

September 11, 2019

The meeting was called to order by the Chairman Snyder.

The invocation was given by Rev. LeFeber.

The Attendance Roll Call disclosed one Legislator absent – Boberg.

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CHAIRMAN SNYDER noted that the minutes of the August 28, 2019 session stand approved as presented.

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PRIVILEGE OF THE FLOOR:

CHAIRMAN SNYDER granted Privilege of the Floor to Legislator Joe Snyder who introduced Gary Swetland, a teacher from Portville Central School, who spoke on the School’s Envisioneering Center. The PCS Envisioneering Center is a STEM-based resource center that is open to students, alumni, staff and the community. Students are currently utilizing the Center to develop their own businesses as well as create/build a variety of items utilizing various equipment, such as laser cutter, sewing machine, Tormach CNC, vinyl cutter, router, soldering stations, 3D printer, autoclave, ShopBot, camera microscope, torque tester and rework station. Its purpose is to develop and engage skills. There are currently 140 students participating in the Center.

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ACT NO. 377-2019 by Mr. Snyder, Sr.

**AUTHORIZING CREDIT FOR PRIOR SERVICE
FOR DISTRICT ATTORNEY**

Pursuant to Section 17.3 of the Benefit Manual for Managerial and Confidential Officers and Employees of Cattaraugus County and Section 205 of the County Law.

WHEREAS, Lori Rieman was elected to the position of District Attorney effective January 1, 2010, and

WHEREAS, Ms. Rieman was previously employed by the County in the District Attorney’s Office from 3/26/2001 to 4/16/2009, and

WHEREAS, Section 17.3 of the Benefit Manual for Managerial and Confidential Officers and Employees, Health Insurance Upon Retirement, states in part, *“Employees hired after November 9, 1995 shall be required to possess twenty (20) years of seniority to qualify for this benefit”*, and

WHEREAS, the Benefit Manual for Managerial and Confidential Officers and Employees does not define the term *“seniority”*, and

WHEREAS, it is the decision of the Legislature that Ms. Rieman receive credit for prior service as a County employee from 3/26/2001 until 4/16/2009 for the purpose of establishing seniority in regards to Section 17.3 of the Benefit Manual for Managerial and Confidential Officers and Employees, Health Insurance Upon Retirement, now, therefore, be it

RESOLVED, that Lori Rieman be credited prior service as a County employee and be deemed to have a seniority date of 3/26/2001 for purposes of qualifying for health insurance upon retirement per Section 17.3 of the Benefit Manual for Managerial and Confidential Officers.

Held in the Finance Committee, the County Operations/Public Safety Committee and the Labor Relations Committee.

ACT NO. 378-2019 by Mrs. Labuhn
and Mr. Breton, Mr. Burr, Mr. Helmich, Mr. Marsh, Ms. Vickman and Ms. Hastings¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH MOUNT VIEW CEMETERY ASSOCIATION FOR ANNUAL
MAINTENANCE OF VETERANS CEMETERY AND FIELD OF HONOR**

Pursuant to Sections 225(1)(d) and 450 of the County Law.

WHEREAS, Act 514-2009, as amended by Act 593-2018, authorized a contract with Mount View Cemetery Association, P.O. Box 1044, Olean, New York 14760, for assistance with the cost of annual maintenance of the Veterans Cemetery and the County-owned Field of Honor, the term of which expires December 31, 2019, and

WHEREAS, the County is desirous of renewing the aforementioned contract for a term of five (5) years, and

WHEREAS, the Mount View Cemetery Association has requested assistance with the cost of annual maintenance of the Veterans Cemetery and the County-owned Field of Honor in the amount of \$10,033.74 for 2020, plus an annual increase upon renewal based on the current CPI or 2%, whichever is lower, 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 Mount View Cemetery Association, for the provision of the above-described maintenance assistance, contingent upon and subject to inclusion in the 2020 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2020 and terminating December 31, 2024, with an automatic five (5) year renewal under the same terms and conditions, according to the above-described terms, and be it further

RESOLVED, that a copy of the Mount View Cemetery Association's annual report be submitted to the Director of Veterans Service Agency along with the request for the annual maintenance payment.

Approved by 5 members of the Finance Committee and 6 members of the Human Services Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Breton, Mr. Burr, Mr. Helmich, Mr. Marsh, Ms. Vickman and Ms. Hastings".

Adopted September 11, 2019 by voice vote.

ACT NO. 379-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH LEVANT WESLEYAN CHURCH
FOR FATHERS SUPPORT/PARENTING GROUP**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 365-2018 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 expired August 31, 2019, 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 (CFDA #93.558), 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, 2019 and terminating August 31, 2020, 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 5 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted September 11, 2019 by voice vote.

ACT NO. 380-2019 by Ms. Vickman and Ms. Hastings
and Mr. Higgins¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN YMCA, INC. FOR YMCA MEMBERSHIPS FOR
FAMILIES WITH CHILDREN AT RISK OF PLACEMENT**

Pursuant to 9 NYCRR Sections 771.6 and 771.7,
Public Law 104-193 and Section 450 of the County Law.

WHEREAS, Act 392-2018 authorized a contract with the Olean YMCA, 1011 Wayne Street, Olean, New York 14760, for the provision of YMCA memberships for family activities for at-risk youth and families in an effort to reduce at-risk factors and out-of-home placement, the term of which expires September 30, 2019, and

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

WHEREAS, the Olean YMCA has agreed to continue the provision of the above-described services for a total amount not to exceed \$16,000.00 to be paid on a monthly basis for memberships provided during the preceding month, as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), 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 Olean YMCA, for the provision of the above-described services, for a term commencing October 1, 2019 and terminating September 30, 2020, 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 5 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. Higgins".

Adopted September 11, 2019 by voice vote.

ACT NO. 381-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
FAMILY GROUP CONFERENCING PROGRAM**

Pursuant to 18 NYCRR Parts 405 and 423 and Section 450 of the County Law.

WHEREAS, Act 394-2018 authorized contracts with various entities for a family group conferencing program in Cattaraugus County, the terms of which expire September 30, 2019, and

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

WHEREAS, the following various entities have agreed to provide family group conferencing program services, for a total annual program amount not to exceed \$52,000.00, to be paid as invoiced:

<u>Agency</u>	<u>Amount</u>
Cattaraugus Community Action, Inc. 25 Jefferson Street Salamanca, New York 14779	\$26,000.00
Parent Education Program, Inc. 234 North Union Street Olean, New York 14760,	\$26,000.00

and

WHEREAS, a portion of this program is 62% state funded and 38% County funded, and the other portion is 100% federally funded (CFDA #93.558), 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 contracts, on behalf of Cattaraugus County, with the above-listed entities, for the provision of the above-described services, for a term commencing October 1, 2019 and terminating September 30, 2020, 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 5 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted September 11, 2019 by voice vote.

ACT NO. 382-2019 by Ms. Vickman and Ms. Hastings
and Mr. Higgins¹

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 396-2018 authorized a contract with the Olean Community Schools for the provision of high school equivalency (HSE) instruction services and math and reading tutorial services for the Departments of Social Services and Probation for eligible recipients up to the age of 21 in the Olean and Salamanca areas, the term of which expires September 30, 2019, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned HSE instruction services and math and reading tutorial services in the Olean area for a period to terminate September 30, 2020, and

WHEREAS, the County Probation Department is also in need of HSE instruction services in the Salamanca area for a period to terminate September 30, 2020, and

WHEREAS, Olean Community Schools, 410 West Sullivan Street, Olean, New York 14760, through its Adult Education Program, can provide the aforementioned HSE instruction services and math and reading tutorial services for the Departments of Social Services and Probation for a total amount not to exceed \$46,260.00, to be paid as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), 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 Olean Community Schools, for the provision of the above-described services, for a term commencing October 1, 2019 and terminating September 30, 2020, 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 5 members of the Finance Committee, 6 members of the County Operations/Public Safety Committee and 7 members of the Human Services Committee.

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

Adopted September 11, 2019 by voice vote.

ACT NO. 383-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN COMMUNITY SCHOOLS FOR AFTER SCHOOL AND
SUMMER PROGRAM FOR AT-RISK YOUTH FOR
DEPARTMENT OF SOCIAL SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 393-2018 authorized a contract with Olean Community Schools, 410 West Sullivan Street, Olean, New York 14760, for the provision of an after school and summer program for at-risk youth, the term of which expires September 30, 2019, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned after school and summer program for at-risk youth, and

WHEREAS, Olean Community Schools can provide the aforementioned after school and summer program for at-risk youth for an amount not to exceed \$12,970.00, to be paid on a monthly basis as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), 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 Olean Community Schools, for the provision of the above-described services, for a term commencing October 1, 2019 and terminating September 30, 2020, 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 5 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted September 11, 2019 by voice vote.

ACT NO. 384-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATHOLIC CHARITIES OF WESTERN NEW YORK, INC., FOR
DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 391-2018, as amended by Act 488-2018, authorized a contract with Catholic Charities of Western New York, Inc., 2636 West State Street, Suite 301, Olean, New York 14760, for the provision of a Kinship Program for grandparents or other relatives who obtain custody of children, the term of which expires September 30, 2019, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, the Kinship Program will serve approximately 55 participants and is for those children who are placed with relatives in lieu of foster care, and

WHEREAS, Catholic Charities of Western New York, Inc., can provide the aforementioned Kinship Program for a total amount not to exceed \$68,179.00, to be paid as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), 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 Catholic Charities of Western New York, Inc., for the provision of the above-described services, for a term commencing October 1, 2019 and terminating September 30, 2020, 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 5 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted September 11, 2019 by voice vote.

ACT NO. 385-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM**

Pursuant to Public Law 104-193 and Section 450 of the County Law.

WHEREAS, Act 395-2018, as amended by Act 487-2018, authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the implementation of a truancy prevention program in Cattaraugus County, in an attempt to reduce the percentage of poor attendance and chronic absenteeism in area school districts, the term of which expires September 30, 2019, and

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

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide a truancy prevention program in Cattaraugus County for an amount not to exceed \$169,279.00, to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 62% state funded and 38% county funded, 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 Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing October 1, 2019 and terminating September 30, 2020, 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 5 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted September 11, 2019 by voice vote.

ACT NO. 386-2019 by Ms. Vickman and Ms. Hastings

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
COUNCIL ON ADDICTION RECOVERY SERVICES, INC. FOR
SUBSTANCE ABUSE PROGRAM FUNDS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Articles 1, 19, 23 and 25 of the Mental Hygiene Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 632-2018, as amended by Acts 121-2019 and 358-2019, authorized approval of a contract with Council on Addiction Recovery Services, Inc., for the provision of a substance abuse program in the County, the term of which expires December 31, 2019, and

WHEREAS, New York State has awarded additional startup funds for a new Part 820 residential program associated with the Rapid Capital Project in Cattaraugus County in an amount of \$205,051.00 for the period August 1, 2019 through December 31, 2019, and

WHEREAS, an amended contract is necessary in order to accept, and receive, the aforementioned additional startup funding, and

WHEREAS, the additional Part 820 residential program is 100% state funded (total contract is 21.3% federal (CFDA #93.959), 76.9% state and 1.8% county funded), and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract between the Cattaraugus County Community Services Board and the Council on Addiction Recovery Services, Inc., to signify the County's approval, for the provision of the above-described services, to amend the contract which commenced January 1, 2019 and terminates December 31, 2019, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, 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.433.4322.3600.3492.013S	State Aid, OASAS Continual 100% State Aid	\$205,051.00
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Increase Appropriation Account:

A.433.4322.3600.42019.013S	Cares, Inc., OASAS State Local Assistance	\$205,051.00.
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Approved by 5 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted September 11, 2019 by voice vote.

ACT NO. 387-2019 by Mr. VanRensselaer

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS FOR FUNDING
WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
DISTRICT ATTORNEY AID TO PROSECUTION PROGRAM
(Project AP19-1004-R02)**

Pursuant to Section 450 of the County Law and
Chapter 53 of the Laws of 1990.

WHEREAS, Act 341-2018 authorized a contract with the New York State Division of Criminal Justice Services for funding for the Aid to Prosecution Program, for the period October 1, 2018 to September 30, 2019, and

WHEREAS, the District Attorney has been notified by the New York State Division of Criminal Justice Services that the District Attorney's Office is eligible for a grant up to the amount of \$40,228.00 through the Aid to Prosecution Program for the period October 1, 2019 to September 30, 2020, and

WHEREAS, the purpose of this program is to expedite the processing of repeat and serious felony offenders, to maintain increased levels of experienced prosecution personnel, to seek the imposition of maximum sentences and minimum plea bargaining options for defendants, to limit the caseloads of experienced attorneys in order to maintain a policy of vertical prosecution, and to screen all potentially Aid to Prosecution-eligible felony cases, and

WHEREAS, it is necessary to execute grant documents with the New York State Division of Criminal Justice Services in order to apply for, and accept, the aforementioned funding, 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 grant documents, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, in order to apply for, and accept, the above-described funding, for a term commencing October 1, 2019 and terminating September 30, 2020, 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 5 members of the Finance Committee and 6 members of the County Operations/Public Safety Committee.

Adopted September 11, 2019 by voice vote.

ACT NO. 388-2019 by Ms. Vickman and Ms. Hastings
and Mr. Breton, Mr. Burr, Mr. Hale, Mr. Helmich, Mr. Higgins, Mr. Klancer,
Mr. Marsh, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer,
Mr. Giardini, Mr. Koch, Mrs. Labuhn and Mr. Padlo¹

**SUPPORTING ADOPTION OF SENATE BILL S.428-A AND ASSEMBLY BILL A.47-A
BY NEW YORK STATE LEGISLATURE REGARDING THE PROHIBITION OF
THE SALE AND DISTRIBUTION OF FLAVORED E-LIQUID FOR USE IN E-CIGARETTES**

Pursuant to Section 153 of the County Law.

WHEREAS, Senate Bill S.428-A and Assembly Bill A.47-A have been introduced in the State Legislature to prohibit the sale and distribution of flavored "e-liquids" for use in electronic cigarettes and electronic cigarettes containing such flavoring, and

WHEREAS, many e-cigarette and liquid nicotine products come in flavors that are attractive to young people, such as cherry, fruit punch, chocolate and cola, and

WHEREAS, recent studies by the Food and Drug Administration and the Centers for Disease Control and Prevention show a marked increase in the use of e-cigarettes and liquid nicotine by middle and high-school students, and

WHEREAS, in the past year, the percentage of middle school students using e-cigarettes has increased by 50%, with use by high school students increasing by 80%, and

WHEREAS, the most commonly cited reasons for using e-cigarettes among both youth and young adults are curiosity, fruit and candy flavorings offered by liquid nicotine manufacturers and the low-perceived harm compared to other tobacco products, and

WHEREAS, limiting liquid nicotine to tobacco flavor available for purchase would reduce children's interest in using these products while allowing adults the option to continuing e-cigarettes as a replacement for traditional tobacco products or for smoking cessation purposes, and

WHEREAS, the Cattaraugus County Legislature finds that it is necessary to protect and promote the public health, safety and welfare of the youth and young adults residing in Cattaraugus County, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby supports and urges the adoption of Senate Bill S.428-A and Assembly Bill A.47-A, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to Governor Cuomo, Senate Majority Leader Stewart-Cousins, Assembly Member Giglio, Senate Committee on Health Chairman Rivera, Assembly Committee on Health Chairman Gottfried, the New York State Association of Counties, the Inter-County Association of Western New York, and the New York State Public Health Association.

Approved by 4 members of the Finance Committee and 5 members of the Human Services Committee.

¹The following Legislators requested their names be listed as additional sponsors: “Mr. Breton, Mr. Burr, Mr. Hale, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Mr. Giardini, Mr. Koch, Mrs. Labuhn and Mr. Padlo”.

Mr. Padlo and Mrs. Labuhn requested a Roll Call vote on Act No. 388-2019, which disclosed as follows:

Ayes: Breton, Burr, Giardini, Hale, Hastings, Helmich, Higgins, Klancer, Koch, Labuhn, Marsh, Padlo, Snyder, Sr., Snyder, Jr., VanRensselaer, Vickman – 16.

Nays: none.

Adopted September 11, 2019 by unanimous vote.

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MS. VICKMAN moved, seconded by Mr. Helmich, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 389-2019 through Act No. 392-2019, inclusive. Carried.

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ACT NO. 389-2019 by Mr. Hale and Mr. Snyder, Jr.
who ask immediate consideration

**SALE OF TAX TITLE PROPERTIES
(Highest Bidder)**

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 situate in Cattaraugus County, as described below, and

WHEREAS, the property was exposed to bid at two annual spring public auctions as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, the property remained unsold after public auction and pursuant to Rule 40.15, sealed bids were received for the purchase of the same, and

WHEREAS, the highest bid received for the property was the bid listed below, now, therefore, be it

RESOLVED, that if the tender by the high bidder of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual’s bid shall thereafter be void and of no further effect, as of course, and the bid deposit shall be forfeited pursuant to Rule 40.8 of the Rules of Order, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute a County Treasurer’s Deed conveying the property to the following individual at the bid prices listed:

TOWN OF PORTVILLE

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
350 (2017)	113.002-1-10	Samuel L. Siemoens	PO Box 692 Portville, NY 14770	\$0	\$117.50

Adopted September 11, 2019 by voice vote.

ACT NO. 390-2019 by Mr. Snyder, Sr.
who asks immediate consideration

ESTABLISHING STANDARD WORK DAY FOR CERTAIN ELECTED AND APPOINTED OFFICIALS FOR REPORTING PURPOSES TO NEW YORK STATE RETIREMENT SYSTEM

Pursuant to 2 NYCRR Section 315.4.

WHEREAS, effective August 12, 2009, 2 NYCRR Section 315.4, requires that all newly elected or appointed officials participating in the New York State Retirement System maintain a record of activities for a period of three months within 150 days of appointment or the start of a term of office, for purposes of establishing a standard work day, and

WHEREAS, 2 NYCRR Section 315.4 requires that the governing board shall establish, by resolution, a standard work day for each elected and appointed position, and

WHEREAS, certain newly elected and appointed officials have submitted their three-month record of activities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System, based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Ret. Reg.</u>	<u>Authority</u>	<u>Term</u>	<u>Standard Work Hours per Day</u>	<u>Equivalent Days per Month</u>
Assistant District Attorney	Erich Weyand	37427820	Appointed	01/01/2018-12/31/2021	7	15.53
Election Commissioner	Cortney Spittler	61761870	Appointed	5/22/2019-12/31/2020	7	22.43

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to post conspicuously, on the bulletin board in the front lobby of the Little Valley County Center, for a period of thirty days, a copy of this adopted resolution and thereafter forward a certified copy of this resolution, along with a certification of such public posting, to the New York State and Local Employees Retirement System in accordance with 2 NYCRR Section 315.4.

Adopted September 11, 2019 by voice vote.

ACT NO. 391-2019 by Mr. Klancer
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR
EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM**

Pursuant to P.L. 81-920 and Section 450 of the County Law.

WHEREAS, Act 431-2018 authorized a contract with the New York State Emergency Management Office, 1220 Washington Street, Building 22, Suite 101, Albany, New York 12226-2251, for the 2017 Emergency Management Performance Grant Program, the term of which expires September 30, 2019, and

WHEREAS, the County desires to, and should continue to, participate in the program for federal fiscal year 2019, and

WHEREAS, under this agreement, the County will receive \$34,329.00 from the State Department of Homeland Security and Emergency Services for the Emergency Management Performance Grant, and

WHEREAS, this program is 50% federally funded (CFDA #97.042), 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 New York State Emergency Management Office for the above-described program, for a term commencing October 1, 2018 and terminating September 30, 2021, 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.

Adopted September 11, 2019 by voice vote.

ACT NO. 392-2019 by Mr. Giardini and Mr. Helmich
*and Ms. Hastings and Mr. Padlo*¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HUNGRY BURRO, LLC FOR OPERATION OF
FOOD TRUCK AT CATTARAUGUS COUNTY OFFICE BUILDING**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Hungry Burro, LLC, 3059 West Five Mile Road, Allegany, New York 14706, has expressed interest in operating its food truck in the County's Olean Office Building parking lot located at One Leo Moss Drive in the City of Olean, and

WHEREAS, the Hungry Burro food truck is the only food truck operating in the Olean area,
and

WHEREAS, the County agrees to allow Hungry Burro, LLC, to park its food truck in the County's parking lot and operate a food service from it, 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 Hungry Burro, LLC, to allow the usage of the County's parking lot for the purpose of operating a food truck service, subject to such terms and conditions as may be established by the County Attorney upon recommendation of the Commissioner of Public Works and the Public Health Director, and be it further

RESOLVED, that the term of such contract shall commence September 12, 2019 and terminate on June 30, 2020.

¹The following Legislators requested their names be listed as additional sponsors: "Ms. Hastings and Mr. Padlo".

Adopted September 11, 2019 by voice vote.

* * * * *

MR. MARSH moved, seconded by Mr. Burr, to adjourn until September 25, 2019 at 4:00 p.m. in memory of 9-1-1 victims and their families and all others effected by this event. Carried.

Meeting adjourned at 4:35 p.m.

Ann M. Giglio
Journal Clerk