



# CATTARAUGUS COUNTY

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, March 14, 2018**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$237,737

- 4:00 p.m. CALL TO ORDER
- ROLL CALL
- INVOCATION
- PLEDGE OF ALLEGIANCE
- COMMUNICATIONS
- PRIVILEGE OF THE FLOOR
  - *SEIS Process - Martin Krentz, NEPA Compliance Officer - DOE Environmental Management & Bryan Bower, Project Manager - West Valley Demonstration Project*
  - *Public Hearing - Local Law Number 2-2018*
- MINUTES OF PREVIOUS MEETING
- RESOLUTIONS/MOTIONS/NOTICES READY FOR ACTION
- RESOLUTIONS – IMMEDIATE CONSIDERATION
- UNFINISHED BUSINESS
- ADJOURNMENT

**ACT NO.**

**RESOLUTIONS READY FOR ACTION**

108-18 Ms. Vickman, Mr. Snyder, Jr., and Mr. Padlo  
 LOCAL LAW NUMBER 2-2018 - A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON CATTARAUGUS COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY’S EXPENDITURES INCURRED IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC  
**AMENDED: in Section 6, subsection 6.4 and 6.5 add “over”**  
**Additional sponsors: Mr. Breton and Mr. Koch**  
 Approved by 5 Finance and 6 Human Services

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119-18 Mr. Snyder, Sr., Mr. Snyder, Jr. and Ms. Vickman  
 APPOINTMENT TO COMMUNITY SERVICES BOARD  
 Approved by 6 Finance and 7 Human Services

120-18 Mr. Snyder, Sr., Mr. Snyder, Jr. and Ms. Vickman  
 APPOINTMENTS TO COMMUNITY SERVICES BOARD ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE  
 Approved by 6 Finance and 7 Human Services

- 121-18 Mr. Giardini and Mr. Helmich  
BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT FOR NAPOLI CULVERT NO. 6  
(Department of Public Works)  
Approved by 6 Finance and 6 Public Works
- 122-18 Mr. Giardini and Mr. Helmich  
BID ACCEPTANCE FOR REPLACEMENT OF LEON BRIDGE NO. 7 (Department of Public Works)  
**Additional sponsor: Mr. VanRensselaer**  
Approved by 6 Finance and 6 Public Works
- 123-18 Mr. Giardini and Mr. Helmich  
BID ACCEPTANCE FOR ROAD STRIPING (Department of Public Works)  
Approved by 6 Finance and 6 Public Works
- 124-18 Mr. Giardini and Mr. Helmich  
BID ACCEPTANCE FOR COOLING WELL IMPROVEMENTS AT LITTLE VALLEY COUNTY CENTER (Department of Public Works)  
Approved by 6 Finance and 6 Public Works
- 125-18 Mr. Giardini, Mr. Helmich and Ms. Vickman  
BID ACCEPTANCE FOR ROOF REPAIRS AT THE PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Nursing Homes - Machias)  
**Additional sponsor: Mr. Breton**  
Approved by 6 Finance, 7 Human Services and 6 Public Works
- 126-18 Mr. Giardini and Mr. Helmich  
AMENDING ACT 79-2018 REGARDING BID ACCEPTANCE FOR CRUSHED STONE, ROCK RIP RAP, CONCRETE CATCH BASINS, PORTLAND CEMENT CONCRETE, FLEXIBLE CONCRETE MATS, GEOTEXTILE FABRIC AND PROCESSED GRAVEL (Department of Public Works)  
Approved by 6 Finance and 6 Public Works
- 127-18 Mr. Giardini and Mr. Helmich  
ACCEPTING MATERIAL BIDS FOR ASPHALT CONCRETE, LIQUID BITUMINOUS MATERIALS, MICRO SURFACING, IN-PLACE RECYCLING OF BITUMINOUS PAVEMENT, SURFACE TREATING, PAVER PLACED CHIP SEAL, FIBER REINFORCED BITUMINOUS MEMBRANE SURFACE TREATMENT AND HOT MIX ASPHALT IN-PLACE PAVING PROJECTS (Department of Public Works)  
Approved by 6 Finance and 6 Public Works
- 128-18 Mr. Giardini and Mr. Helmich  
AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL CONTRACT WITH WATTS ARCHITECTURE AND ENGINEERING, P.C. FOR LEON BRIDGE NO. 7 FEDERAL-AID REPLACEMENT PROJECT CONSTRUCTION ADMINISTRATION SERVICES  
**Additional sponsor: Mr. VanRensselaer**  
Approved by 6 Finance and 6 Public Works

- 129-18 Mr. Giardini and Mr. Helmich  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR LEON BRIDGE NO. 7 FEDERAL-AID REPLACEMENT PROJECT CONSTRUCTION INSPECTION SERVICES  
**Additional sponsor: Mr. VanRensselaer**  
Approved by 6 Finance and 6 Public Works
- 130-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION FOR SEPTIC SYSTEM REPLACEMENT  
Approved by 6 Finance and 7 Human Services
- 131-18 Mr. Giardini and Mr. Helmich  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH W2 OPERATOR TRAINING GROUP, LLC FOR SEWAGE PUMPS FOR LANDFILLS AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Public Works)  
Approved by 6 Finance and 6 Public Works
- 132-18 Mr. Giardini and Mr. Helmich  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WASTECORP PUMPS, LLC FOR PURCHASE OF MARINE VAC SYSTEM FOR ONOVILLE MARINA  
**Additional sponsor: Mr. Koch**  
Approved by 6 Finance and 6 Public Works
- 133-18 Mr. Klancer and Mr. Neal  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW ENGLAND POLYGRAPH ASSOCIATES FOR POLYGRAPH SERVICES FOR PROBATION DEPARTMENT  
Approved by 6 Finance and 5 County Operations/Public Safety
- 134-18 Human Services Committee: Ms. Vickman, Mr. Snyder, Jr., Mr. Breton, Mr. Burr, Ms. Hastings, Mr. Helmich and Mr. Neal  
CREATING ONE (1) FULL-TIME POSITION OF SENIOR SOCIAL SERVICES EXAMINER AND ESTABLISHING COMPENSATION FOR THE SAME (Department of Social Services)  
**AMENDED: in the 1<sup>st</sup> Resolved, delete “General”, replace with “Supervisory”**  
Approved by 6 Finance and 5 Labor Relations
- 135-18 Mr. VanRensselaer and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS WITH CRYSTAL AND WILLIAM TORREY d/b/a CRYSTAL’S CONFECTIONS FOR PURCHASE OF MACHINERY AND EQUIPMENT  
**Additional sponsor: Mr. Padlo**  
Approved by 6 Finance and 5 Development & Agriculture
- 136-18 Ms. Vickman and Mr. Snyder, Jr.  
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND HOUSING OPTIONS MADE EASY, INC. FOR PEER SPECIALISTS FOR THE MOBILE TRANSITIONAL SUPPORT TEAM  
Approved by 6 Finance and 7 Human Services

137-18

Mr. Snyder, Sr.

DECLARING COUNTY OWNED PROPERTY NO LONGER NECESSARY FOR PUBLIC USE AND AUTHORIZING THE CHAIR TO ACCEPT OFFER PRESENTED AND EXECUTE TRANSFER DOCUMENTS FOR SALE OF PROPERTY IN THE CITY OF OLEAN (120 North Clinton Street)

***Additional sponsors: Mr. Higgins and Mr. Padlo***

Approved by 6 Finance and 5 County Operations/Public Safety

138-18

Ms. Vickman and Mr. Snyder, Sr.

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NICHOLAS DEBERGALIS FOR HEALTH DEPARTMENT RESPIRATORY THERAPY SERVICES

Approved by 6 Finance and 7 Human Services

**LOCAL LAW NUMBER 2 - 2018  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON  
CATTARAUGUS COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A  
COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED  
IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC**

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

Section 1. Title. This Local Law shall be known as "A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON CATTARAUGUS COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC".

Section 2. Purpose and Intent.

2.1 The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Cattaraugus County, New York (the "County"). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

2.2 The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

Section 3. Definitions.

3.1 "Costs" means all expenditures related to the opioid epidemic that directly or indirectly arise from the County's response to a responsible party's action or inaction.

3.2 “Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

Section 4. Governmental Function Cost Recovery. The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

Section 5. Effect of Criminal or Civil Proceedings on Governmental Function Cost Recovery. The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

Section 6. Public Nuisance. The County hereby finds and declares the following:

6.1 That addiction to and abuse of opioids is one of the greatest challenges facing the County;

6.2 A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;

6.3 There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;

6.4 The selling, distributing, and **over** prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;

6.5 That selling, distributing, and **over** prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;

6.6 That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;

6.7 That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and

6.8 That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

Section 7. Retroactive Application. This legislation applies retroactively.

Section 8. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this Local 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 effect, 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 9. Effective Date. This Local Law shall become effective as provided in Municipal Home Rule Law Section 27.

**CREATING ONE (1) FULL-TIME POSITION OF SENIOR SOCIAL SERVICES EXAMINER AND  
ESTABLISHING COMPENSATION FOR THE SAME  
(Department of Social Services)**

Pursuant to Sections 204 and 205 of the County Law and  
Section 22 of the Civil Service Law.

- I. WHEREAS, the Department of Social Services is in need of an examiner to provide fiscally efficient supervision for both the HEAP and Summer Youth Employment Program, and
  - II. WHEREAS, the cost of this position would be fully funded with federal dollars with no local share, and
  - III. WHEREAS, a New Position Duties Statement was submitted to the Cattaraugus County Personnel Officer, who has approved the title as Senior Social Services Examiner in accordance with Civil Service Law Section 22, now, therefore, be it
- I. RESOLVED, that effective April 1, 2018, there is hereby created one (1) position of Senior Social Services Examiner in the Department of Social Services to be filled on a full-time basis, **General Supervisory** Bargaining Unit Salary Schedule, Pay Grade 22 (\$24.65 per hour), Position No. 601-334-013, and be it further
  - II. RESOLVED, that upon termination of federal funding for the aforementioned programs, then this position shall be automatically abolished.