

August 24, 2016

The meeting was called to order by Chairman Paula J. Stockman.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent - VanRensselaer.

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CHAIRMAN STOCKMAN noted that the minutes of the August 10, 2016 session stand approved as presented.

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COMMUNICATIONS:

Seneca County Board of Supervisors: Resolution No. 181-16 entitled "Resolution Calling on State and County Officials, Residents and Business Owners to Adopt the 'Think Differently' Initiative to Assist Individuals with Special Needs and Their Families".

Anne Easton: Note of appreciation for the Proclamation recognizing her years of service and dedication to the County Museum.

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PRIVILEGE OF THE FLOOR:

Chairman Stockman granted Privilege of the Floor to Michael J. McCarthy of McCarthy & Conlon who presented a report on the 2015 Nursing Home Audit.

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CHAIRMAN STOCKMAN called up **Act No. 375-2016**, 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), and asked that it be read.

Approved by 6 members of the Finance Committee.

MR. KOCH requested remove his name as a sponsor.

MR. KOCH moved, seconded by Mrs. Labuhn, to refer Act No. 375-2016 to the County Operations/Public Safety Committee. Carried.

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MR. KOCH requested **Act No. 376-2016** be amended to remove his name as a sponsor.

MR. KOCH moved, seconded by Mrs. Labuhn, to refer **Act No. 376-2016** to the County Operations/Public Safety Committee. Carried.

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CHAIRMAN STOCKMAN called up **Act No. 377-2016**, Authorizing Public Hearing on Local Law Number 7 – 2016, and asked that it be read.

Approved by 6 members of the Finance Committee.

MR. KOCH requested to remove his name as a sponsor.

MR. KOCH moved, seconded by Mrs. Labuhn, to refer Act No. 377-2016 to the County Operations/Public Safety Committee. Carried.

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ACT NO. 385-2016 by Mrs. Stockman
and Mr. Padlo¹

**APPOINTMENT OF MEMBER TO THE CHAUTAUQUA, CATTARAUGUS,
ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Pursuant to Section 2642-C(4) of the Public Authorities Law.

RESOLVED, that the following individual shall be a Cattaraugus County voting member on the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority:

Earl McElfresh
750 Genesee Street
Olean, New York 14760
(term to expire 9/12/2019),

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority.

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Padlo".

Adopted August 24, 2016 by voice vote.

ACT NO. 386-2016 by Mr. Klancer, Ms. Vickman and Mr. Koch

**ADOPTING CATTARAUGUS COUNTY HAZARD COMMUNICATION PROGRAM
"RIGHT TO KNOW POLICY"**

Pursuant to Section 153 of the County Law.

WHEREAS, a Hazard Communication Program Policy, also known as the "Right To Know" Policy, has been prepared and approved by the Departments of Public Works and Human Resources, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes and adopts the Cattaraugus County Hazard Community Program Policy dated August 24, 2016.

Approved by 7 members of the Finance Committee, 6 members of the Public Works Committee and 5 members of the Labor Relations Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 387-2016 by Mr. Klancer and Mr. Koch

**BID ACCEPTANCE FOR PURCHASE OF CHEVROLET SUBURBAN AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 215, 363 and 366 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of one (1) 2016 or newer Chevrolet Suburban LS, according to specifications provided by the Public Works Committee, and

WHEREAS, Cappellino Chevrolet, Inc., 9000 Boston State Road, Boston, New York 14025, submitted the lowest acceptable bid for the purchase of one (1) 2016 or newer Chevrolet Suburban LS, for an amount of \$42,285.99, as follows:

Cost of Vehicle	\$41,773.99
Cost of Max Trailer Tow Package	<u>\$ 512.00</u>
Total Cost	\$42,285.99,

and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned vehicle, now, therefore, be it

RESOLVED, that the bid of Cappellino Chevrolet, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice of Award and terminating December 31, 2016, with delivery to be made within 120 days after receipt of order, and be it further

RESOLVED, that the vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer, and be it further

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

Decrease Appropriation Account:

DM.503.5130.0000.20505	Tandem Axle Dump Trucks	\$42,285.99
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Increase Appropriation Account:

DM.503.5130.0000.20101	Vehicles	\$42,285.99.
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No State Contract.

OGS Mini Bid # 16070199.

Three bids were received which met specifications.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 388-2016 by Mr. Klancer and Mr. Koch
and Mr. Boberg¹

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NYS DEPARTMENT OF CONSERVATION HOUSEHOLD
HAZARDOUS WASTE STATE ASSISTANCE PROGRAM FOR
ELECTRONIC WASTE ASSISTANCE GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, New York State consumers are required to recycle electronic waste, such as computers, keyboards, televisions and small electronic equipment in an environmentally responsible manner, and

WHEREAS, funding is available through the Environmental Protection Fund (2016-2017 appropriation) for the New York State Department of Conservation (NYSDEC) Hazardous Waste State Assistance Program to assist municipalities with the cost of collecting and recycling electronic waste (e-waste), and

WHEREAS, the aforementioned funding will help municipalities recycle electronic waste efficiently and sustainably, and

WHEREAS, the NYSDEC will administer the grant program, which will provide up to 50% of eligible expenses of collecting and recycling e-waste between April 1, 2016 and March 31, 2017, and

WHEREAS, it is in the best interests of Cattaraugus County to apply for the aforementioned funding, now, therefore, be it

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 Department of Conservation, in order to apply for the aforementioned funding, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Boberg".

Adopted August 24, 2016 by voice vote.

ACT NO. 389-2016 by Mr. VanRensselaer
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS
WITH PREMO LIMOUSINE SERVICE OF WNY, LLC FOR
ADDITIONAL EXPANSION PROJECT**

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

WHEREAS, Act 263-2015 authorized the Chair to execute loan documents with Premo Limousine Service of WNY, LLC, for an expansion project, and

WHEREAS, Premo Limousine Service of WNY, LLC, 301 South Union Street, Olean, New York 14760, provides limousine, medical, and bus transportation services in Cattaraugus County, and

WHEREAS, Premo Limousine Service of WNY, LLC, has requested an additional loan in the amount of \$75,000.00 for the aforementioned expansion project, and

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

WHEREAS, the County is desirous of retaining and expanding employment in Cattaraugus County, and

WHEREAS, Premo Limousine Service of WNY, LLC, will retain eight (8) full-time equivalent employees and anticipates that eight (8) full-time equivalent positions will be created as a result of this project, and

WHEREAS, Premo Limousine Service of WNY, LLC, proposes other financing, owner equity and investment of \$215,000.00, and

WHEREAS, Premo Limousine Service of WNY, LLC, is in need of \$75,000.00 to help defray costs of the aforementioned project, and

WHEREAS, the County has \$75,000.00 in its economic development loan program, using casino funds for economic development projects in the County, and

WHEREAS, it is proposed that the County loan to Premo Limousine Service of WNY, 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 payments for months 1 (one) through 84 (eighty-four) being comprised of principal and interest, and

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

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

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Padlo".

Adopted August 24, 2016 by voice vote.

ACT NO. 390-2016 by Mr. VanRensselaer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
LAMAR COMPANIES FOR ADVERTISING SERVICES
ON DIGITAL AND VINYL BILLBOARDS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of promoting Cattaraugus County through the use of advertisements on digital and vinyl billboards, and

WHEREAS, Lamar Companies, 1565 West 12th Street, Erie, Pennsylvania 16501, can provide advertising services, promoting Cattaraugus County, through the use of digital and vinyl billboards for an amount of \$13,160.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Lamar Companies, for the provision of the above-described services, for a term commencing August 29, 2016 and terminating November 20, 2016, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 391-2016 by Mr. VanRensselaer

**AUTHORIZING PUBLIC HEARING ON
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, the County wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Homes and Community Renewal (the "OCR") for funding to replace eight (8) to ten (10) dilapidated owner-occupied manufactured homes and address septic and well issues serving those properties (the "Project"), and

WHEREAS, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Project prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature on the submission of an application to the New York State Office of Homes and Community Renewal for Community Development Block Grant funding to replace eight (8) to ten (10) dilapidated owner-occupied manufactured homes and address septic and well issues serving those properties, on the 14th day of September, 2016, at 4:01 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.

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 392-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH LEVANT WESLEYAN CHURCH
FOR FATHERS SUPPORT/PARENTING GROUP AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

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

WHEREAS, Act 403-2015 authorized a contract with the Levant Wesleyan Church for the provision of a weekly support/parenting group for fathers who are currently working with or under the supervision of the Department of Social Services to focus on family, child and service engagement, the term of which expires August 31, 2016, and

WHEREAS, the County Department of Social Services is desirous of renewing the aforementioned contract, and

WHEREAS, the purpose of the aforementioned program is to reduce re-involvement with Child Protective Services, the Support Collection Unit and Family Court, and

WHEREAS, the Levant Wesleyan Church, 1670 Lundquist Drive, Falconer, New York 14733, can provide a weekly two-hour support/parenting group for male residents of Cattaraugus County who are involved with the Department of Social Services through Child Protective Services, the Child Welfare Unit, Adult Protection Unit, Support Collection Unit, and as parents to youth involved in the juvenile justice/probation system by providing education, parenting services and support, and

WHEREAS, the Levant Wesleyan Church can provide the aforementioned services for a total amount not to exceed \$18,000.00, to be paid on a monthly basis, as invoiced, and

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

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 Levant Wesleyan Church, for the provision of the above-described services, for a term commencing September 1, 2016 and terminating August 31, 2017, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:

A.601.6151.0000.4615	Flexible Fund For Family Services	\$6,000.00
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Increase Appropriation Account:

A.601.6151.0000.41607.28	Contracted Services, DSS Fathers' Group	\$6,000.00.
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Approved by 7 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 393-2016 by Ms. Vickman and Mrs. Labuhn
and Ms. Hastings¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
WIC NUTRITIONIST AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

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

WHEREAS, the County Health Department is in need of a qualified nutritionist for the WIC Program, and

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide 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

WHEREAS, various appropriation accounts must be adjusted, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing October 1, 2016 and terminating September 30, 2017, and be it further

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

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

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

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	\$11,586.00
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Increase Appropriation Account:

A.401.4082.0000.41225	Dietician/Nutrition Services	\$11,586.00.
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Approved by 7 members of the Finance Committee and 7 members of the Human Services Committee.

¹The following Legislator requested her name be listed as an additional sponsor: "Ms. Hastings".

Adopted August 24, 2016 by voice vote.

ACT NO. 394-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH STRATEGY SOLUTIONS, INC. FOR HEALTH DEPARTMENT
COMMUNITY HEALTH NEEDS ASSESSMENT AND IMPROVEMENT PLAN AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Health Department)**

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

WHEREAS, the New York State Department of Health (NYSDOH) has asked each local health department and hospital system to work together to address identified common public health priorities, and to consider jointly developing a single county-wide plan that would serve as both the local health department's Community Health Improvement Plan (CHIP) and the hospital's Community Health Needs Assessment (CHNA), and

WHEREAS, the County Health Department, along with the Upper Allegheny Health System for the Olean General Hospital, have joined together for the development and implementation of the aforementioned needs assessment and improvement plan, and

WHEREAS, Strategy Solutions, Inc., 8425 Peach Street, Erie, Pennsylvania 16509, shall facilitate the 2016 collaboration of a joint Olean/County Health Department CHNA and CHIP for a total project cost of \$35,000.00, to be paid by the County and Olean General Hospital, as follows:

<u>Olean General Hospital</u>	<u>Amount</u>	<u>Cattaraugus County Health Department</u>	<u>Amount</u>
Total Cost	\$25,000.00	Total Cost	\$10,000.00
25% Deposit	<u>\$ 6,250.00</u>	No Deposit Required	<u>\$ 0</u>
Remaining Cost	\$18,750.00	Remaining Cost	\$10,000.00
Dec - May Monthly Payments	\$ 3,125.00	Aug - Nov Monthly Payments	\$ 2,500.00

*Note: Olean General Hospital shall pay all other expenses, including travel costs for this project and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the County Health Department's cost of the aforementioned project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Strategy Solutions, Inc., for the provision of the above-described services, for a term commencing August 1, 2016 and terminating May 31, 2017, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:		
A.401.4017.4036.4401.10	DSRIP	\$10,000.00
Increase Appropriation Account:		
A.401.4017.4034.41603	Contracted Services	\$10,000.00.

Approved by 7 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 395-2016 by Ms. Vickman and Mrs. Labuhn
and Mr. Padlo¹

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
OLEAN GENERAL HOSPITAL FOR OPERATION OF
A 24-HOUR TELEPHONE CRISIS HOTLINE**

Pursuant to Chapter 119 of the Laws of 1997 and
Section 41.13(6) of the Mental Hygiene Law.

WHEREAS, Act 53-2015, as amended by Act 366-2015, authorized approval for a contract between the Cattaraugus County Community Services Board and the Olean General Hospital for the operation of a 24-hour telephone crisis hotline to service the residents of Cattaraugus County provided pursuant to Article 41 of the Mental Hygiene Law in this hospital, the term of which expired December 31, 2015, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, the Olean General Hospital, 515 Main Street, Olean, New York 14760, can operate a 24-hour telephone crisis hotline to service the residents of Cattaraugus County, and

WHEREAS, the County shall pay to the Olean General Hospital, 515 Main Street, Olean, New York 14760, an amount not to exceed \$120,656.00 for such purpose, to be paid on a quarterly basis as invoiced, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2016, between the Cattaraugus County Community Services Board and Olean General Hospital, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms, and be it further

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

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

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.

Approved by 7 members of the Finance Committee and 7 members of the Human Services Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Padlo".

Adopted August 24, 2016 by voice vote.

ACT NO. 396-2016 by Ms. Vickman and Mrs. Labuhn

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
CATHOLIC CHARITIES OF BUFFALO NEW YORK FOR
CASE MANAGEMENT SERVICES FOR CHILDREN AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 60-2016 authorized approval of a contract with Catholic Charities of Buffalo New York, 525 Washington Street, Buffalo, New York 14203, for the provision of case management services for Cattaraugus County children, the term of which expires December 31, 2016, and

WHEREAS, the New York State Office of Mental Hygiene has awarded additional State Aid funding in the amount of \$5,536.00, for a total 2016 amount of \$44,376.00, and

WHEREAS, an amended contract is necessary with Catholic Charities of Buffalo New York for the payment of the aforementioned additional State Aid, and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted to accommodate the aforementioned additional State Aid, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract for the year 2016, between the Cattaraugus County Community Services Board and Catholic Charities of Buffalo New York, to signify the County's approval, for the provision of case management services for children, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:

A.443.4322.1810.3490.034K	Catholic Charities, C&F Case Management	\$5,536.00
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Increase Appropriation Account:

A.443.4322.1810.42029.034K	Catholic Charities, C&F Case Management	\$5,536.00.
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Approved by 7 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 397-2016 by Ms. Vickman and Mrs. Labuhn

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
HOUSING OPTIONS MADE EASY, INC. FOR VARIOUS SERVICES,
SERVING AS THE LEAD AGENCY FOR RECOVERY CENTER SERVICES AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 41.47 and 41.55 of the Mental Hygiene Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 55-2016 authorized approval of a contract with Housing Options Made Easy, Inc., 75 Jamestown Street, Gowanda, New York 14070, for supported housing for mentally ill people and the homeless, the provision of a consumer operated client systems advocacy service, and the operation of a telephone "warm" line, innovative vocational services, as well as serving as the lead agency for Recovery Center Services, the term of which expires December 31, 2016, and

WHEREAS, the New York State Office of Mental Hygiene has awarded additional funding in the amount of \$2,013.00, for a total 2016 amount of \$977,709.00, and

WHEREAS, an amended contract is necessary with Housing Options Made Easy, Inc., for the payment of the aforementioned additional funding, and

WHEREAS, this program is 100% state funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract for the year 2016, between the Cattaraugus County Community Services Board and Housing Options Made Easy, Inc., to signify the County's approval, for the provision of the above-mentioned programs, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms, and be it further

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

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

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

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

Decrease Appropriation Accounts:

A.437.4322.6050.42023.200	HOME, Reinvestment	\$51,428.00
A.437.4322.6050.42023.400	HOME, Commissioner's Performance	\$ 6,038.00
A.437.4322.6060.42023.400	HOME, Commissioner's Performance	\$67,768.00

Increase Estimated Revenue Accounts:		
A.437.4322.6050.3490.078	HOME, OMH Supported Housing	\$58,472.00
A.437.4322.6060.3490.078	HOME, OMH Supported Housing	\$68,775.00
Increase Appropriation Accounts:		
A.437.4322.6050.42023.078	HOME, Supported Housing	\$58,472.00
A.437.4322.6060.42023.078	HOME, Supported Housing	\$68,775.00
Decrease Estimated Revenue Accounts:		
A.437.4322.6050.3490.200	HOME, OMH Reinvestment	\$51,428.00
A.437.4322.6050.3490.400	HOME, OMH Commissioner's Performance	\$ 6,038.00
A.437.4322.6060.3490.400	HOME, OMH Commissioner's Performance	\$67,768.00.

Approved by 7 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 398-2016 by Mr. Snyder, Sr.

UPDATING COUNTY PURCHASING CARD POLICY

Pursuant to Section 153 of the County Law.

WHEREAS, Act 433-2002, as amended by Act 390-2013, established the Cattaraugus County Purchasing Card Policy to reduce the amount of paperwork necessary for the processing of transaction payments, and

WHEREAS, it is necessary to update the Purchasing Card Policy, now, therefore, be it

RESOLVED, that effective immediately, the following constitutes the updated Purchasing Card Policy for Cattaraugus County:

Cattaraugus County Purchasing Card Program Policy and Procedures Manual

Table of Contents

<u>Section</u>	<u>Topic</u>
1.0	General Guidelines
1.1	Card Issuance
1.2	Card Activation
1.3	Account Maintenance
1.4	Card Usage
1.5	Preferred Vendors vs. Vendors Not Accepting MasterCard
1.6	Limitations and Restrictions
1.7	Lost or Stolen Cards
2.0	Purchases
2.1	Authorized Purchases
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3.0	Reconciliation and Payment
3.1	Receipt Retention/Record Log
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3.3	Reconciliation of Purchases

3.4	Disputed or Fraudulent Charges
3.5	Travel Usage
4.0	Common Questions and Concerns
5.0	Appendices
	I. Cardholder Application
	II. Cardholder Account Maintenance Form
	III. Sample Record Log
	IV. Dispute Form

1.0 GENERAL GUIDELINES:

1.1 **Card Issuance.** As a cardholder, you will be asked to complete a cardholder application form, which will then be signed by your Department Head/Supervisor and the Purchasing Card Administrator. Upon receipt of your purchase card you will be required to sign a Purchase Card Acknowledgement form. By signing the acknowledgement form, you acknowledge that you have received a purchase card and you are agreeing that you have read the purchase card manual and agree to adhere to all of the terms and conditions stated. Most importantly, you are the only person entitled to use the card. The card is not to be used for personal use. As each purchasing card is linked to a specific cost center and individual employee, the card cannot be transferred from one employee to another.

1.2 **Card Activation.** Upon receipt of your Mastercard Purchasing Card, you will need to activate the account by calling the toll-free number printed on the sticker adhered to the front of the card (1-866-602-8170). For verification purposes, you will be asked to provide a piece of information such as the last four digits of your Social Security Number. Although the card will be issued in your name, your personal credit history will not affect activity on your purchasing card account. The County is responsible for payment of all authorized appropriate purchases.

1.3 **Account Maintenance.** If there is a need to change any information regarding your account, such as mailing address or expense accounting code, please complete the Account Maintenance Form, have it approved by your department head or site supervisor, and forward it to your Purchasing Card Administrator. Changes in your purchasing restrictions should be discussed with your Department Head/Supervisor and Purchasing Card Administrator.

1.4 **Card Usage.** The Mastercard Purchasing Card can be used at any merchant that accepts Mastercard, except as the County otherwise directs. It may be used for in-store purchases as well as phone, fax, Internet or mail orders. There is no special terminal or equipment needed by the Mastercard merchant to process a purchasing card transaction. Make sure all purchases comply with the County Purchasing Policy as well as the Purchasing Card Policy.

Whenever using the Mastercard Purchasing Card with merchants, please emphasize that an invoice must not be sent as this may result in a duplicate payment. For phone, fax and mail orders, please instruct the merchant to send a receipt only. This receipt will be turned in at the end of the month with your statement. Your suppliers must also still make County purchases exempt from sales tax.

1.5 **Preferred Vendors vs. Vendors Not Accepting Mastercard.** Obviously, not all of your suppliers will accept Mastercard. However, as purchasing card programs become more and more popular, vendors will want to accommodate their customers by accepting Mastercard as a method of payment. If you have a vendor you wish to deal with who does not accept Mastercard, then please contact your Purchasing Card Administrator with the following information: vendor name, street address, local phone number and local contact. Your Administrator will work with JPMorgan Chase to get the supplier credit card capable and explain the benefits of accepting Mastercard. It will be to our benefit, and the success of the program, if as many suppliers as possible are Mastercard merchants.

1.6 **Limitations and Restrictions.**

1.6.1 Your Department Head/Supervisor has assigned a credit limit to your card. There may also be a single transaction limit placed on your card, which means your card will be declined if you attempt to purchase more than this set amount at one time. Do not split a purchase to avoid the single transaction limit. If you believe the single transaction limit will prevent optimum usage of the Program, then please discuss this with

your Department Head/Supervisor. Please be aware that asking a vendor to split a transaction to circumvent a single dollar limit can result in a fine by Mastercard to the vendor.

1.6.2 In addition to the single transaction limit, every cardholder has a total monthly dollar limit assigned to his/her account. As limitations vary by cardholder, please discuss the limit with your respective Department Head/Supervisor. If you believe your monthly limit to be insufficient for your requirements, and your Department Head agrees, they must contact the Purchasing Card Administrator to have your limit(s) increased.

1.6.3 The JPMorgan Chase Mastercard Purchasing Card Program also allows for Merchant Category blocking. If a particular Merchant Category is blocked (e.g. jewelry stores), and you attempt to use your card at such a merchant, then your purchase will be declined. Management has made an effort to ensure that the vendors/suppliers used during the normal course of business are not restricted. If your card is refused at a merchant where you believe it should be accepted, then you should call the toll free JPMorgan Chase Customer Service number on the back of your card to determine the reason for refusal. Depending on the result of your inquiry, you may want to discuss the issue further with your Purchasing Card Administrator and Department Head. Only the Purchasing Card Administrator is empowered to advise JPMorgan Chase to modify the restrictions on your use of the Purchasing Card.

****Please note:** All requests for changes in limitations and restrictions must be made through your Department Head or the Purchasing Card Administrator. JPMorgan Chase Bank will change existing cardholder restrictions only after a written request is received from the Purchasing Card Administrator.

1.7 **Lost or Stolen Cards.** You are responsible for the security of your card and any purchases made on your account. If you believe you have lost your card or that it has been stolen, then immediately report this information to JPMorgan Chase's 24-hour Customer Service at 1-800-316-6056. Immediately after reporting your card lost/stolen to Customer Service, you must inform your Purchasing Card Administrator. It is extremely important to act promptly in the event of a lost or stolen card to avoid County liability for fraudulent transactions.

As with a personal charge card, you will no longer be able to use the account number after notifying the bank. A new card will be issued within 48 hours of notice to JPMorgan Chase.

2.0 PURCHASES:

2.1 **Authorized Purchases.** The Mastercard Purchase Card is intended for maintenance, repair, operating and other low value purchases needed during the course of business. These purchases include:

- Office supplies and forms
- Books and subscriptions
- Computer supplies, e.g., software and diskettes
- Professional membership dues
- Hardware and tools
- Spare parts
- Miscellaneous items, e.g., videotapes.
- Travel and Business Meals (only with approved Travel Authorization)

2.2 **Unauthorized Purchases.** Failure to comply with the guidelines for authorized purchases under the JPMorgan Chase Mastercard Purchasing Card Program may result in disciplinary action, cancellation of your card privileges, and possible termination of employment. Purchases prohibited on the card include:

- Alcoholic Beverages
- Maid or Valet Services
- Laundry or Dry Cleaning
- Repairs to Privately-Owned Vehicles
- Personal Expenses
- Tips for taxi rides in excess of 20% of the bill
- Any transaction exceeding your single transaction limit
- Cash
- Entertainment
- Gasoline
- Meals unless (out of county requiring overnight travel)*
- Tips for meals in excess of 18% of the bill *

- A greater percentage may be allowable if that percentage gratuity is added to the bill as part of the standard policy of the restaurant.
- Tips in excess of 18%, if not part of the restaurants' policy, are the responsibility of the cardholder.

*All meals purchased on card require out of town travel authorization and must have a maintenance form sent to the purchase card administrator in advance with dates that meals will be required.

2.3 As with any County purchase, the card is not to be used for any product, service or with any merchant considered to be inappropriate for County funds. If you have any doubt whether a purchase should be made with your Mastercard card, then contact your Purchasing Card Administrator.

MISUSE OF THE CARD WILL RESULT IN FORFEITURE OF THE CARD AND POSSIBLE DISCIPLINARY ACTION.

3.0 RECONCILEMENT AND PAYMENT:

Unlike personal credit cards, the liability for payment of the JPMorgan Chase Mastercard Purchasing Card Program for authorized, appropriate purchases rests with the County. Your personal credit history has not been taken into account when a card has been issued in your name. The Treasurer's Office is responsible for paying the Program invoice(s) each month. You are not responsible for payment under your account.

Each month you will receive a "memo" or activity statement from JPMorgan Chase Bank, which will look similar to your personal credit card statements. The statement will reflect the transaction date, supplier/merchant name and the total amount of the purchase.

You are responsible for the following:

- Reconciling your statements & returning them to the Site Supervisor in a timely manner.
- Retaining all receipts for items purchased under the Program.
- Ensuring all transactions posted are legitimate purchases made by you on behalf of the County.
- Completing paperwork required by the program to post transactions accurately.
- Certifying that all purchases were for County use.

3.1 **Receipt Retention/Record Log.** It is a requirement of the program that you keep all receipts for goods and services purchased. For orders placed via phone, fax or mail, you must request a receipt, detailing merchandise price, sales/use tax, freight, etc., be included with the goods mailed/shipped. (Note: A merchant should not reject this request, as it is a Mastercard policy). It is extremely important to request and retain purchase receipts, as this is the only original documentation that shows whether sales tax has been paid. To assist you in retaining receipt and tracking sales/use tax, we have provided a Purchasing Card Record Log form (please make copies of blank form for your use). As purchasing card records will be audited from time to time, it is essential to adhere to the above record keeping guidelines.

3.2 **Sales and Use Tax.** Cattaraugus County is exempt from NYS Sales & Use Taxes. Merchants are required by tax authorities to include the applicable sales or use tax at the time of purchase. The amount of tax is dependent on a variety of factors including state, county and city where the goods are purchased. Out-of-state purchases, where sales tax has not been charged, should accrue the applicable use tax. Any questions concerning tax issues should be addressed to your Purchasing Card Administrator.

3.3 **Reconcilement of Purchases.** It is your responsibility, immediately upon receipt of your monthly statement, to check your statement to ensure all the transactions posted are legitimate transactions made by yourself. By using the Purchasing Card Record Log mentioned above, reconcilement should be easy. If everything is in order, sign the statement, include your receipts, and forward it to your Site Supervisor for review and Department Head approval. Please make copies for your records.

3.4 **Disputed or Fraudulent Charges.**

3.4.1 If there is a discrepancy between your record log and your statement, then address the issue immediately. Depending on the type of discrepancy, you will need to contact either the merchant or JPMorgan Chase Customer Service.

3.4.2 If you believe the merchant has charged you incorrectly, or there is an outstanding quality or service issue, then try to resolve the error or problem by contacting the merchant first. If you are able to resolve the matter directly with the merchant, and the error involved is an overcharge, then a credit adjustment

should be requested and will appear on your next statement. Note: The item should be highlighted on your record log as a reminder to verify that correct credit has been received.

3.4.3 If the merchant disagrees that an adjustment is necessary, then contact JPMorgan Chase Customer Service at (800) 316-6056 (this number also appears on the back of your card). JPMorgan Chase will request complete details of the dispute in writing in order to research the item in question. The details of the disputed transaction should be reported on County letterhead and forwarded to the Purchase Card Administrator.

3.4.4 Any charge dispute must be received by JPMorgan Chase within 60 days of your statement date. While pending resolution, JPMorgan Chase will credit your account for the amount of the disputed transaction. Although JPMorgan Chase acts as the arbitrator in any dispute, you should never assume that a dispute will be resolved in your favor.

3.4.5 If the dispute is not resolved to your satisfaction, and you believe you have been unfairly treated by the merchant, then please notify your Department Head/Supervisor with the relevant details.

3.4.6 Any fraudulent charge, i.e., a charge appearing which was not authorized by yourself, must be reported immediately to JPMorgan Chase Customer Service and the Purchasing Card Administrator. Prompt report of any such charge will help to prevent the County from being held responsible.

3.5 Travel Usage.

3.5.1 Individual cards to employees with at least 6 outside of the County trips per year.

3.5.2 All Travel Cards must be approved by the Department Head and the Purchase Card Administrator.

3.5.3 The employee must submit itemized receipt/invoice and copy of Travel Authorization with the reconciled card statement to the card site supervisor for payment processing.

3.5.4 The card may not be used for gasoline purchases. Gas cards can be obtained from Fleet Management for use with rental cars.

3.5.5 The employee is responsible for providing information and/or notifying the vendor of the tax exempt status.

4.0 COMMON QUESTIONS AND CONCERNS:

Q#1 **Why did the County decide to participate in a Purchasing Card Program?**

We are exploring ways to streamline processes and reduce costs. Frequently the expenses incurred to process a small dollar purchase can run as high as or higher than the price of the item itself.

With a Purchasing Card, many of the typical purchasing steps should be eliminated including generating a requisition, preparing a purchase order, matching a packing slip to a purchase order, matching invoices with purchasing requisitions, individual payments of invoices, etc.

Q#2 **What is the procedure when I pay for something with my Purchasing Card?**

Essentially, the process is the same as when using your personal credit card. You must always ask for a receipt for your records, particularly for phone, fax and mail orders.

Q#3 **Are there any restrictions associated with my use of my Card?**

Yes, in addition to our County policy stating the type of products you can buy and our preferred vendor list, other controls and limits may be placed on your card including:

- A monthly dollar limit
- A daily dollar limit
- A "per transaction" dollar limit
- "Blocked" merchant categories.

Please see your Department Head/Supervisor or Purchasing Card Administrator for your specific restrictions.

Q#4 **How will I know if I have exceeded my monthly limit?**

You should maintain a log of your purchases to keep a running total of your expenditures. Once you have reached your limit within a given month, your card will not be accepted for additional

purchases. To determine your outstanding balance at any given time, you may call the toll-free JPMorgan Chase Customer Service number on the back of your card.

- Q#5 What should I do if a supplier does not accept the JPMorgan Chase Purchasing Card?**
Please contact your Purchasing Card Administrator and provide him/her with the supplier's name, address and phone number.
- Q#6 How will I know if the County is getting billed correctly for the purchase I have made?**
Monthly, the Treasurer's Office will send you a cardholder "memo" statement listing all the purchases made and credits received in the previous month. This statement is for your review only and allows you to reconcile your purchases. You must review the statement in a timely manner, as any disputed or fraudulent transactions must be reported to Chase in a timely manner.
- Q#7 How will my monthly Purchasing Card bills be paid?**
You are not responsible for the payment of your Purchasing Card bills. The monthly statement you receive is for your review only. The Treasurer's Office will make one monthly payment to JPMorgan Chase covering Purchasing Card expenses for all County employees using the Card.
- Q#8 Who in the County may I talk to if I have questions about the program?**
We have designated the following individuals as Purchasing Card Administrators (PCA).
Rachel Kent – Extension 2288
Cyndy Stefanski – Extension 3296
The PCA should be contacted for any questions you have regarding limits, usage and other issues. Only the PCA has the authority to change any existing information or restrictions to a cardholder's account.
- Q#9 What should I do if I have a problem associated with something I bought with my Purchasing Card?**
Please refer to the "Disputed or Fraudulent Charges" section of the guide for complete details. It is extremely important that you address these items immediately.
- Q#10 Once I receive the card, can I begin using it immediately?**
Once you receive your card, you will be instructed to call JPMorgan Chase's toll-free number and provide certain information (e.g., date of birth or social security number, or mother's maiden name) to activate the card. This procedure ensures a secure card issuance process and helps to prevent fraud.
- Q#11 What should I do if my card is lost or stolen?**
It is extremely important to call JPMorgan Chase's Customer Service toll-free number immediately in the event your card is lost or stolen. You must also notify your Purchasing Card Administrator immediately.
- Q#12 Can another employee utilize my card for purchases?**
Each Purchasing Card will be embossed with the individual employee's name. The employee is responsible for the proper use of his/her card. At no time should another individual utilize your Purchasing Card.
- Q#13 Can the Purchasing Card be used outside the United States?**
Yes, the JPMorgan Chase Purchasing Card is accepted worldwide. Purchases can be made in any currency and billed in U.S. Dollars. The currency, as well as the foreign exchange rate utilized, is stated for each transaction on your statement.

Q#14 What should I do if I need to change my monthly or single purchase limits?

Contact your Department Head or Site Supervisor and they will contact your Purchasing Card Administrator.

Q#15 How long is my Purchasing Card good for?

The card has a three-year expiration date. You will automatically receive your new card approximately one month prior to expiration.

5.0 APPENDICES

Approved by 7 members of the Finance Committee.

Adopted August 24, 2016 by voice vote.

ACT NO. 399-2016 by Mr. Helmich, Mr. Neal, Ms. Vickman,
Ms. Hastings and Mrs. Labuhn

**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.

Approved by 4 members of the Finance Committee and 6 members of the Human Services Committee.

No further action taken at this time.

ACT NO. 400-2016 by Mr. Helmich, Mr. Neal, Ms. Vickman,
Ms. Hastings and Mrs. Labuhn

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 8 - 2016

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 24, 2016, a proposed Local Law entitled, "A Local Law Raising the Legal Age for the Purchase of Tobacco Products in Cattaraugus County to Twenty-One", and

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

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 14th day of September, 2016, at 4:02 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five 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.

Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted August 24, 2016 by voice vote. Mr. Koch voting No.

* * * * *

MR. HALE moved, seconded by Ms. Hastings, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 401-2016 through Act No. 404-2016, inclusive. Carried.

ACT NO. 401-2016 by Ms. Vickman and Mrs. Labuhn
who ask immediate consideration

**BID ACCEPTANCE FOR DIETARY MANAGEMENT SERVICES
AND DIETICIAN AND NUTRITION CONSULTANT SERVICES
(Department of Nursing Homes)**

Pursuant to 10 NYCRR Section 415.14, Section 103 of the General
Municipal Law and Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the operation and management of the Department of Nursing Homes Dietary Department at The Pines Healthcare & Rehabilitation Center – Olean Campus, according to specifications provided by the Human Services Committee, and

WHEREAS, the Clerk of the Legislature was also authorized to advertise for sealed bids for consultant dietician services for the Department of Nursing Homes Dietary Department at The Pines Healthcare & Rehabilitation Center – Machias Campus, according to specifications provided by the Human Services Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Healthcare Services Group, Inc., 3220 Tillman Drive, Glenview Corporate Center, Suite 300, Bensalem, Pennsylvania 19020, as follows:

<u>Service</u>	<u>Basis</u>	<u>Rate</u>
	Price per Patient Day for Meals Served to In-House Residents, not including those residents requiring Enteral Feeding and NPO*	Per Patient Day
Skilled Nursing Facility Registered Daily Meals	\$17.67	N/A
Food for Gratification costs (tube fed residents)	N/A	N/A
Employee/Visitor Meals	Cost per Meal \$3.50	N/A
Registered Dietician (Machias Campus)	Cost per Hour \$50.00	N/A

*The vendor will charge only for those meals served. Therefore, the Facility will not be charged for residents who are in the hospital on bed-hold, unoccupied beds, those residents who are nothing by mouth (NPOs), or those residents on tube-feeding, now, therefore, be it

RESOLVED, that the bids of Healthcare Services Group, Inc., be, and the same hereby are, accepted for a term commencing September 1, 2016 and terminating August 31, 2018, with the County's sole option to renew for two (2) additional one-year terms, the last of which will end August 31, 2020, and be it further

RESOLVED, that there is allowed a 3% annual increase in the per patient day price and employee/visitor meal price, with such increases to be effective September 1 after each year this contract remains in effect, making the first increase to be September 1, 2017, and be it further

RESOLVED, that the vouchers accordingly certified by the Controller of the Department of Nursing Homes be audited by the Auditor and paid by the County Treasurer.

No State Bid.

10 sets of specifications were sent out.

1 bid was received.

Adopted August 24, 2016 by voice vote.

ACT NO. 402-2016 by Mr. Klancer, Mr. Koch, Mr. Boberg,
Mr. Breton, Mr. Hale and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VILLAGE OF CATTARAUGUS FOR SHARED SERVICES
PROVIDED FOR KELLY SUMMIT SPRING REHABILITATION PROJECT**

Pursuant to Section 119-o of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, the Village of Cattaraugus (Village) is undertaking a project to rehabilitate its spring lots, which include the following:

- replacing the 100+ year old transmission lines from the spring lots into the Village,
- rehabilitating the spring boxes to improve the capture rate of the water being produced at the spring lots, and
- completely replacing the inadequate, inoperable metering within the water system including bulk metering, as well as individual metering at consumer locations to ensure accurate accounting of water consumption,

and

WHEREAS, various portions of the rehabilitation project have been completed or are near completion, and

WHEREAS, the final portion of the project to be completed is the rehabilitation of the Kelly Summit Springs which are located between the Village of Cattaraugus and the Village of Little Valley at 6480 NYS Route 353 (Tax Map No. 45.003-2-13), and

WHEREAS, the Village has requested assistance from the County Department of Public Works (DPW) in order to complete the project prior to the end of the year, and

WHEREAS, the County DPW has agreed to assist and provide services to the Village, and

WHEREAS, the Village shall pay the County the actual amount expended for labor and equipment provided pursuant to the terms and conditions herein, now, therefore, be it

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 Village of Cattaraugus, for shared services provided for the Kelly Summit Spring Rehabilitation Project, for a term commencing August 24, 2016 and terminating December 31, 2016, according to the above-described terms.

Adopted August 24, 2016 by voice vote.

ACT NO. 403-2016 by Mrs. Stockman
who asks immediate consideration

DESIGNATION OF OFFICIAL DEPOSITORY AND TRADING PARTNER

Pursuant to Section 212 of the County Law.

RESOLVED, Act 7-2016 designated the official depositories for County funds commencing January 1, 2016, and be it further

RESOLVED, that the following banking institution be designated as an official depository for County funds, commencing August 1, 2016, and that the County Treasurer is hereby authorized to deposit in the following banking institution an amount not to exceed thirty million dollars (\$30,000,000):
US Bank, Belfast, Maine.

Adopted August 24, 2016 by voice vote.

ACT NO. 404-2016 by Mr. Higgins, Mr. Snyder, Sr. and Mr. Padlo
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNER
(City of Olean)**

Pursuant to Section 215 of the County Law and
Rule 40 of the Rules of Order of the
Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property situated in the City of Olean, and

WHEREAS, the former owner of the property has offered to purchase the same at a cost which will cover the County's financial involvement in this premises, and

WHEREAS, the costs involved for this premises has been tendered to the County Treasurer's Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute a County Treasurer's Deed conveying this property to the following individual:

CITY OF OLEAN

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
22	94.049-1-68	Jeffrey J. Good	888 N. 4 th Street Olean, NY 14760.	\$24,932.97

Adopted August 24, 2016 by voice vote.

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CHAIRMAN STOCKMAN granted Privilege of the Floor to Colette Schoening who read a statement regarding her views on various topics.

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MR. KLANCER moved, seconded by Mr. Boberg to adjourn until September 14, 2016 at 4:00 p.m. Carried.

Meeting adjourned at 4:43 p.m.

Ann M. Giglio
Journal Clerk