;
- c. almost one in five high school seniors is a current cigarette smoker;
- d. underage users rely primarily on social sources, such as friends and family, to acquire tobacco, and most of these sources are likely to be between eighteen and twenty years old;
- e. raising the minimum legal age to twenty-one will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students;
- f. delaying initiation rates will likely decrease the prevalence of tobacco users in the U.S. population; and
- g. raising the minimum legal age will likely immediately improve the health of adolescents and young adults by reducing the number of those with adverse physiological effects;

1.4 address the fact that, when adjusted for age, 28% of adults in Cattaraugus County smoke, which is the third highest county smoking rate in the State;

1.5 respond to findings that almost 90% of those addicted to tobacco, start using tobacco before twenty-one years of age;

1.6 respond to the growing rates of electronic cigarette use among youth, which expose users to unhealthy levels of nicotine and other unknown harmful chemicals;

1.7 reduce the exposure of our youth to disease-causing toxins in secondhand smoke and in chemicals emitted from electronic cigarettes, liquid nicotine, shisha, herbal cigarettes, and other Prohibited Products as defined herein;

1.8 apply evidence-based strategies to address the public health issues that result from tobacco use including but not limited to cancer, heart disease, and lung disease;

1.9 prevent exposure of youth, who are particularly susceptible to addiction, to the chemically addictive effects of tobacco and related products, in an effort to improve public wellness and reduce health insurance expenditures; and

1.10 protect young County residents from the unregulated and unknown effects of electronic cigarettes, herbal cigarettes, and other Prohibited Products.

Section 2. Definitions.

2.1 "Prohibited Products" means:

- a. cigarettes, cigars, chewing tobacco, powdered tobacco, shisha, bidis, gutka, other tobacco products, nicotine water, herbal cigarettes, electronic cigarettes, liquid nicotine, snuff, rolling papers, and smoking paraphernalia, as those terms are defined in New York State Public Health Law Article 13-F and, when not so defined, as commonly understood to be defined; and
- b. all other products which are prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

2.2 "Enforcement Officer" means the County of Cattaraugus Board of Health.

Section 3. Policy.

3.1 The sale of Prohibited Products to those under the age of twenty-one is prohibited in Cattaraugus County to the same extent that sale of such products to those under eighteen years of age is prohibited by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

3.2 The identification requirements contained in New York State Public Health Law Article 13-F Section 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this law by reference, except that the age to be proven by such identification shall be twenty-one.

3.3 Prohibited Products may not be sold in vending machines located in the County.

3.4 No person operating a place of business wherein Prohibited Products are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any Prohibited Product in any manner, unless such Product is stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container; provided, however, such restriction shall not

apply to tobacco businesses as defined in subdivision eight of §1399-aa of New York State Public Health Law Article 13-F, as the same may be amended from time to time, and to places to which admission is restricted to persons twenty-one years of age or older.

Section 4. Posting of Signs. Vendors of Prohibited Products shall post a sign in a conspicuous place imprinted with the statement "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA, BIDIS, GUTKA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS, OR SMOKING PARAPHERNALIA, TO PERSONS UNDER TWENTY-ONE YEARS OF AGE, IS PROHIBITED BY LOCAL LAW." Such sign shall be printed on a white card in red letters at least one-half inch in height. Signs shall be protected from tampering, damage, removal, or concealment. In the event additional sign language is required due to changes to New York State Public Health Law Article 13-F, vendors shall add such additional language to their signs, including, but not limited to, reference to additional products which may become prohibited for sale to minors.

Section 5. Enforcement.

5.1 The Enforcement Officer is charged with ensuring compliance with this Local Law.

5.2 In the event a violation of this Law also constitutes a violation of New York State Public Health Law, as the same may be amended from time to time, the Enforcement Officer shall take enforcement action pursuant to and in accordance with New York State Public Health Law Article 13-F §1399-ee, as the same may be amended from time to time.

5.3 For a violation of this Law which does not constitute a violation of New York State Public Health Law:

- a. the Enforcement Officer may issue and serve upon the person complained against a written hearing notice, in accordance with the provisions of the Cattaraugus County Sanitary Code, together with the complaint made against him or her. The Complaint shall specify the provision(s) of this Local Law of which such person is alleged to be in violation, accompanied by a statement of the manner in which that person is alleged to have violated it, and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Board of Health or its designated hearing officer, at a specified location, date, and time, not fewer than fifteen (15) days after the date of service of the notice;
- b. notwithstanding the above, the Board of Health or its designee may, in its discretion, offer a proposed stipulation to the person complained against, in which case the person complained against will have the option of executing the proposed stipulation within any time frame specified, or proceeding with a formal hearing;
- c. when the Enforcement Officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the Enforcement Officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed as prohibiting an Enforcement Officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law;
- d. any person who desires to register a complaint under this Local Law may do so through the Enforcement Officer;

- e. the decision of the Enforcement Officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules; and
- f. the Enforcement Officer, subsequent to any appeal having been finally determined, may bring an action in a court of proper jurisdiction to recover the civil penalty assessed in accordance with Section 6 of this Local Law.

Section 6. Violations and Penalties. Violation of any provision of this Local Law shall be punishable by a civil penalty in an amount determined by the Cattaraugus County Board of Health, within the parameters of the minimum and maximum penalties set forth in New York State Public Health Law §1399-ee(2), as the same may be amended from time to time.

Section 7. 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 8. Effective Date. This local law shall become effective November 1, 2016.

**AMENDING ACT 393-2016 REGARDING CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR WIC NUTRITIONIST
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Health Department)**

Pursuant to Section 3602 of the Public Health Law and
Sections 363, 366 and 450 of the County Law

I. WHEREAS, Act 393-2016 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of a full-time qualified nutritionist for the County's WIC Program for an amount of \$46,344.00, to be paid on a monthly basis as invoiced, and

II. WHEREAS, due to the factors involved with the Cattaraugus Community Action employee who was hired as the full-time qualified nutritionist for the WIC Program, the aforementioned contract should be increased by ~~\$880.00~~ **\$7,038.00** to a total contract amount of ~~\$47,224.00~~ **\$53,382.00**, and

III. WHEREAS, Act 393-2016 should be amended to reflect the increase in the amount and a revised commencement date of September 19, 2016, and

IV. WHEREAS, various appropriation accounts must be adjusted, now, therefore, be it

I. RESOLVED, that Act 393-2016 be, and hereby is, amended as follows: In the Second Whereas, delete: "\$46,344.00", and replace with: ~~"\$47,224.00~~ **"\$53,382.00"**, and be it further

II. RESOLVED, that in the first Resolved, delete: "October 1, 2016", and replace with: "September 19, 2016", and be it further

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

Decrease Appropriation Account:

A.401.4082.0000.41220	Nursing Services Contracted	\$880.00 \$7,038.00
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Increase Appropriation Account:

A.401.4082.0000.41225	Dietician/Nutrition Services	\$880.00 \$7,038.00.
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