



CATTARAUGUS COUNTY

John R. Searles, County Administrator

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, April 8, 2015** for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$325,679

- 3:00 p.m. CALL TO ORDER
- ROLL CALL
- INVOCATION
- MINUTES OF PREVIOUS MEETING
- COMMUNICATIONS
- PRIVILEGE OF THE FLOOR
 - *Public Hearing – Local Law Number 3-2015*
 - *Public Hearing – Local Law Number 4-2015*
- RESOLUTIONS READY FOR ACTION
- RESOLUTIONS – IMMEDIATE CONSIDERATION
- UNFINISHED BUSINESS
- ADJOURNMENT

ACT NO.

RESOLUTIONS READY FOR ACTION

183-15 Mr. Marsh
 LOCAL LAW NUMBER 3-2015 – A LOCAL LAW ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(b)

185-15 Mr. Edwards
 LOCAL LAW NUMBER 4-2015 – A LOCAL LAW AMENDING LOCAL LAW NUMBER 3-1989 ENTITLED “A LOCAL LAW TO ESTABLISH THE CATTARAUGUS COUNTY SELF-INSURANCE PLAN AND TO PROVIDE FOR THE ADMINISTRATION THEREOF”, AS AMENDED BY LOCAL LAW NUMBER 6-2014

153-15 Mr. Marsh, Mr. Snyder, Sr., Mr. Teachman, Ms. Vickman, Mrs. Labuhn and Mr. Sprague
 LOCAL LAW NUMBER 2-2015 – A LOCAL LAW AMENDING LOCAL LAW NO. 23-2002 (ACT NO. 473-2002)(INTRO NO. 28-2002), ENTITLED “A LOCAL LAW CREATING THE HUMAN RESOURCES DEPARTMENT AND REPEALING LOCAL LAW NO. 17-2001 (INTRO NO. 4-2001)”, EFFECTIVE SEPTEMBER 30, 2002, AS AMENDED BY ACT NO. 269-2004 (LOCAL LAW NO. 5-2004 [INTRO NO. 4-2004] AND ACT NO. 475-2008 [INTRO NO. 7-2008])

Additional sponsors: Mrs. Stockman and Mr. Lamberson

Approved by 9 Finance and 5 Labor Relations

- 193-15 Public Works Committee: Mr. Weller, Mr. Koch, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. Lamberson and Mr. Sprague
DECLARING APRIL 22, 2015 EARTH DAY AND AUTHORIZING DEPARTMENT OF PUBLIC WORKS TO PROVIDE BAGS TO APPROVED PARTICIPATING ORGANIZATIONS AND WAIVING TRANSFER STATION FEES
Approved by 9 Finance
- 194-15 Mr. Snyder, Sr.
DIRECTING COUNTY TREASURER TO ISSUE CERTIFICATE OF PROSPECTIVE CANCELLATION
Approved by 9 Finance
- 195-15 Mr. Weller and Mr. Koch
ACCEPTING MATERIAL BIDS FOR HYDRAULIC AND MOTOR OIL (Department of Public Works)
Approved by 9 Finance and 8 Public Works
- 196-15 Mr. Weller and Mr. Koch
BID ACCEPTANCE FOR CONCRETE PIPE (CLASS III & IV) AND STEEL CORRUGATED PIPE AND PIPE ARCHES (Department of Public Works)
Approved by 9 Finance and 8 Public Works
- 197-15 Mr. Weller and Mr. Koch
ACCEPTING MATERIAL BIDS FOR HIGHWAY SIGNS (Department of Public Works)
Approved by 9 Finance and 8 Public Works
- 198-15 Mr. Weller and Mr. Koch
ACCEPTING MATERIAL BIDS FOR GALVANIZED SQUARE STEEL TUBING FOR SIGN POSTS (Department of Public Works)
Approved by 9 Finance and 8 Public Works
- 199-15 Mr. Weller and Mr. Koch
BID ACCEPTANCE FOR PORTABLE TOILET SERVICE IN VARIOUS LOCATIONS THROUGHOUT COUNTY (Department of Public Works)
Approved by 9 Finance and 8 Public Works
- 200-15 Mr. Weller and Mr. Koch
ACCEPTING MATERIAL BIDS FOR SANDBLASTING ABRASIVES (Department of Public Works)
Approved by 9 Finance and 8 Public Works
- 201-15 Mr. Felton and Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VNA HOMECARE OPTION, LLC FOR PROVISION OF HOME DELIVERED AND/OR ADULT DAY CARE MEALS
Additional sponsor: Mr. Weller
Approved by 9 Finance and 6 Senior Services

- 202-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR THIRD PARTY REVIEWER SERVICES FOR DEPARTMENT OF SOCIAL SERVICES
Approved by 9 Finance and 8 Human Services
- 203-15 Mr. Felton and Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE LEASE WITH RYDER TRUCK RENTAL, INC. D/B/A RYDER TRANSPORTATION SERVICES FOR LAUNDRY TRUCK (Department of Nursing Homes)
Additional sponsor: Mr. Weller
Approved by 9 Finance and 6 Senior Services
- 204-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH PIONEER CENTRAL SCHOOL DISTRICT FOR AMERICORPS START PROGRAM
Approved by 9 Finance and 8 Human Services
- 205-15 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SOUTHERN TIER HEALTH CARE SYSTEM, INC. FOR AMERICORPS START PROGRAM
Approved by 9 Finance and 8 Human Services
- 206-15 Mr. VanRensselaer and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SENECA-SALAMANCA AREA CHAMBER OF COMMERCE, INC., FOR INFORMATION CENTER MANAGER/COORDINATOR
Approved by 9 Finance and 4 Development & Agriculture
- 207-15 Mr. Murphy
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE DIVISION OF
HOMELAND SECURITY AND EMERGENCY SERVICES FOR STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT
Approved by 9 Finance and 5 Public Safety
- 208-15 Mr. Murphy
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BOB BARKER COMPANY FOR PURCHASE OF INMATE MATTRESSES AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Sheriff's Office)
Approved by 9 Finance and 5 Public Safety
- 209-15 Mr. Marsh
RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO APPROVE THE PROPOSED ACTION BY COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY IN CONNECTION WITH A CERTAIN COMMERCIAL PROJECT FOR PREMO LIMOUSINE SERVICE OF WNY, LLC
Additional sponsor: Mr. Padlo
Approved by 9 Finance and 5 Development & Agriculture

**LOCAL LAW NUMBER 3-2015
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Sections 201 and 205 of the County Law.

**A LOCAL LAW ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED
FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED
BY NEW YORK STATE PENAL LAW SECTION 405(b)**

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

SECTION 1. Legislative Intent.

1.1 On November 21, 2014, Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/A10141).

1.2 The aforementioned provision amended the Penal Law, the Executive Law and the General Business Law, placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little or no danger to the public.

1.3 The Governor signed this law in part due to its strong home rule provisions, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.

1.4 It is the intent of this local law to allow the sale and use of "sparkling devices" in Cattaraugus County.

SECTION 2. Definitions. "Sparkling Devices" are defined as follows:

2.1 "Sparkling Devices" which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

2.1.1 cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are

securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

2.1.2 cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.

2.1.3 wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.

2.1.4 novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

a) party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

b) snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

SECTION 3. Authorized Sale and Use of Sparkling Devices.

3.1 Pursuant to §405(5)(b) of the New York State Penal Law (Penal Law) and Penal Law §270(3)(b)(v), as enacted by Chapter 477 of the Laws of 2014, "sparkling devices" shall be excluded from the definition of "fireworks" and "dangerous fireworks" as those terms as are defined by Penal Law §270(1)(a)(i) and 270(1)(b) respectively.

3.2 The sale and use of "sparkling devices" as defined in Penal Law §270(1)(a)(vi) which is incorporated hereunder shall be lawful in Cattaraugus County provided such sale and use are not in violation of §270 of the Penal Law or any rules and regulations thereunder.

3.3 The sale and use of sparkling devices is permitted subject to the following restrictions:

3.3.1 The sale of sparkling devices will only be permitted on and between June 1st and July 5th and December 26th and January 2nd of each calendar year.

3.3.2 All distributors, manufacturers and retailers of sparkling devices must be licensed

through the New York State Department of State.

3.3.3 Only persons over the age of 18 may purchase sparkling devices.

SECTION 4. 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 5. Effective Date. This Local Law shall become effective upon filing with the Secretary of State.

**LOCAL LAW NUMBER 4-2015
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Article 5 of the Workers' Compensation Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 3-1989 ENTITLED
"A LOCAL LAW TO ESTABLISH THE CATTARAUGUS COUNTY SELF-INSURANCE PLAN
AND TO PROVIDE FOR THE ADMINISTRATION THEREOF",
AS AMENDED BY LOCAL LAW NUMBER 6-2014**

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 remove the term "Human Resources Director" throughout Local Law No. 3-1989, as amended, and all subsequent local laws, and to replace it with the term "Personnel Officer".

SECTION 2. Amendment. Local Law Number 3-1989 (Intro No. 3-1989), as amended by Local Law Number 6-2014 (Intro No. 6-2014), is hereby amended by removing the term "Human Resources Director" from Sections 2, 3, 4, 5, 7, 9, 12 and 13 thereof by substituting and adding in the place and stead thereof the term "Personnel Officer".

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date. This Local Law shall take effect immediately.