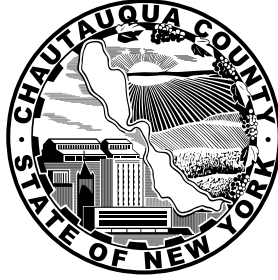


JOURNAL OF PROCEEDINGS
OF THE
CHAUTAUQUA COUNTY
LEGISLATURE



2012



2012
JOURNAL OF PROCEEDINGS
OF THE
CHAUTAUQUA COUNTY LEGISLATURE
MAYVILLE, NEW YORK

2010 Census Population
for
Chautauqua County 134,905

Frank J. Gould, III, Chairman..... Ashville, NY
Janet Jankowski, Clerk (Resigned: 6/30/12).....Dunkirk, NY
Kathy T. Tampio, Clerk (Effective 7/1/12).....Silver Creek, NY

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CHAUTAUQUA COUNTY LEGISLATURE

| | | | |
|-----|--|-------------------|--|
| #1 | (Tn. Of Dunkirk & Part of City) | Keith D. Ahlstrom | PO Box 254 Dunkirk, NY 14048 |
| #2 | (City of Dunkirk) | Shaun Heenan | 89 Seel Acres Dunkirk, NY 14048 |
| #3 | (Tn. Of Dunkirk & Part of City & Sheridan) | Robert Duff | 2024 Laona Rd. Forestville, NY 14062 |
| #4 | (Tn. Of Hanover) | George Borrello | 1014 South Shore Dr. Irving, NY 14081 |
| #5 | (Tns. Arkwright; Villanova Parts of Charlotte, Hanover) | Rod Rogers | 10533 Empire Rd. Forestville, NY 14062 |
| #6 | (Parts of Pomfret & Stockton) | John W. Runkle | 223 Dale Drive Cassadaga, NY 14718 |
| #7 | (Tns. Cherry Crk. & Ellington Parts of Charlotte & Poland) | Robert Stewart | 6176 Crestview Dr. Cherry Creek, NY 14723 |
| #8 | (Parts of Busti, Carroll & Kiantone) | Tom Erlandson | 26 Valley View Dr. Frewsburg, NY 14738 |
| #9 | (Parts of Ellicott & Gerry) | Larry Barmore | PO Box 245 Gerry, N.Y. 14740 |
| #10 | (Parts of Busti & Ellicott) | Mark Tarbrake | 3151 Oak Ridge Circle Jamestown, NY 14701 |
| #11 | (Parts City of Jamestown) | Victoria R. James | 809 Lafayette Street Jamestown, NY 14701 |
| #12 | (Parts City of Jamestown) | Lori B. Cornell | 20 Dewey Place Jamestown, NY 14701 |
| #13 | (Parts City of Jamestown) | Paula DeJoy | 219 Barrows Street Jamestown, NY 14701 |

| | | | |
|-----|---|-------------------|--|
| #14 | (Parts City of Jamestown) | Timothy Hoyer | 55 McDaniel Ave. Jamestown, NY 14701 |
| #15 | (Parts City of Jamestown) | Robert Whitney | 41 Hallock St. Jamestown, NY 14701 |
| #16 | (Parts City of Jamestown & Tn, of Ellicott) | Chuck Nazzaro | 236 Springdale Ave. Jamestown, NY 14701 |
| #17 | (Parts of Ellery & Chautauqua) | Vince Horrigan | 225 Lakeside Dr. Bemus Point, NY 14712 |
| #18 | (Parts of Busti) | Paul Wendel | 20 Hern Avenue Lakewood, NY 14750 |
| #19 | (Parts of Harmony, N. Harmony & Busti) | Frank Jay Gould | 70 Hoag Road Ashville, NY 14710 |
| #20 | (Tn. of Sherman & Parts of Chautauqua) | Fred Croscut | 7804 Freeman Rd. Sherman, NY 14781 |
| #21 | (Tns. Fr. Creek, Mina & Parts of Clymer & Ripley) | David L. Himelein | P. O. Box 617 Findley Lake, N.Y. 14736 |
| #22 | (Parts of Ripley & Westfield) | John Hemmer | 7539 E. Rt. 20 Westfield, NY 14787 |
| #23 | (Tn. of Portland) | Thomas DeJoe | 14 Fay Street Brocton, N.Y. 14716 |
| #24 | (Parts of Pomfret) | Robert Scudder | 348 W. Main St. Fredonia, NY 14063 |
| #25 | (Parts of Pomfret) | William Coughlin | 285 Porter Ave. Fredonia, NY 14063 |

2012 Committee AssignmentsAdministrative Services

Larry Barmore
Bob Scudder
Paula DeJoy
Lori Cornell **
Mark Tarbrake

Audit & Control

John Runkle
George Borrello
Chuck Nazzaro **
PJ Wendel
Tom DeJoe
Shaun Heenan
David Himelein

Human Services

Mark Tarbrake
Vince Horrigan
Victoria James**
Timothy Hoyer
John Hemmer

Planning & Econ. Dev.

Fred Croscut
George Borrello
Shaun Heenan **
Keith Ahlstrom
Rod Rogers

Public Facilities

David Himelein
Bob Stewart
Tom DeJoe **
Tom Erlandson
Vince Horrigan

Public Safety

Robert Duff
PJ Wendel
Bill Coughlin **
John Hemmer
Robert Whitney

Committee Chairman listed First
Committee Vice Chairman listed Second
Ranking Member **

CHAUTAUQUA COUNTY DIRECTORY
For the Year 2012
COUNTY GENERAL

COUNTY LEGISLATURE

| | |
|--|----------|
| Frank J. Gould, III, Chairman | Mayville |
| Janet Jankowski, Clerk, (Resigned 6/30/12) | Mayville |
| Kathy K. Tampio, Clerk (Effective 7/1/12) | Mayville |
| Lori J. Foster, Deputy Clerk | Mayville |

COUNTY EXECUTIVE

| | |
|--------------------------------------|----------|
| Gregory J. Edwards, County Executive | Mayville |
|--------------------------------------|----------|

LAW

| | |
|--|----------|
| Stephen Abdella, County Attorney | Mayville |
| Kurt D. Gustafson, 1st County Attorney | Mayville |
| Scott F. Harley, 2nd County Attorney | Mayville |
| Kristen Wright, 2nd County Attorney | Mayville |
| Rebecca Davidson Marsh, Assistant Attorney | Mayville |

AGING

| | |
|---------------------------|----------|
| Mary Ann Spanos, Director | Mayville |
|---------------------------|----------|

BUDGET

| | |
|----------------------|----------|
| Kitty Crow, Director | Mayville |
|----------------------|----------|

DIVISION OF PURCHASING

| | |
|------------------------------------|----------|
| George Carlson II, Deputy Director | Mayville |
|------------------------------------|----------|

COUNTY CLERK

| | |
|--|----------|
| Sandy Sopak, County Clerk | Mayville |
| Tracie Haskins, Deputy County Clerk | Mayville |
| Daniel Thompson, Director, Sealer Weights & Measures | Mayville |

COUNTY HOME

| | |
|---------------------------|---------|
| Timothy Hellwig, Director | Dunkirk |
|---------------------------|---------|

CORONERS

| | |
|--------------------------------|----------|
| Warren H. Riles, Chief Coroner | Mayville |
| James Jackson | Mayville |
| Richard Mackowiak | Mayville |
| John Sixbey | Mayville |

| | |
|--|-----------|
| ELECTION BOARD | |
| Brian Abram, Commissioner (Republican) | Mayville |
| Norman Green, Commissioner (Democrat) | Mayville |
| FINANCE | |
| Darin A. Schulz, Director (Resigned 2/1/12) | Mayville |
| Susan Marsh, Director (Effective 4/9/12) | Mayville |
| James E. Caflich, Director of Real Property Tax Services | Mayville |
| EMERGENCY SERVICES | |
| Julius Leone, Director | Mayville |
| HEALTH SERVICES | |
| Christine Schuyler | Mayville |
| HISTORIAN | |
| Michelle Henry | Mayville |
| HUMAN RESOURCES | |
| Joseph Porpiglia, Director | Mayville |
| INDUSTRIAL DEVELOPMENT | |
| William Daly, Director | Jamestown |
| INSURANCE | |
| Darin Schulz, (Resigned 2/1/12) | Mayville |
| Susan Marsh (Effective 4/9/12) | Mayville |
| MENTAL HYGIENE SERVICES | |
| Patricia Brinkman, Director | Mayville |
| PLANNING & DEVELOPMENT | |
| William Daly, Director | Jamestown |
| Mark Geise, Deputy Director | Jamestown |
| PUBLIC FACILITIES | |
| George Spanos | Falconer |
| SHERIFF | |
| Joseph A. Gerace, Sheriff | Mayville |
| Chuck Holder, Under Sheriff | Mayville |

SOCIAL SERVICES

Christine Schuyler, Director

Mayville

VETERANS SERVICES

Troy Smith, Director (Resigned 3/28/12)

Jamestown

Douglas L. Diers, Director (Effective 9/14/12)

Jamestown

JUDICIAL

COUNTY COURT

Hon. John T. Ward, Judge

Mayville

FAMILY COURT

Hon. Judith S. Claire, Judge

Mayville

SUPREME COURT

Hon. Frederick Marshall, Judge

Mayville

SURROGATGE COURT

Hon. Stephen W. Cass, Judge

Mayville

COMMISSIONER OF JURORS

Kathleen D. Krauza, Commissioner

Mayville

DISTRICT ATTORNEY

David Foley

Mayville

PROBATION

Linda Shields, Director

Jamestown

PUBLIC DEFENDER

Nathaniel L. Barone (Effective 1/25/12)

Mayville

Chautauqua County Legislature
Organizational Meeting
Monday, January 3, 2012, 4:00 p.m.
Legislative Chambers, Mayville, New York

Clerk Tampio called the Organizational Meeting to order at 4:00 p.m. and announced a quorum present.

Legislator Gould delivered a prayer followed by the Pledge of Allegiance.

ELECTION OF CHAIRMAN

Clerk Tampio opened the floor for nominations for Chairman of the Legislature.

Legislator Duff: I would like to select F. Jay Gould.

Legislator James: I would like to nominate Legislator Lori Cornell.

Clerk Tampio: Are there any other nominations? Hearing none, the nominations are closed. The nominees are F. Jay Gould and Lori Cornell. We will now have a roll call vote and please indicate your choice by name or say no one.

Frank. J. Gould – 13; (Barmore, Borrello, Croscut, Duff, Gould, Hemmer, Himelein, Horrigan, Runkle, Scudder, Stewart, Tarbrake, Wendel)

Lori Cornell – 10; (Cornell, Coughlin, DeJoe, DeJoy, Erlandson, Hoyer, James, Nazzaro, Rogers, Whitney)

(Legislator Heenan did not vote for either nominee, and Legislator Ahlstrom stated the name of Legislator Nazzaro who was not a nominee)

Clerk Tampio: Mr. Gould having received the majority of the votes, I declare Mr. Gould to be the newly elected Chairman of the Legislature for 2012. Congratulations. (Applause)

Acceptance Speech by Chairman

Chairman Gould: My fellow Legislators. I sincerely thank you for your confidence and support to lead this Legislature in 2012. This year and the next several will be a strong test for our ability to work together and resolve some very critical issues facing our County.

We are at a serious crossroads for our ability to continue the delivery of essential services of local programs because the State and Federal government continue to demand we deliver all their mandated programs with more and more of our local dollars. Despite the actions we have taken over the past several years which have resulted in significant savings for the cost of running County government, it can't keep pace with the requirements to fund these mandated programs. We keep asking these higher authorities to understand that we can not ask our property owners to continue to bail us out from their burdensome mandated programs. These mandated requirements are leading to diminishing returns as we lose capital investment in our economic base and talented people to work in our communities.

As the past Chairman of Audit & Control, the projected \$14 million deficit for 2013 is a serious problem that we will have to address this year. There are no more one shot deals to delay this reckoning. We can no longer deceive ourselves or the public with political actions which delay or deny some very serious decision to be made very soon. We have all been advised by our departing Finance Director our bond rating has been down graded and faces a very negative outlook. This will

force our borrowing costs to rise even more as we face future bonding for some of the much needed projects in our County. We have to face the facts we have serious structural problems in our budget which have been the result of short term planning. The luxury of postponing difficult decisions has passed.

We have put our heads together in the past to overcome these difficult issues and we can do it again. We have a dedicated workforce which continues to deliver services which are essential to the people of this County. Let's work together to find the common ground to put our County's financial house back in order before it's too late.

I just want to adlib a little bit, a couple of items. We have 8 new Legislators this semester and I know how you all feel. We have all been there at one time or another. It's a little scary. I would ask that if you are asked to serve on a committee or an outside entity or anything that you do serve on that committee. It's sometimes hard to feel people for these committees. The past two Chairman's sitting here can agree to that I am sure. If you have any preferences on the committees that you would like to serve on up here, get them to the Clerk within four or five days and we'll make some decisions. Thank you very much.

(REPUBLICAN) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Republican party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2012 the POST JOURNAL as the Republican newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Borrello, Runkle, Stewart, Barmore, Tarbrake, Horrigan, Wendel, Gould, Croscut, Himelein, Hemmer, Scudder

(DEMOCRATIC) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Democratic party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2012 the OBSERVER as the Democratic newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Ahlstrom, Heenan, Rogers, Erlandson, James, Cornell, DeJoy, Hoyer, Whitney, Nazzaro, DeJoe, Coughlin

RENEW & AMEND RES. NO. 170-11 – Authorize Lease of Airport Restaurant Facilities at Chautauqua County Airport at Jamestown (See page 221 of 2011 Journal)

Moved to the floor by Legislator DeJoe, Seconded by Legislator Tarbrake

RENEWED RES. NO. 170-11 – Unanimously Carried

Moved by Legislator Croscut, Seconded by Legislator Barmore to amend the rent agreement from one year to two years.

RENEWED RES. 170-11 – Unanimously Carried

RENEWED RES. NO. 170-11 as amended – Unanimously Adopted

MOTION: (Data on file w/ 1/3/12 Leg. Data)

1-12 Support of Upgrades to New York State's Electrical Transmission Lines - Unanimously Adopted

RES. NO. 1-12

Appointing Clerk to the Chautauqua County Legislature

At the Request of: Legislators Barmore, Borrello, Croscut, Runkle, Stewart, Tarbrake, Horrigan, Wendel, Gould, Himelein, Hemmer, Scudder:

RESOLVED, That Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective January 1, 2012, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$17,640.00 for 49% time.

Signed: Croscut

Defeated – R/C Vote: 12 Yes; 13 No (No's: Ahlstrom, Cornell, Coughlin, DeJoe, DeJoy, Duff, Erlandson, Heenan, Hoyer, James, Nazzaro, Rogers, Whitney) – January 3, 2012

RES. NO. 2-12

Appointing Clerk to the Chautauqua County Legislature

At the Request of: Legislator Cornell:

RESOLVED, That Janet Jankowski, 308 Hoyt Street, Dunkirk, New York, is hereby appointed Clerk of the Chautauqua County Legislature, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$24,000 for 60% time.

Signed: Cornell

MOVED by Legislator Croscut, SECONDED by Legislator Runkle to amend by changing percentage to 49% and salary to \$17,640.00. – R/C Vote: 19Yes; 6 No – (No's: Cornell, Duff, Hoyer, James, Rogers, Whitney) – Carried

Adopted as amended – R/C Vote: 23 Yes; 2 No (No's: Duff, Whitney) – January 3, 2012

RES. NO. 3-12

Appointing Deputy Clerk/Secretary to the Legislature

At the Request of: Legislators Barmore, Borrello, Croscut, Runkle, Stewart, Tarbrake, Horrigan, Wendel, Gould, Himelein, Hemmer, Scudder, Ahlstrom, Cornell, Heenan, Rogers, Erlandson, DeJoy, Hoyer, James, Whitney, Nazzaro, DeJoe, Coughlin:

RESOLVED, That Lori J. Foster, P.O. Box 105, Portland, New York be, and hereby is appointed Secretary to the Chautauqua County Legislature for the year 2012 at a salary of \$19.91 per hour; and be it further

RESOLVED, That in addition to Secretary to the Legislature, Lori J. Foster be, and hereby is, appointed Deputy Clerk for the Chautauqua County Legislature for the year 2012, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$3,000, effective January 1, 2012.

Signed: Croscut

Unanimously Adopted – R/C Vote: 25 Yes – January 3, 2012

RES. NO. 4-12
Confirm Appointment - Public Defender

At the Request of: Legislators, Barmore, Borrello, Croscut, Runkle, Stewart, Tarbrake, Horrigan, Wendel, Gould, Himelein, Hemmer, Scudder:

RESOLVED, That Richard Thomas Rankin, 4 Arlington Avenue, Jamestown, New York, be and hereby is appointed Public Defender of Chautauqua County for the year 2012 at an annual salary of \$75,000.00 for 90% time.

Signed: Croscut

Defeated – R/C Vote: 12 Yes; 13 No – (No's: Ahlstrom, Cornell, Coughlin, DeJoe, DeJoy, Duff, Erlandson, Heenan, Hoyer, James, Nazzaro, Rogers, Whitney – January 3, 2012

RES. NO. 5-12
Designation of Official Newspaper – 2012

At the Request of Chairman Fred C. Croscut:

RESOLVED, That the Post Journal, 15 West Second Street, Jamestown, NY and the Observer, 10 East Second Street, Dunkirk, NY be and hereby are designated, pursuant to Section 214, paragraph 2 of the County Law, to be the official newspapers of Chautauqua County during the year 2012 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Croscut

Unanimously Adopted – January 3, 2012

RES. NO. 6-12
Delegate Authority to Approve Certain Correction of Errors (Refunds) to Chairman of Legislature

At the Request of Chairman Fred C. Croscut:

WHEREAS, Chapter 383 of the Laws of 1984 authorizes a tax levying body to delegate the authority to approve administrative corrections to tax levies when such correction would result in a potential refund of Twenty Five Hundred Dollars (\$2,500.00) or less; and

WHEREAS, such delegation would only apply when the County's Director of Real Property Tax Services has investigated the claimed error in tax and recommended approval based upon that investigation; and

WHEREAS, the processing of such applications is primarily a clerical task rather than a legislative task; and

WHEREAS, the delegation of authority would afford the taxpayers of Chautauqua County a mechanism for prompt correction of an error in tax levy; now therefore be it

RESOLVED, That this Legislature hereby delegates the approval authority for administrative corrections to the tax levy to the Chairman of the Chautauqua County Legislature in cases where such correction will result in a tax change of Twenty Five Hundred Dollars (\$2,500.00) or less; and be it further

RESOLVED, That this resolution will be effective from this date until December 31, 2012.

Unanimously Adopted – January 3, 2012

Moved by Legislator Croscut, Seconded by Legislator DeJoe and duly carried the meeting was adjourned. (5:02 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, January 25, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Jankowski announced a quorum present.

Legislator Heenan delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator James the minutes were approved.

1st Privilege of the Floor

Mr. Tom Rankin, 4 Arlington Ave., Jamestown, N.Y. There has been a lot of talk this last week about the Public Defender position, me personally. I want to say two things. Number one, the position as a one year appointment does nothing to help the citizens of Chautauqua County. We need continuity in the office, we need somebody who can be there and actually do some stuff and not have to worry about re-appointment every single year. I encourage this Legislature to go back to two year appointments and I would say four year appointments if it was legal. Secondly, the vitriol that has come out in the last few weeks I believe is unacceptable. You can criticize me, I accept that but the acidic comments, the vitriol, the just plain nastiness is not helping anybody. I believe that we can have a good honest debate tonight without all these personal comments. Thank you.

Mrs. Rose Conti, 50 Lake Ave., Brocton, N.Y. I am the President of CSEA and I am here to represent my union this evening. I just want to say that I am grateful to see that the Legislators are going to be considering this evening doing study that is not done by somebody who wants to make money on our County. Yea, I am concerned about the money and I am concerned about the timeliness. I am hoping that it can be done in the same time that Marcus and Millichap have been given to bring back to this County their recommendations but I think that the thing that I have said all along is, we need to take a broader look at this decision. It's huge, it's impacting and this is one more piece of information that you will have to help you make that decision. Thank you.

Mr. Frank Torrian, Pastor Frank Torrian from the Open Door Church of God and Christ at 59 Lakeshore Drive in Dunkirk, N.Y. I would like to address a couple of issues tonight. First on behalf of the communities that the late Janice Slate served, her family and friends, I request that this governing body take the necessary actions to obtain and make available the final report from the dismissal hearing conducted July of 2011. After hours of testimony and taxpayer money, the public and most of all, the family deserves that much. Secondly, the citizens of Chautauqua County that witnessed how ineffective partisan government can be. An issue that brings me here tonight that is also caught up in the partisan politics is the future of the Public Defenders offices. Those accused of committing crimes are read their Miranda Rights which include but not limited to the right to an attorney. The Public Defender's office guarantees that right. Especially when the accused can not afford an attorney. Taxpayers of Chautauqua County deserve the most qualified to be appointed for leadership in this office because we should not have to pay salary for incompetence and then also pay for an accused to be incarcerated because of poor ineffective legal representation. Trial experience should not be downplayed when choosing someone to lead the Public Defender's office. This person should be able to competently conduct all types of travels, do the necessary research, prepare motions, and advise and train the other attorneys and understand the clientele they represent. Taxpayers do not want or deserve someone who would just be rubber stamping cases because they don't think that a client is worthy or don't want to put forth the time for a good defense. Finally, this body can prove to the taxpayers there is integrity left in our government by selecting the

most qualified person for this job and not someone who is less qualified because of patronage or partisan politics. All that we ask is for you to be true to yourselves and vote for the most qualified candidate. Not because he is a Republican or a Democrat, but because he is best for Chautauqua County. The taxpayers of Chautauqua County demand it. Thank you.

Ms. Tami Downey, 2445 Donelson Road, Jamestown, N.Y. I would like to take this moment to offer support of argument in resolution 16-12, Mr. Rankin. Mr. Rankin has been able to achieve many success in the Public Defender's office for the year that he has been there. In years past, there has been a problem in tracking hours by attorneys for the Public Defender's office. Mr. Rankin has taken steps to make sure that that time is verifiable and transparent. In March of 2011, in a bipartisan decision of the full members of the Public Safety Committee and the Legislature passed a resolution to create the Jamestown pilot program in the City of Jamestown. Under Mr. Rankin's skillful administration, the pilot project has been successful in reducing the amount of misdemeanor offenders from using our taxpayer tax money at the County Jail. According to Mr. Rankin's official report about 65% of the clients do not need to go to jail and 15% are resolved without further involvement. For felony offenders, the Public Defender's office has spent considerable time in making sure that all defendants receive a fair trial or are offered a fair plea deal. The Public Defender's office is not about politics, personal grudges or personal greed. It's about making sure that individuals with little or no money have the right to a fair trial and fair representation and Mr. Rankin, in my opinion, has demonstrated that through is skillful leadership that people of Chautauqua County are the beneficiaries of this design. Therefore, I respectfully request as a resident of Chautauqua County that you keep Mr. Rankin as Public Defender for 2012 year. I also will end with a quote from James Miles. "You can easily judge the character of a man by how he treats those who can do nothing for him". Thank you.

What she just said about the character of a man and what he will do or what people will do for people who won't do anything for him, I am here to speak. My name is Susan Baldwin and I am here to speak about the County Home again. I am glad that you decided to do a study and maybe find a better way to not put Gramma under the bus. But, I have made a few phone calls myself across New York State and I would like to share this with you that I have called administrators in Monroe County, Wyoming County, Wayne County and Erie County and I have found it to be that nobody is losing these millions of dollars that we are supposed to have been losing. And \$10,000 a day, nobody is losing that. I have called every single one. Oswego County too. They are not losing this kind of money. I don't know. I hope that someone can figure out that we have fumbled something so that maybe we can get it going on right. Because I certainly don't want our nursing home gone. The Monroe County people said, it would be foolish and short sided and crazy to lose a County facility when so many people in the future are going to be needing such a place. Our baby boomers are not going to die in 10 years. We're going to be living and some of us over weight diabetics and such, are going to be needing a nursing home sooner than we want. I'd also like to share that if we do make the County Home a private facility, it's going to be \$6,000 a month for care for your mother and if you don't have it, she is going to be staying in your back room while you are going to work because she is going to be bumping around with the sandwich that you left her and the pills that you left her and you are going to hope when you call up at noon, she is in the bathroom and then you are going to wonder if she fell. Because that is how much care we're going to be putting for our elderly people if we lose this nursing home. They won't be able to get into another home. With Medicare and Medicaid, private care is not going to accept them. If there is nothing here in Chautauqua County, private care is not going to take care of them so make sure you fix up your room folks. If we lose this home, they are going to go in the back room. Thank you.

Mr. Chairman, honorable members of this Legislature. I am Ned Barone and I am humbled and honored to be here this evening with my name on a resolution for Public Defender. I have been a practicing attorney in this County for over 20 years. I am a life long resident of this County. I have raised by children here and now I have my grandchildren here. This community of course, is most important to me. But not only the community, it's what we as attorneys do for this community. I am at

a stage in my practice that I want to devote the rest of my career to that of public service. I can best do that in the position of Public Defender. It's one of the most important departments in this community. Is providing a constitutional and fundamental right to each individual who can't afford to pay for an attorney. That individual needs to know that when this office, the Public Defender's office is assigned to represent him, he will be given not only counsel but effective assistance of counsel. Beyond that, someone who cares about that individual, someone who is compassionate, someone who is willing to do whatever is necessary to effectively and competently represent that person. It's up to the Public Defender to pull together every assistant Public Defender in that office, to effectively use the resources in that office, to best effectuate the representation of every individual in this County. I am confident with my abilities, I am confident with my experience, and my qualifications that if I am honored with the appointment of Public Defender, I will restore that office to the type of office it should be. It is the most important office that we have. We need to address it. I do agree, this is not a political appointment. This should be based on qualifications, experience, and the compassion that the individual has for representing the indigent of this County. Thank you very much.

My name is Judy Lutswitz, and I did give my Legislator a written statement from my husband and I. I am just a community member. I am not in any union. My husband is not in a union however, I came here, I left my grandkids at home with my husband tonight because we feel so strongly about this County Home. I looked up on line, it's been here since 1832. This is our heritage, this is our history. We are a County that is proud that we take care of our most vulnerable citizens. The people that go to the County Home are those that are in need of medical need or they're elderly. We need to give them our support. We can not turn our backs on them. I will give you an example. Our next door neighbor recently suffered a stroke and was recently put into the County Home. Thank God there was a County Home. Her husband is almost 80. If he had to travel to Olean he would not have been able to do it. He couldn't have made those daily visits. While she was in the Home, I and my husband went down several times. I can't tell you, if you have not been to the County Home, you need to go see it. It's a state of the art facility. They have the most professional quality staff people that I have ever seen in any nursing home that I have been in and I do say, I come from Pittsburg, I've been in several paid, you have to pay for them, it's not a County Home and our County Home could rifle any of those. This is something that we should take pride in. We need to find a way to save it and the way that I'm kind of looking at it is if someone saying to sell it, how could a for profit run it more efficiently than a non-for-profit? The only way that I could come up with is either make it more expensive or reduce wages. If someone else can explain to me how they can do it, then please do as I have been asking that question. So maybe we need to start thinking outside of the box. Maybe we need to be thinking about how to come up with whatever money it is and that County Home, to save it, it's the pride of our County and too many people depend on it. Thank you.

My name is Latasha Coleman, 30 Charles St., Jamestown, N.Y. and I would just like to say that I would wish that you would respectfully vote no for resolution 16-12. Thank you.

My name is Loretta Slaton Torrain, I live at 425 Mullet St., Dunkirk, N.Y. I am the sister of Janice D. Slaton, the late Janice D. Slaton, Esq.. I would respectfully request of all of you to please vote no to resolution 16-12. Not because you are a Republican, not because you are a Democrat, but because you are a human being. What was done to her was uncalled for. She did not deserve it. At the time the hearing was open to the public and all of you had an opportunity to attend. I was there. I don't remember seeing you there so how could you vote for this resolution and vote yes if you were not there and you don't know all of the facts. She deserves that you take into consideration everything that happened before you take this vote, but because you are a human being. Not because you represent a certain party but because you are a person. Thank you.

Chairman Gould: Is there anyone else that would like to speak? Seeing no one else, we'll close the first privilege of the floor.

COMMUNICATIONS:

1. Letter – Leg. Chmn.-Minority Leader – Appt. Fn. Analyst
2. Letter – Co. Atty. Abdella – Legal Servs. For County Legislature
3. Letter – Co. Atty. Abdella- Disclosure of Interest & Recusal
4. Letters (9) – Co. Executive – Appts. & Re-Appts.; Sport Fishery Advisory; Soil & Water Conservation District(2); Ethics Bd.; Emerg. Medical Servs.; Airport Commission; Disaster Preparedness; STW Regional Planning & Development; Aging Advisory
5. Report – November 2011 Investment Report
6. Report – December 2011 Investment Report
7. Letter – NYS Dept. of Ag. & Markets - Re: Ag. District #1 Review
8. Letter – NYS Dept. of State – Ack. Receipt of LL 5-11
9. Letter – NYS Dept. of State – Ack. Receipt of LL 1-12
10. Letter – Assemblyman Giglio – Ack. Receipt of Motion 15-11
11. Letter – NYSAC – Ack. Receipt of Motion 15 & 16-11
12. Letter – Sheriff Gerace – Displeasure of Decision – Re: Interoperable Communications Grant
13. Letter – Prison Policy Initiative – Re: Exclusion of Incarcerated Populations from Redistricting Data
14. Res. – Lewis County – Re: Calling on NYSAC Exec. Committee to Bring Mandate Relief to NYS Counties
15. NYS Fish, Wildlife & Marine Highlights – 10/15/11-11/15/11
16. Newsletter – Concord Grape Belt Heritage Assn.
17. Quarterly Report – NYS Small Business Developmt. Center – 7/1/11-9/30/11
18. Letter – Orchard Court Partnership Healthcare-Re: Demand for Beds Keeps Prices High
19. Letter – 8th Judicial -Judge Feroletto – Re: Apptmt. Term for P.D. (In boxes)
20. Memo – Senator Young – Re: Cuomo's Proposed CHIPS Funding for SFY
21. Letter – Chmn. Gould – Re: Estab. Ad. Hoc. Committee – County Home
22. 2012 Chautauqua County Budget

Legislator Borrello: Could you please have number 19 read for the record.

Clerk Jankowski: Communication #19 from the Unified County System, Eighth Judicial District, addressed to the Chautauqua County Legislature, Gerace Office Building, 3 North Erie Street, Mayville, N.Y.

Dear Honorable Members of the Legislature: I am writing regarding a topic that deals directly with the court system and the efficient handling of criminal matters in this County. It is my understanding that for the past two years, and now looking for a third year, the Chautauqua County Legislature is voting to have the term of the Public Defender be one year.

Over the past 2 years there has been a different Public Defender every year. It is my understanding that possibly a third person will now be appointed again for a one year term. While each has done a commendable job, the constant change has lead to inefficiencies in court operations as the new Public Defender has to learn the procedural and substantive status of each case before appearing in court. In addition, there is a lack of continuity with the clients causing doubts on their parts as to whether they are receiving true justice. This also raises the issue of whether the clients are truly receiving effective assistance of counsel which, as you may know, could lead to the conduct of additional trials for matters reversed by the Appellate Division. All of the above saps necessary resources of time and money are detrimental to not only the courts system but the County as well.

In my brief review of other counties in the 8th Judicial District, there is a minimum of a two year term for the Public Defender. Chautauqua County is the third largest County of the eight counties in the 8th Judicial District. You have very busy courts in two cities and Judge Ward handles the highest volume of criminal cases per individual judge than any of the other judges in the 8th Judicial District.

I suggest extending the term of the Public Defender to at least a 2 year term which would be more consistent with other counties across the State, as well as a recognition of the task being faced by your Public Defender. Efficient and competent handling of cases saves time and money for all, including the taxpayers of Chautauqua County

This letter is a simple request that you reconsider the term assigned to the Public Defender and not meant to infringe in any way on your choice.

I do want to commend the Legislature on the passage of Resolution No. 68-11. The enhanced arraignment procedures in Jamestown City Court have been very effective in reducing the number of court appearances per defendant as well as incarceration costs.

Very Truly yours, Paula L. Feroletto, J.S.C., Administrative Judge, Eight Judicial District.

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 1/03/12

RES. NO. 7-12

Confirm Re-Appointments – Chautauqua County Parks Commission

By Public Facilities Committee:
At the Request of Chairman Gould:

WHEREAS, Chairman Gould has submitted the following re-appointments for action by the Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following re-appointments to the Chautauqua County Parks Commission.

Judy Hunt
P O Box 159
Findley Lake, NY 14736
Term Expires: 12/31/15

Robert A. Jordan
3192 Burnham Road
Cassadaga, N.Y. 14718
Term Expires: 12/31/15

Signed: Himelein, Stewart, DeJoe, Erlandson, Horrigan

Unanimously Adopted – January 25, 2012

RES. NO. 8-12

Confirm Re-Appointment - Chautauqua County Airport Commission

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Chautauqua County Airport Commission.

Richard Babbage
146 Lakeside Drive
PO Box 398
Bemus Point, N.Y. 14712

Replacing Craig Miller as Citizen Representative
Term Expires: 12/31/13

Signed: Himelein, Stewart, DeJoe, Erlandson, Horrigan

Unanimously Adopted – January 25, 2012

RES. NO. 9-12

Confirm Re-Appointments - Chautauqua County Soil & Water Conservation District Board

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Soil and Water Conservation District Board:

Allen E. Peterson
3030 Strunk Rd.
Jamestown, N.Y. 14701
Term Expires: 1/31/2015

Shaun Heenan
89 Seel Acres
Dunkirk, N.Y. 14048
Term Expires: 2/28/13

Fred Crocut
7804 Freeman Rd.
Sherman, N.Y. 14781
Term Expires: 1/31/13

Signed: Himelein, Stewart, DeJoe, Erlandson, Horrigan

Unanimously Adopted – January 25, 2012

RES. NO. 10-12

Confirm Re-Appointments - Chautauqua County Ethics Board

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Ethics Board.

Susan Crossett Dilks
PO Box 398
8320 Shumla Rd.
Cassadaga, N.Y. 14718
Term Expires: 1/31/15

Russell Payne
PO Box. 265
34 Frew Run Rd.
Frewsburg, N.Y. 14738
Term Expires: 1/31/14

Mary Kay Szejbka
22 Castile Dr.
Fredonia, N.Y. 14063
Term Expires: 1/31/13

William Tucker
5 Hilldale Ave.
Jamestown, N.Y. 14701
Term Expires: 1/31/15

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – January 25, 2012

RES. NO. 11-12

Confirm Re-Appointment – Southern Tier West Regional Planning Board

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointment for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Southern Tier West Regional Planning Board.

James Cooper
3588 Drybrook Rd.
Falconer, N.Y. 14733
Term Expires: 12/31/14

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – January 25, 2012

RES. NO. 12-12

Confirm Re-Appointments – Sports Fishery Advisory Board

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive Gregory J. Edwards has submitted the following re-appointments to the Chautauqua County Legislature for action; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following re-appointments to the Chautauqua County Sports Fishery Advisory Board.

| | |
|--|---|
| Eugene Pauszek 66 W. Doughty St. Dunkirk, N.Y. 14048 Term Expires: 12/31/13 | Charles Spiesman 73 Chautauqua Ave. Jamestown, N.Y. 14701 Term Expires: 12/31/13 |
|--|---|

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – January 25, 2012

RES. NO. 13-12

Confirm Re-Appointments - Chautauqua County Aging Advisory Council

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Aging Advisory Council.

Jeanine Smith
 140 Chautauqua St.
 Fredonia, N.Y. 14063
 Term Expires: 1/31/2014

Dan Girts
 4911 Baker St. Ext. #24
 Ashville, N.Y. 14710-9616
 Term Expires: 1/31/2014

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – January 25, 2012

RES. NO. 14-12

Confirm Appointment - Chautauqua County Disaster Preparedness Commission

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Disaster Preparedness Commission.

Albert R. Wager
 PO Box 85
 Ellicottville, N.Y. 14731
 Term Expires: 12/31/2014

Replacing Jeffrey Steger

Signed: Duff, Whitney, Hemmer, Coughlin

Unanimously Adopted – January 25, 2012

RES. NO. 15-12

Confirm Re-Appointment – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointment for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Chautauqua County Emergency Medical Services Council.

Laurie Faso
 194 Liberty St.
 Fredonia, N.Y. 14063
 Term Expires: 12/31/2014

Signed: Duff, Whitney, Hemmer, Coughlin

Unanimously Adopted – January 25, 2012

RES. NO. 16-12
Confirm Appointment – Public Defender

By Public Safety Committee:
At the Request of Legislator Larry Barmore:

RESOLVED, That Richard Thomas Rankin, 4 Arlington Avenue, Jamestown, New York, be and hereby is appointed Public Defender of Chautauqua County for the year 2012 at an annual salary of \$75,000 for 90% time.

Signed: Barmore (Failed in PS – 3-1 Duff, Coughlin, Whitney voting "no" – Hemmer voting "yes" – Wendel absent)

Defeated – R/C Vote: 12 Yes; 13 No (No's: Ahlstrom, Cornell, Coughlin, DeJoe, DeJoy, Duff, Erlandson, Heenan, Hoyer, James, Nazzaro, Rogers, Whitney – January 25, 2012

RES. NO. 17-12
Confirm Appointment – Public Defender

By Public Safety Committee:
At the Request of Legislators Ahlstrom, Heenan, Rogers, Erlandson, James, Cornell, DeJoy, DeJoe, Hoyer, Whitney, Nazzaro, Coughlin:

RESOLVED, That Nathaniel L. Barone, II, 600-3 Baker St. Ext., Jamestown, New York, be and hereby is appointed Public Defender of Chautauqua County for the year 2012 at an annual salary of \$75,000 for 90% time.

Signed: Duff, Whitney, Hemmer, Coughlin

MOVED by Legislator Croscut, SECONDED by Legislator Ahlstrom to amend by changing the term to a 2 year term. – Carried w/ Rogers voting "no"

Adopted as amended - R/C Vote: 24 18 Yes; 7 No (No's: Croscut, Hemmer, Himelein, Scudder, Stewart, Tarbrake, Wendell – January 25, 2012

RES. NO. 18-12

Authorizing the implementation and funding in the first instance of 100% of the Federal Aid eligible costs, of a Transportation Federal Aid Emergency Relief Project, to fully fund the local share of Federal Aid eligible and ineligible project costs and appropriating funds therefore.

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Emergency Highway Repair Project: Debris Removal & Clean-up and Highway & Culvert Damage Repairs resulting from the Flood Event caused by heavy rain in the Western New York Region in August, 2009; (FHWA Event No. NY-09-02); PIN 5ER0.92 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, for Federal Emergency

Relief that calls for the apportionment of the costs of such projects to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds for work completed within 180 days of the Declaration of the Emergency Event; and

WHEREAS, the County of Chautauqua has advanced the Project by committing County Forces and Equipment to complete the Construction phase (Emergency Highway Maintenance Work) of the project, PIN 5ER0.92 thereof.

NOW, THEREFORE, the Legislature of the County of Chautauqua, duly convened does hereby

RESOLVED, That the Legislature of the County of Chautauqua hereby approves the Project; and it is hereby further

RESOLVED, That the Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Construction phase of the Project or portions thereof; and it is further

RESOLVED, That the sum of \$236,759.00 had been appropriated as part of the Chautauqua County Department of Public Facilities Operation Budget for the 2009 fiscal year for County Personnel Services, Equipment & Material from D5110 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the completion of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, This Resolution shall take effect immediately.

Signed: Himelein, Stewart, DeJoe, Erlandson, Horrigan

Unanimously Adopted – January 25, 2012

RES. NO. 19-12

Amend Resolution 154-09 to Adjust Grant Agreement Funding

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution 154-09 accepted a grant from the NYSDOT Air 99 Program to Perform Maintenance Building Improvements at the Chautauqua County Jamestown Airport; and

WHEREAS, this grant awarded Chautauqua County \$299,700 with a local match of \$33,300 bringing the total for the project to \$333,000; and

WHEREAS, the 2009 Adopted Budget approved \$27,000 local funding for this project anticipating \$243,000 of grant funding, a total of \$270,000 for this project; and

WHEREAS, Resolution 154-09 only accepted the grant and did not appropriate the additional funds, now therefore be it

RESOLVED, That the Director of Finance is hereby directed and authorized to make the following budgetary changes:

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|---------------------------------------|----------|
| A.9950.9999.R240.1RSV | Interest & Earnings – Capital Reserve | \$ 6,300 |
|-----------------------|---------------------------------------|----------|

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---|----------|
| A.9950.----.9 | Interfund Transfers – Transfer to Capital | \$ 6,300 |
|---------------|---|----------|

INCREASE CAPITAL PROJECT APPROPRIATION ACCOUNT:

| | | |
|--------------|--|----------|
| H.5610.149.4 | Contractual – Maintenance Building Heat, Doors, Roof | \$63,000 |
|--------------|--|----------|

INCREASE CAPITAL PROJECT REVENUE ACCOUNTS:

| | | |
|----------------------|------------------------------------|--------------|
| H.5610.149.R359.7000 | State Aid – Transportation Capital | \$56,700 |
| H.5610.149.R503.1000 | Interfund Transfer | <u>6,300</u> |
| | | \$63,000 |

Signed: Himelein, Stewart, DeJoe, Erlandson, Horrigan, Runkle, Nazzaro, Wendel, Heenan, Borrello

Unanimously Adopted – January 25, 2012

RES. NO. 20-12

Authorize Agreements with Various Municipalities to Implement Operation Stonegarden Grant Reimbursement

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Operation Stonegarden grant funds received by the County for FY 2010 were provided to enhance law enforcement preparedness and operational readiness along the borders of the United States between Federal, State, local and tribal law enforcement agencies; and

WHEREAS, it is necessary to enter into agreements with various municipalities throughout the County to provide services for the effective implementation of the FY10 Operation Stonegarden in a joint mission to secure U.S. borders; and

WHEREAS, funding for such agreements will be derived solely from FY10 Operation Stonegarden funds pursuant to such grant; it is therefore

RESOLVED, That the County Executive, Gregory J. Edwards, is hereby authorized to execute contracts and agreements with various participating municipal corporations in Chautauqua County for the purposes of distribution of reimbursable funding.

Signed: Duff, Whitney, Hemmer, Coughlin

Unanimously Adopted – January 25, 2012

RES. NO. 21-12
Authorize Contracts and Agreements for 2011-2012 STOP DWI Plans

By Public Safety Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, it is necessary for the effective implementation of the Stop-DWI Plans for Chautauqua County to enter into contracts and agreements with various municipalities throughout the County, and to enter into memoranda of understanding with various County Departments including Office of the Sheriff and Probation Department; and

WHEREAS, funding for such contracts and agreements will be derived solely from Stop-DWI funds pursuant to the 2011-2012 Stop-DWI Plans; therefore be it

RESOLVED, That the County Executive is authorized to execute contracts and agreements with various participating municipal corporations in Chautauqua County and County Departments for the purposes of implementing the current Stop-DWI Plans.

Signed: Duff, Whitney, Hemmer, Coughlin

Unanimously Adopted – January 25, 2012

RES. NO. 22-12
Authorize Agreement with BOCES LoGuidice and BOCES Hewes Center for School Resource Officers

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of BOCES LoGuidice and BOCES Hewes Centers and determined that these schools and the County would benefit by the continuation of the School Resource Officer program; and

WHEREAS, BOCES LoGuidice and BOCES Hewes Centers have agreed to compensate the County of Chautauqua for the cost of providing two Deputy Sheriffs for the period of September 7, 2011 through September 6, 2012 for a deputy at each facility at a total sum not to exceed \$188,155.00; and

WHEREAS, the County will not be required to incur any additional expenditures to fund these positions; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with BOCES LoGuidice and BOCES Hewes Centers for the School Resource Officer program.

Signed: Duff, Whitney, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Wendel, Heenan, Borrello, Himelein

Unanimously Adopted – January 25, 2012

RES. NO. 23-12

Authorize Agreement with Town of Ripley for Enhanced Police Services

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of Ripley has requested that the Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2012 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2012 through December 31, 2012 for an estimated cost not to exceed \$30,000.00 based on an hourly rate of \$35.35; therefore be it

RESOLVED, That the County Executive is hereby authorized to and empowered to execute an agreement with the town of Ripley for enhanced police services as set forth above with revenues to be credited to revenue account A.3110.R226.0000.

Signed: Duff, Whitney, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Wendel, Heenan, Borrello, Himelein

Unanimously Adopted – January 25, 2012

RES. NO. 24-12

Designate the Lake Erie Management Commission (LEMC) to Recommend Project for 2% Dedicated Funds for the Lake Erie Watershed

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution 178-11 established the Lake Erie Management Commission; and

WHEREAS, Resolution 109-11 dedicated \$25,000 of 2% Occupancy Tax funds to the Lake Erie Watershed, for the maintenance of waterways; and

WHEREAS, there is no entity for which funding may be directed and appropriated to specific watershed related projects; and

WHEREAS, The Lake Erie Management Commission has the expertise needed to determine how dedicated 2% Occupancy Tax funds for Lake Erie should be utilized; and

WHEREAS, The Lake Erie Management Commission will identify, prioritize, and recommend funding for the utilization of dedicated 2% Occupancy Tax funds for the Lake Erie watershed; therefore be it

RESOLVED, That the Lake Erie Management Commission (LEMC) is designated to identify, prioritize, and recommend to the Legislature projects for funding from the dedicated 2% Occupancy Tax funds for the Lake Erie watershed.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – January 25, 2012

RES. NO. 25-12

Authorize Agreement to Implement the New York State Housing Trust Fund Corporation's Office of Community Renewal (OCR) Community Development Block Grant (CDBG) – Funded Housing Rehabilitation for Seniors Programs and Establish and Adjust Necessary Accounts

By Human Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 88-08, the County Executive is authorized to apply for and execute any agreements necessary to secure CDBG funding; and

WHEREAS, Chautauqua County has been awarded \$400,000 to fund a Housing Rehabilitation for Seniors Program; and

WHEREAS, Chautauqua Home Rehabilitation and Improvement Corporation (CHRIC) is willing and able to administer these programs; and

WHEREAS, the County intends to use CHRIC as a sub-recipient to provide services for these OCR – funded programs; therefore be it

RESOLVED, That the County Executive be authorized to execute an agreement with the New York State Housing Trust Fund Corporation's Office of Community Renewal and all other agreements necessary to implement these program funded by the OCR CDBG; and be it further

RESOLVED, That these programs shall sunset after the grant funds are exhausted; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2012 Budget:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--|------------------|
| A 6772 ---- 1 | Personal Services – Office for the Aging | \$ 10,000 |
| A.6772.----.4 | Contractual – Office for the Aging | <u>\$390,000</u> |
| | | \$400,000 |

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|------------------------------------|-----------|
| A.6772.----.R477.2000 | Federal Aid – Office for the Aging | \$400,000 |
|-----------------------|------------------------------------|-----------|

Signed: Tarbrake, Horrigan, Hoyer, James, Hemmer, Runkle, Nazzaro, DeJoe, Wendel, Heenan, Borrello, Himelein

Unanimously Adopted – January 25, 2012

RES. NO. 26-12

Authorize Agreement to Implement the New York State Housing Trust Fund Corporation's Office of Community Renewal (OCR) Community Development Block Grant (CDBG) – Funded Private Wastewater and Well Assistance Program and Increase Accounts

By Human Services and Audit & Control Committees:
At the Request of Gregory J. Edwards:

WHEREAS, pursuant to Resolutions 88-08 and 99-10, the County Executive is authorized to apply for and execute any agreements necessary to secure CDBG funding; and

WHEREAS, Chautauqua County has been awarded \$200,000 to fund a Private Wastewater and Well Assistance Program; and

WHEREAS, Chautauqua Home Rehabilitation and Improvement Corporation (CHRIC) is willing and able to administer the Private Wastewater and Well Assistance Program; and

WHEREAS, the County intends to use CHRIC as a sub-recipient to provide service for the OCR funded Private Wastewater and Well Assistance Program; therefore be it

RESOLVED, That the County Executive be authorized to execute any and all agreements necessary to implement the Private Wastewater and Well Assistance Program funded by the OCR CDBG, and be it further

RESOLVED, That this program shall sunset after the grant funds are exhausted; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2012 Budget:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--|----------------|
| A.4090.----.1 | Personal Services – Environmental Health | \$ 5,000 |
| A.4090.----.4 | Contractual – Environmental Health | <u>195,000</u> |
| | | \$200,000 |

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|--|-----------|
| A.4090.----.R478.9WSA | Federal Aid - Community Developmt Blk. Grant | \$200,000 |
|-----------------------|--|-----------|

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James, Runkle, Nazzaro, DeJoe, Wendel, Heenan, Borrello, Himelein

Unanimously Adopted – January 25, 2012

RES. NO. 27-12

Increase Appropriation Accounts for 11/12 COLA Funding

By Human Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Department of Health has awarded a Cost of Living Adjustment (COLA) award to the Chautauqua County Department of Health for various grant programs pursuant to Part F of Chapter 59 of the Laws of 2011; and

WHEREAS, these funds must be used for recruitment and retention of staff or other critical non-personal service costs; and

WHEREAS, the expenditure of these COLA funds must occur between April 1, 2011 and March 31, 2012, and the 2012 Chautauqua County Adopted Budget does not include these additional grant monies, therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--|---------------|
| A.4010.NURS.4 | Contractual – Nursing | \$18,612 |
| A.4035.----.4 | Contractual – Family Health/Planning | 51,573 |
| A.4042.----.4 | Contractual – Rabies Control | 1,720 |
| A.4059.----.4 | Contractual – Early Intervention (CSHCN) | 1,832 |
| A.4082.----.4 | Contractual – WIC Program | 65,034 |
| A.4090.----.4 | Contractual – Env Health (ATUPA) | 3,706 |
| A.4189.LEAD.4 | Contractual – Lead (CLPPP) | <u>25,852</u> |
| | | \$168,329 |

INCREASE REVENUE ACCOUNTS:

| | | |
|-----------------------|---|---------------|
| A.4010.NURS.R345.0CSC | State Aid – Cancer Services COLA | \$13,178 |
| A.4010.NURS.R345.0IAC | State Aid – Immunization Action COLA | 5,434 |
| A.4035.----.R345.0FPC | State Aid – Family Planning COLA | 51,573 |
| A.4042.----.R345.0000 | State Aid – Rabies Control COLA | 1,720 |
| A.4059.----.R345.0CSH | State Aid – CSHCN COLA | 1,832 |
| A.4082.----.R345.0WIC | State Aid – WIC COLA | 65,034 |
| A.4090.----.R345.0ATC | State Aid – ATUPA COLA | 3,706 |
| A.4189.LEAD.R345.0CLC | State Aid – Childhood Lead COLA | 3,426 |
| A.4189.LEAD.R345.0LPC | State Aid – Lead Pilot COLA (Prim/Prev) | <u>22,426</u> |
| | | \$168,329 |

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James, Runkle, Nazzaro, DeJoe, Wendel, Heenan, Borrello, Himelein

Unanimously Adopted – January 25, 2012

RES. NO. 28-12

Authorizing Contract with the Center for Governmental Research, Inc. for Analysis of Chautauqua County Home

By Human Services and Audit & Control Committees:
At the Request of Legislators' Borrello, DeJoe, Runkle:

WHEREAS, pursuant to Resolution 225-11, a marketing firm has been selected for the potential sale, lease, or other disposition of the Chautauqua County Home; and

WHEREAS, in addition to marketing agreements, numerous counties in New York State that own skilled nursing homes have retained the Center for Governmental Research, Inc. ("CGR") to assess their nursing home's current operations and potential future options; and

WHEREAS, it would be advantageous for the County to take advantage of CGR's unique experience and qualifications in the analysis of public nursing home facilities in New York to conduct a similar study for the benefit of Chautauqua County; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the County Executive to enter into an agreement with the Center for Governmental Research, Inc. for an amount not to exceed \$80,000 to perform a nursing home assessment and analysis of future options for the Chautauqua County Home to allow the County to make the most informed and cost-effective decisions about the future of the facility; and be it further

RESOLVED, That such study shall be funded from the County Home's 2012 contractual account budget with it intended that any necessary adjustment to accounts or use of County Home fund balance be addressed later in the fiscal year.

Signed: Tarbrake, Horrigan, Hemmer, James, Runkle, Nazzaro, DeJoe, Wendel, Heenan, Borrello, Himelein

Adopted w/ Legislators Croscut, Erlandson, Stewart voting "no" – January 25, 2012

2nd Privilege of the Floor

Mr. Tom Rankin, I congratulate Mr. Barone. I think that he'll do a great job. I want this body and Mr. Barone to know I will do everything that I can to ensure a smooth transition. I thank the Republican Caucus for all their support, especially Mr. Barmore. Thank you.

My name is Bonnie Peters, 8237 Glassglow Road, Cassadaga, N.Y. I want to say regarding the County Home, one recommendation is looking beyond the Orange County report. They are a rich county down state and that you look at the Genesee County study which is closer to us in both proximity and population. Thank you.

Ms. Rose Conti, 50 Lake Ave., Brocton, N.Y.. I am the President of the CSEA unit 6300. I represent most of the workforce of Chautauqua County. I would like to welcome the newest members to the Legislature and thank them for joining us in a commitment to serve the population of Chautauqua County. The decision on selling the County Home has many parts that must be explored. We all know there is the financial consideration, should we continue to support a County Home when necessary. There is a philosophical consideration. Should County government be in the nursing home business? There is an economical consideration. How will our decisions affect the future economy of Chautauqua County? Tonight, I would like to focus on the human consideration. The decisions you are facing are not just about money, they are about people. People who work hard and people who need and deserve the care and respect they are given at the Chautauqua County Home. The men and women who work at the County Home are dedicating their lives to helping others. They provide excellent care in a beautiful facility. Their care and compassion for the residents is evident. Every day they are reminded that their jobs and their family's future are in jeopardy but still every day they enter that building, put a smile on their face and they greet and care for the residents that they have come to know. They do more than just their jobs. They become the family that many of the residents no longer have. They make sure that Gramma is ready when the children come to visit after school. They show true honor and respect to the deserving residents of the Chautauqua County Home. Last month I invited you to join us to Christmas carol at the County Home. I am sorry that more of you were not able to join us. Had you been there, you would have been given one of the best holiday gifts that you would receive. The gratitude and the smiles from the residents that didn't care that we couldn't always stay on key. They were just happy to see us and sing with us. You would have gotten to spend a few minutes with wonderful residents whose future you must decide. Do not believe that this decision to sell their home will not have an impact on their lives. You'd would have met a teacher, a librarian, a professor who spent their career helping to educate your youth. The bus driver who is responsible for the safety of the lives of many children and the nurses who now need the care that they spent years providing to others. You would have also spent some time with some of what I consider to be the greatest Chautauqua County residents. Our Veterans. The Chautauqua County Home is the residence for approximately 35 men and woman who were willing to give their lives if necessary for our freedom. They served during Vietnam, Korean, and WWII. What are we willing to give them? Is a secure future and quality of care to much to ask for those who served? We are all aware that there is only so much money. We know the choices of how that money is spent, is difficult. There are many things to consider. All of the County services, our infrastructure, industry, tourism, the

list goes on. As you look at our current situation and plan for our future, please remember the men and women who helped build this County. Do not turn your backs on them. Thank you.

My name is Teal Wolcott, I am here tonight regarding the restaurant at the Chautauqua County Airport. For those that don't know me, basically the person responsible for being a pain in your necks for the last 6 months. I am here tonight to inform you that as of yesterday, I do have a liquor license in my possession and I am here tonight to extend my sincere thanks for all of your help and patience during this process. It has been very greatly appreciated. I look forward to opening Runway 7 restaurant and lounge in the next few weeks and again I am just here to say thank you very much.

MOVED by Legislator Ahlstrom, SECOND by Legislator Barmore and duly carried the meeting was adjourned.(7:57 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, February 22, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Jankowski announced a quorum present. (Absent: Croscut, Hoyer, James)

Legislator Himelein delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Barmore, SECONDED by Legislator Heenan the minutes were approved.

1st Privilege of the Floor

My name is Minda Rae Amiran, 12 Lowell Place in Fredonia. Speaking on behalf of the League of Women Voters. The League of Women Voters of Chautauqua County commends the Administrative Services Committee for bringing before you a proposal to form a redistricting commission composed of Legislators and independent citizens where Legislators will be in the minority. Our view has always been that such a commission could draw up districts conforming to the legal requirements without regard to party making it easier for seats to be contested on an even playing field as required in a democracy. We believe that the work of such a commission will enhance the credibility of the redistricting process strengthening public faith in a Legislature that is so clearly rejects partisanship in favor of public benefit. Some issues arose at the Administrative Services committee meeting last week and we understand that plans are underway to resolve them. The first concerned students in residence halls at JCC and SUNY Fredonia and inmates in the County jail and I believe that the Legislature has received clarification on these points. The second issue concerns GIS assistance for the proposed commission. It appears that the GIS position in the County Planning Department has been cut and as we understand it there is no budgeted support for the commission at present. But the possibility of volunteer or donated help is being explored. To our mind, it would be quite impossible for the commission to operate without GIS help. We hope that you will give this matter the most serious consideration. Clearly we support the proposal before you. We know it's the result of much consultation between caucus and among individual Legislators and we honor them for their hard work. We very much hope that you will vote to create the independent commission tonight. Thank you.

Chairman Gould: Is there anybody else to speak to the first privilege of the floor?

STATE OF THE COUNTY ADDRESS
BY COUNTY EXECUTIVE GREGORY J. EDWARDS
(On file w/ Leg. Data)

CENTER FOR COMMUNITY PROGRESS
RE: LANDBANK
BY DAN KILDEE

COMMUNICATIONS:

1. Letters (7) - Co. Executive – Appts. to: Health Bd., DWI Advisory Bd., Disaster Preparedness (2), Youth Bd., Airport Comm., Fire Advisory Bd.
2. Letter – Chmn. Gould – Apptmts. – Aging Advisory Bd.

3. Letter – Conewango Crk. Watershed – Appt. to CLMC
4. Letter – Chaut. Co. Fed. of Sportsman – Appt. to Lake Erie Mangmt. Comm.
5. Letter – Planning Bd. – Re: County Home Subcommittee Membership
6. Letter – Legstrs. Cornell & Whitney to Co. Executive Edwards: Re: Status of County Home recommendations for revenue opportunities
7. Letter – Public Defender Barone – Re: Thanking for Apptmt. & Overview
8. Letter – JCC – Re: Invite to President's Roundtable w/ Historian Mary Owusu as guest
9. Letter – J. Polisoto – Re: Request of Inclusion of property in Ag. District
10. Letter – Chaut. Foundation – Re: CD – Gov't./people working for the common good
11. Highlights – NYS Dept. of Enviro. Conservation – Nov/Dec 2011
12. Statement of County Equalization Rates
13. Chemung County Leg. – Re: Res. To Gov. Cuomo & NYS Leg. For Advance Funding for Completion of Various Projects and Signage for the Designation of Daniel Patrick Moynihan Interstate Highway 86
14. Letter – Assemblyman Giglio – Ack. Receipt of Motion 1-12
15. Report – Interim Fn. Director Crow – January/2012 Investment Report

Legislator Whitney: I would like to have number 6 read.

Clerk Jankowski: Dated February 16, 2012; to County Executive Greg Edwards
Gerace Office Building, Mayville, NY 14757

Dear Mr. Edwards:

As we assess the financial viability of the Chautauqua County Home, it is important for the County Legislature to understand all efforts undertaken by the Administration to strengthen its existence to date.

Specifically, in 2008, then Chairman Keith Ahlstrom authorized the formation of the Chautauqua County Home Legislature Review Subcommittee to conduct a review of the Home's operations and future sustainability. As you know, the subcommittee made up of five legislators from a cross-section of the county and political spectrum, recommended unanimously that the Home "remain open for many years to come and continue to provide and give excellent care to the residents of Chautauqua County." The subcommittee also reported, however, that to become more sustainable, the Administration should consider the following "opportunities for financial improvements" of the Home:

- Enhance the review process of the Minimum Data Set (MDS) assessments to ensure that all clinical data is effectively captured in order to optimize Medicare reimbursement.
- Change the model of the Chautauqua County Home (CCH) to include a larger number of inpatient Medicare rehab patients.
- Increase Medicare Part B reimbursement for physical therapy services rendered to Medicaid and private pay inpatients.
- Establish an outpatient physical rehab program.
- Enhance in-house physician services such as neurology, dermatology, urology, and mental health. This would save transportation and staff costs.
- Consider reducing the number of full time positions through attrition and replacing them with part time employees where possible.
- Set up an endowment fund through the Chautauqua Region Foundations.
- Offer a spectrum of care to include assisted living alternatives and other in-home community options.
- Continued advocacy at the state and federal level for increased Medicare and Medicaid reimbursement rates that will cover operating and capital costs. Also, lobby NYS to find

alternative funding sources for the IGT program to reduce the financial impact on county budgets.

- Implement and continue to capitalize on opportunities for revenue and service enhancement programs such as Evercare's special needs long term care Medicare plan.
- Initiate project to implement additional energy conservation measures as identified by the recent Comprehensive Energy Audit using NYSERDA incentives and with guaranteed cost savings by the ESCO (Energy Savings Company). Consider having a natural gas well on CCH property to reduce utility costs.*
- Have the administrator and/or finance director of the CCH present interim financial statements to the Audit & Control Committee on a quarterly basis. A quarterly performance report should also be presented to the Human Services Committee.

As County Executive, you are responsible for executing these recommendations. As the Legislature, we are responsible for oversight. We therefore request, with ample time now passed, for a complete response as to how many of these recommendations you have directed your Administration to actively pursue and the status of each.

We make further note of the April 2011 report by Harmony Healthcare International, Inc. detailing several revenue-producing recommendations as well, particularly with regard to the Home's Rehabilitation Department. On page 13 of the report, the consultant writes that she was "struck by the tremendous opportunity at hand in this facility to move the therapy services from good to outstanding." And in a recent conversation between Legislator Lori Cornell and Harmony Healthcare's Elisa Bovee, the consultant openly stated with permission to quote her that "there is absolutely revenue sitting on the table...." We then again ask, what action since last April have you taken to pursue such an opportunity?

We appreciate your attention to this important matter. The lives of the residents we serve depend upon our careful consideration.

Sincerely, Lori Cornell, Minority Leader and Robert Whitney, Asst. Minority Leader, Chautauqua County Legislature

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 1/25/12

MOTION: (Data on file w/ 2/22/12 Leg. Data)
2-12 Proclaiming February as Black History Month – Unanimously Adopted

RES. NO. 29-12
Confirm Appointments - Chautauqua County Airport Commission

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Airport Commission.

David Himelein
 2153 Shadyside Rd.
 PO Box 617
 Findley Lake, N.Y. 14736
 Term Expires: 12/31/12

Legislative Representative
 Filling term of Jerry Park
 Will serve as Commission's Chairman

Vincent Horrigan
 225 Lakeside Dr.
 Bemus Point, N.Y. 14712
 Term Expires: 12/31/12

Legislative Representative
 Filling term of Dick Babbage

Jerry Park
 1664 Rt. 83
 Forestville, N.Y. 14062-9651

Replacing Randy Woodbury as Citizen Representative

Signed: Himelein, Stewart, Horrigan, DeJoe, Erlandson

Unanimously Adopted – February 22, 2012

RES. NO. 30-12

Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:
 At the Request of Chairman Frank J. Gould:

WHEREAS, the Board of Directors of the South & Center Chautauqua Lake Sewer District has recommended the following appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature confirm the following appointment to the South & Center Chautauqua Lake Sewer Districts Board:

Thomas Erlandson
 26 Valley View Drive
 Frewsburg, NY 14738
 Term Expires: 12/31/17

Signed: Himelein, Stewart, Horrigan, DeJoe, Erlandson

Unanimously Adopted – February 22, 2012

RES. NO. 31-12

Confirm Appointment – Parks Commission

By Public Facilities Committee:
 At the Request of Chairman Frank J. Gould:

WHEREAS, Chairman Jay Gould, has submitted the following appointment for action by the Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointment to the Parks Commission.

Martha Anderson
3615 Belleview Road
Bemus Point, NY 14712
Term Expires: 12/31/14

Signed: Himelein, Stewart, Horrigan, DeJoe, Erlandson

Unanimously Adopted – February 22, 2012

RES. NO. 32-12

Confirm Appointment - Chautauqua County Disaster Preparedness Commission

By Public Safety Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Disaster Preparedness Commission.

| | |
|------------------------|----------------------------|
| Eric South | Replacing Randall Peterson |
| 894 Few Run Rd. | |
| Frewsburg, N.Y. 14738 | |
| Term Expires: 12/31/14 | |

| | |
|------------------------|--------------------------|
| Allen Loeb | Replacing Keith Ahlstrom |
| 415 Eagle Street | |
| Dunkirk, NY 14048 | |
| Term Expires: 12/31/14 | |

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – February 22, 2012

RES. NO. 33-12

Confirm Re-Appointments - Chautauqua County Fire Advisory Board

By Public Safety Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following re-appointments to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following re-appointments to the Chautauqua County Fire Advisory Board.

Re-Appointments: - 1st Battalion

| | | |
|-----------------------|-----------------------|-----------------------|
| Lawrence Barter | Brian Purol | Michael Przbycien |
| 9 Pine Drive | 3681 New Road | PO Box 111 |
| Fredonia, N.Y. 14063 | Dunkirk, N.Y. 14048 | Sheridan, N.Y. 14135 |
| Term Expires: 1/31/13 | Term Expires: 1/31/13 | Term Expires: 1/31/13 |

| | | |
|--|--|--|
| Steve Lehnen 9791 Rt. 60 Fredonia, N.Y. 14063 Term Expires: 1/31/13 | Allen G. Parker 8562 Shumla Rd. Cassadaga, N.Y. 14718 Term Expires: 1/31/13 | Kyle Barthel, Alternate 27 Center St. Forestville, N.Y. 14062 Term Expires: 1/31/13 |
|--|--|--|

Re-Appointments – 2nd Battalion

| | | |
|--|---|--|
| Al Akin PO Box 1 Chautauqua, N.Y. 14722 Term Expires: 1/31/13 | Scott Cummings PO Box 234 Mayville, N.Y. 14757 Term Expires: 1/31/13 | Matthew Oehlbeck PO Box 352 Sherman, N.Y. 14781 Term Expires: 1/31/13 |
|--|---|--|

| | | |
|--|---|--|
| Raymond Lawson 21 Pleasant Avenue Westfield, N.Y. 14787 Term Expires: 1/31/13 | Ronald Trippy 6755 S. Portage Road Westfield, N.Y. 14787 Term Expires: 1/31/13 | Mark Smith, Alternate 9473 East Main Rd. Ripley, N.Y. 14775 Term Expires: 1/31/13 |
|--|---|--|

Re-Appointments - 3rd Battalion

| | | |
|---|--|---|
| Randy Shampooe PO Box 173 Clymer, N.Y. 14724 Term Expires: 1/31/13 | Jackson Knowlton 2141 Shadyside Road Lakewood, N.Y. 14750 Term Expires: 1/31/13 | Ronald Johnson 1265 Norby Road Jamestown, N.Y. 14701 Term Expires: 1/31/13 |
|---|--|---|

| | | |
|--|---|---|
| Sam Salemm 217 Dearing Ave. Jamestown, N.Y. 14701 Term Expires: 1/31/13 | Chet Harvey, Alternate 27 Vinnie St. Jamestown, N.Y. 14701 Term Expires: 1/31/13 | Scott F. Bailey 29 Melvin Ave. Celoron, N.Y. 14720 Term Expires: 1/31/13 |
|--|---|---|

4th Battalion – Reappointments:

| | | |
|---|---|---|
| Peter Samuelson 4696 Maple Grove Rd. Bemus Point, N.Y. 14712 Term Expires: 1/31/13 | Bradley Rodgers 12654 Rt. 394 Randolph, N.Y. 14772 Term Expires: 1/31/13 | James A. Shephard 3669 Crestview Dr. Bemus Point, N.Y. 14712 Term Expires: 1/31/13 |
|---|---|---|

| | | |
|---|--|---|
| Greg Scott 3517 Cemetery St. Kennedy, N.Y. 14747 Term Expires: 1/31/13 | Thomas C. Fairbanks 4722 Rt. 60 Gerry, N.Y. 14740 Term Expires: 1/31/13 | John Griffith, Alternate 3659 Dean School Rd. Falconer, N.Y. 14733 Term Expires: 1/31/13 |
|---|--|---|

Signed: Duff, Whitney, Coughlin, Wendel, Hemmer

Unanimously Adopted – February 22, 2012

RES. NO. 34-12

Confirm Re-Appointment – STOP DWI Advisory Board

By Public Safety Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the STOP-DWI Advisory Board:

Jay Gould
70 Hoag Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/13

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – February 22, 2012

RES. NO. 35-12
Confirm Appointments – Chautauqua County Youth Board

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Youth Board.

| | |
|--|---------------------------|
| Tamera Downey 2445 Donelson Rd. Jamestown, N.Y. 14701 Term Expires: 1/31/15 | Replacing Barb Revellette |
|--|---------------------------|

| | |
|--|------------------------------|
| Michael Haddad 246 Hallock St. Jamestown, N.Y. 14701 Term Expires: 12/31/12 | Filling term of Frank Torain |
|--|------------------------------|

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – February 22, 2012

RES. NO. 36-12
Confirm Appointment - Chautauqua County Health Board

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Health Board.

| | |
|---|--|
| Mark Tarbrake 3151 Oak Ridge Circle Jamestown, N.Y. 14701 Term Expires: 12/31/12 | Filling term of former Legislator Doug Richmond |
|---|--|

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – February 22, 2012

RES. NO. 37-12

Designate Watershed Coordinator as Ex-Officio Member and Confirm Appointment of Representative from the Conewango Creek Watershed Association (CCWA) to the Chautauqua Lake Management Commission (CLMC)

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, it would be appropriate that the County Watershed Coordinator be added to the membership of the CLMC to serve as an ex-officio member without voting powers; and

WHEREAS, the CLMC has accepted the letter of resignation from Christine Humphrey of CCWA and a nomination has been received from CCWA for a representative to fill the vacancy on the CLMC; therefore be it

RESOLVED, That Section 2 of the By-Laws of the CLMC entitled "Members" is hereby amended to provide that the CLMC shall be expanded from ten (10) to eleven (11) members with the second paragraph of Section 2 amended as follows:

The Chairman and each appointed member shall be confirmed by the Legislature and shall serve a term of two (2) years. Members shall not receive compensation for their services. The Chautauqua County Watershed Coordinator shall serve as an ex-officio member of the Commission without voting powers.
and be it further

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of the following member of CCWA for the remainder of the term to expire June 30, 2013:

Kim Sherwood
Conewango Creek Watershed Association
P.O. Box 403
Ellington, NY 14732

Signed: Croscut, Ahlstrom, Rogers, Heenan

Unanimously Adopted – February 22, 2012

RES. NO. 38-12

Confirm Appointments and By-Laws for Lake Erie Management Commission

By Planning & Economic Development Committee:
At the Request of Legislator Borrello and Heenan:

WHEREAS, pursuant to Resolution 178-11, the County Legislature established the Lake Erie Management Commission (LEMC) with an interim membership and requested that the interim members draft initial by-laws for approval by the County Legislature; and

WHEREAS, the interim members have presented draft initial by-laws for the Legislature's approval, and individuals have now been identified for appointment as continuing members going forward; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms appointment of the following chairman and members of the Lake Erie Management Commission for a term commencing immediately and extending to December 31, 2013:

George Borrello (Chairman)
1014 South Shore Drive
Irving, NY 14081

Martha Bills, Town of Westfield Supervisor
Mayors and Supervisors
Town Hall, 23 Elm Street
Westfield, NY 14787

Lee Servatius
Water Quality Task Force
27 Lowell Place
Fredonia, NY 14063

Shaun Heenan, County Legislator
At-Large member
89 Seel Acres
Dunkirk, NY 14048

Doug Richmond
At-Large member
27 Watson Ave.
Westfield, NY 14787

Dave Wilson
Soil and Water Conservation District
3542 Turner Road
Jamestown, NY 14701

Bill Boria
Chautauqua Co. Dept. of Health
7 North Erie Street
Mayville, NY 14757

Jim Joy
Chautauqua County Farm Bureau
9825 Farrell Road
Fredonia, NY 14063

Zen Olow
Chautauqua Co. Federation of Sportsmen
23 Bennett Drive
Fredonia, NY 14063

and be it further

RESOLVED, That the Chautauqua County Legislature hereby confirms the following initial by-laws of the Lake Erie Management Commission:

Sec. 1 Establishment and Purpose The Lake Erie Management Commission (Commission) was created August 24, 2011, by Resolution No.178-11 of the Legislature. The Commission is to: (1) Prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan (International Document); (2) seek additional funding for Lake Erie watershed projects; (3) undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed.

Sec. 2 Members The Lake Erie Management Commission shall be composed of ten (10) members who reside in the Lake Erie watershed, or those with County government positions that involve the Lake Erie watershed, which number may be changed by the Legislature from time to time. George Borrello shall serve as the initial Chairman with two (2) at-large members and six (6) other members appointed from and by the following organizations:

1. Water Quality Task Force
2. Chautauqua County Soil & Water Conservation District
3. Chautauqua County Health Dept.
4. Chautauqua County Farm Bureau

5. Mayor and Supervisors
6. Sportsman Federation

The Chairman and each member shall be confirmed by the Legislature and serve at the pleasure of the Legislature. Members shall not receive any compensation from the Lake Erie Management Commission for their services. The Chautauqua County Watershed Coordinator shall serve as an ex-officio member of the Commission without voting powers.

Members may resign at any time by giving his or her resignation to the Chairman. Vacancies shall be filled as soon as possible by the appointing organization and/or Legislature, and confirmed by the Legislature. In the case of the officers, the Commission shall elect the replacement as soon as possible.

Sec. 3 Officers and Duties The Commission shall elect annually a Chairman, Vice-Chairman and Secretary. The Secretary position may be held by persons with ex-officio status. The Chairman shall be the Chief Executive Officer of the Commission and shall have the general powers and duties of supervision and management of the Commission. The Vice-Chairman shall act in the absence of the Chairman and perform all duties of the Chairman during such absence. In addition, the Vice-Chairman and Secretary shall perform such other duties as the Chairman may request.

The mission of the Lake Erie Management Commission shall be to identify, prioritize, and recommend projects for the protection and enhancement of water related resources that promote a safe and healthy environment for all within the Chautauqua County Lake Erie Watershed. The Lake Erie Management Commission will seek to acquire and recommend funding for such projects. The Commission will identify, prioritize, and recommend how the 2% Occupancy Tax Funding dedicated for watershed related projects within the Lake Erie watershed will be allocated. The Commission shall have the three (3) voting members (Soil and Water Conservation official, a local and a County representative) who will represent Chautauqua County on the Lake Erie Watershed Protection Alliance (LEWPA) as members of the LEMC.

Sec. 4 Committees The Chairman may appoint an Executive Committee and such other committees as may be needed.

The Executive Committee shall be composed of the Chairman, Vice Chairman, and the secretary. The Executive Committee shall have and exercise the powers of the Commission between meetings of the full Commission. The Executive Committee shall not have the power to amend these By-laws.

Other Committees appointed by the Chairman shall have such powers as may be granted by the Chairman.

Sec. 5 Administration The Watershed Coordinator shall provide professional and administrative help to the Commission within his/her capabilities.

The Commission shall be funded by the County and such other sources as available.

Sec. 6 Meetings Regular meetings shall be held monthly on the third Monday of the month. Time and meeting locations will be announced at least two weeks in advance. The Chairman may call special meetings as needed upon at least seven (7) days notice. A majority of the members of the Commission shall constitute a quorum for the transaction of business. All business of the Commission shall be by a majority vote of the whole number of members.

Sec. 7 By-laws and Amendments A majority of the whole number of members of the Commission shall be required to recommend amendment(s) to the By-laws for approval by the Legislature. These By-laws or any amendments thereto shall be approved by the Legislature prior to becoming effective.

Signed: Croscut, Ahlstrom, Rogers, Heenan

Unanimously Adopted – February 22, 2012

RES. NO. 39-12

Appointing Reapportionment Commission for 2010 Census

By Administrative Services and Planning & Economic Development Committees:
At the Request of Legislators DeJoy, DeJoe, Runkle:

WHEREAS, Section 2.01 of the Chautauqua County Charter provides that a bi-partisan reapportionment commission shall be established to evaluate the population data and make recommendations as to a proposed local law establishing the boundaries of county legislative districts; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby establishes a bi-partisan reapportionment commission for the 2010 census consisting of the following members:

1. One (1) member designated by the Chautauqua County League of Women Voters, subject to approval by the Chairman of the Legislature;
2. One (1) member designated by the Chautauqua County Chamber of Commerce, subject to approval by the Chairman of the Legislature;
3. Two (2) county legislators and four (4) citizen members subject to approval by the Chairman of the Legislature;

and be it further

RESOLVED, That on or before June 1, 2012, the commission shall make recommendations in the form of a proposed local law as to changes in the boundaries of county legislative districts to be effective January 1, 2014; and be it further

RESOLVED, That the County Attorney and Chautauqua County Board of Elections are requested to attend commission meetings and provide support for the work of the commission, and the Chautauqua County Department of Planning and Economic Development is requested to assist in arranging technical support for the preparation of district maps.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Heenan (Amended in A.S. – P&E –no action taken)

MOVED by Legislator Barmore, SECONDED by Legislator DeJoe to amend by adding the members of the Committee: - Unanimously Carried

RESOLVED, That the members of the Reapportionment Committee, as agreed to by the Leadership of the Chautauqua County Legislature and approved by the Chairman of the Legislature, are as follows:

Minda Rae Amiran
Chautauqua County LWV
12 Lowell Place
Fredonia, NY 14063

Kevin Sandvidge
Chautauqua County Chamber of Commerce
9 University Park
Fredonia, NY 14063

Larry Barmore, Co-Chair
 Chautauqua County Legislature
 PO Box 245
 Gerry, NY 14740

Thomas DeJoe, Co-Chair
 Chautauqua County Legislature
 14 Fay Street
 Brocton, NY 14716

Michael Haddad
 246 Hallock Street
 Jamestown, NY 14701

Sharon Kaminski
 4882 Webster Road
 Fredonia, NY 14063

Ray Rushbolt
 3719 Middle Road
 Jamestown, NY 14701

David Shepherd
 44 W. Terrace Ave.
 Lakewood, NY 14750

Adopted as amended w/ Legislator Himelein voting "no" – February 22, 2012

RES. NO. 40-12

Authorize Agreement with Town of North Harmony for Court Security Detail

By Public Safety and Audit & Control Committees:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of North Harmony has requested that the Office of the Sheriff provide court security officers on designated court nights during the 2012 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2012 through December 31, 2012, for an estimated cost not to exceed \$6,000.00 based on an hourly rate of \$27.64; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of North Harmony for court security as set forth above, with revenues to be credited to revenue account A.1162.1110.R226.000.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Heenan, Himelein, DeJoe

Unanimously Adopted – February 22, 2012

RES. NO. 41-12

Authorize Lease of Property for Ten (10) Years from Christopher Cannon for Chautauqua County Radio System

By Public Safety and Audit & Control Committees:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, by agreement dated December 28, 1987, the County leased a one (1) acre parcel of land from Earl and Frances Cardot in the Town of Arkwright for the erection and maintenance of a radio and microwave tower for the County Radio System; and

WHEREAS, Earl and Frances Cardot agreed to lease the property to the County for an additional ten (10) years pursuant to a lease agreement dated July 8, 1997; and

WHEREAS, the County consented to the transfer of the property to Christopher Cannon, grandson of Earl and Francis Cardot; and

WHEREAS, the County entered into an agreement with Christopher Cannon for ten (10) years that expired on 12/31/2011, pursuant to resolution 206-01; and

WHEREAS, such lease is necessary for the continued operation and maintenance of the radio and microwave tower for the County Radio System; therefore be it

RESOLVED, That the County Executive be and hereby is authorized and empowered to execute a lease agreement with Christopher Cannon for a new ten (10) year term at \$7,665.00 per year.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Heenan, Himelein, DeJoe

Adopted w/ Legislator Duff voting "no" – February 22, 2012

RES. NO. 42-12

Authorize Agreement with NYS Office of Cyber Security for Ortho-imagery Data Enhancements

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, New York State Office of Cyber Security (hereinafter "OCS") conducts a Geographic Information System (hereinafter "GIS") Coordination Program designed to improve and enhance various forms of spatial data related to the State of New York; and

WHEREAS, OCS will be enhancing and improving the State's spatial data through a Statewide Digital Ortho-imagery Program; and

WHEREAS, under the program, the State has contracted for urban areas of the State, approximated by the US Department of Transportation Federal Aid Urban Area boundaries, to be covered by 1.0 Ft GSD four-band Ortho-imagery and the remaining areas will be covered by 2.0 Ft GSD four-band Ortho-imagery, and

WHEREAS the State has also contracted for other options (hereinafter "upgrades") for higher resolution and alternate imagery type, to be utilized if Chautauqua County opts to contribute additional funding for this purpose; therefore be it

RESOLVED, That Chautauqua County shall pay the State a sum not to exceed one-thousand five hundred and no/100 dollars (\$1,500.00), not to exceed the actual cost of OCS, in consideration for the upgrade to 1 Ft GSD four-band Ortho-imagery of the South Sewer service area adjacent to Chautauqua Lake, with payment to be made to the NYS Office of Cyber Security no later than February 1, 2013, and be it further

RESOLVED, That the County Executive be authorized to execute any and all agreements and documents necessary to implement the Ortho-imagery Program, including the above-referenced upgrade.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Runkle, Nazzaro, Heenan, Himelein, DeJoe
Adopted w/ Legislator Duff voting "no" – February 22, 2012

RES. NO. 43-12
Cancellation of Uncollectible Tax Liens

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, after a foreclosure proceeding against a particular parcel has been withdrawn pursuant to Section 1138 of the Real Property Tax Law, the governing body of a tax district may cancel the delinquent tax lien if it determines that there is no practical method to enforce the collection of the delinquent tax lien and that a supplementary proceeding to enforce collection of the tax would not be effective; and

WHEREAS, if the governing body should determine there is also no practical method to enforce the collection of delinquent tax liens arising in the future against a particular parcel, it may direct the enforcing officer to issue a certificate of prospective cancellation, setting forth the relevant facts, and the parcel shall thereby become exempt from taxation until the governing body determines that the parcel should be restored to the taxable portion of the assessment roll; therefore be it

RESOLVED, That pursuant to Section 1138 of the Real Property Tax Law, the Chautauqua County Legislature hereby makes the following determinations regarding the parcels listed below that have been previously withdrawn from foreclosure:

- (1) there is no practical method to enforce the collection of the delinquent tax liens against said parcels listed below, and that a supplementary proceeding to enforce collection of the tax would not be effective; and
- (2) there is no practical method to enforce the collection of delinquent tax liens arising in the future against said parcels listed below; and be it further

RESOLVED, That pursuant to Section 1138 of the Real Property Tax Law, the Chautauqua County Legislature hereby directs the cancellation of all of the delinquent tax liens against the parcels listed below, and further directs the County's enforcing officer to issue a certificate of prospective cancellation against said parcels:

Signed: Barmore, Scudder, Tarbrake, DeJoy

MOVED by Legislator Barmore, SECONDED by Legislator Tarbrake to amend by adding parcels. – Unanimously Carried

| PARCEL ID | TOWN/ VILLAGE | PROP, | ASSESSED OWNER | CURRENT AMT. DUE | REASON FOR PROSPECTIVE CANCELLATION |
|--------------------|--------------------|-------------------|-------------------|---------------------|--|
| 064801-398.08-1-48 | Harmony/ Panama | W. Main Street | Green, Todd A | \$ 2,542.55 | This property is a dam which would be under the US Army Corps of Engineers' jurisdiction for remediation. This process would involve substantial resources devoted for little to no gain for the taxpayers of the County. Back taxes go back to 1984 and it is highly desirable to end the tax guarantee on this property. |

| | | | | |
|--------------------|--------|---------------|--------------------|--------------|
| 066200-225.00-1-26 | Ripley | Old Rte 20 | Ripley Fuel Co Inc | \$ 23,087.23 |
|--------------------|--------|---------------|--------------------|--------------|

This is an old gas station whose previous owner has declared bankruptcy and he is no longer in the area. The property is vacant and has environmental problems associated with the previous activity. Until there is substantial environmental remediation, the property has no value.

Adopted as amended w/ Legislator Duff voting "no" – February 22, 2012

RES. NO. 44-12

Directing Reapportionment Committee to Draw 19 Districts

By Administrative Services Committee:
At the Request of Legislator Barmore and DeJoe:

WHEREAS, Section 2.01 of the Chautauqua County Charter provides that a bi-partisan reapportionment commission shall be established to evaluate the population data and make recommendations as to a proposed local law establishing the boundaries of county legislative districts; and

WHEREAS, the Administrative Services Committee voted on February 13, 2012 to support a resolution to be filed by Legislators Larry Barmore and Thomas DeJoe, directing the Reapportionment Committee to propose a local law containing 19 legislative districts; therefore be it

RESOLVED, That the Reapportionment Committee, to be established pursuant to Resolution No. 39-12 be directed to propose a reapportionment local law for the Chautauqua County Legislature containing 19 legislative districts.

Signed: Barmore, DeJoe

Moved by Legislator Barmore, Seconded by Legislator DeJoe to put in after Resolution No., "39-12" – Unanimously Carried

Adopted as amended – R/C Vote: 15 Yes; 6 No; 3 Absent (No's: Cornell, Coughlin, DeJoy, Erlandson, Rogers, Whitney) – February 22, 2012

RES. NO. 45-12

Authorize Contract between Department of Mental Hygiene and New York State Office of Mental Health for a Performance-Based Early Recognition Coordination and Screening Program

By Human Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua Department of Mental Hygiene has received an award for a Performance-Based Early Recognition and Screening Initiative grant; and

WHEREAS, the grant covers the period of January 1, 2012 through December 31, 2016 and the maximum amount of funding over the term of the grant is \$416,282.00; and

WHEREAS, the Chautauqua County Department of Mental Hygiene will accomplish the following goals: 1) Develop and maintain a community-wide, comprehensive, and efficient process by which active parental consent is obtained and children are screened for mental health problems; and 2) Develop a comprehensive plan for early identification, engagement, outreach, and stigma reduction in the community for children; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute any and all agreements and other documents necessary to obtain and expend this funding, and is authorized to enter into agreements with various government and municipal entities, including but not limited to local school districts, towns, cities and villages, to effectuate the terms of the grant; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---------------------------------------|----------|
| A.4320.----.4 | Contractual – Mental Hygiene Programs | \$78,836 |
|---------------|---------------------------------------|----------|

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|-----------------------------------|----------|
| A.4320.----.R349.0000 | New York State Aid: Mental Health | \$78,836 |
|-----------------------|-----------------------------------|----------|

Signed: Tarbrake, Horrigan, Hoyer, James, Hemmer, Runkle, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – February 22, 2012

RES. NO. 46-12

Authorizing Agreement with New York State to Accept Personal Computers

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the State of New York Office of Temporary and Disability Assistance (OTDA) has been approved to purchase new personal computers for Chautauqua County Department of Social Services (CCDSS); and

WHEREAS, the purpose of the new computers is to support timely and accurate case processing and administration of temporary assistance (TA), food stamp (FS), home energy assistance (HEAP) and employment programs; and

WHEREAS, OTDA will purchase approximately ninety-one (91) computers and pay 100% of the purchase price, including shipping; and

WHEREAS, these computers are for CCDSS staff that work on TA, FS, HEAP and/or employment programs and cannot be assigned to other program areas due to restrictions and regulations under the funding source; therefore be it

RESOLVED, That the County Executive is authorized to enter into an agreement with the State of New York to accept and use the computers provided to CCDSS under this funding opportunity.

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – February 22, 2012

RES. NO. 47-12

Accept NYSDOH Childhood Lead Poisoning Prevention Grant Funding By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Health Department has awarded a new five-year block grant to the Chautauqua County Health Department for the Childhood Lead Poisoning Prevention Program (10/1/10-9/30/15); and

WHEREAS, these grant funds support local efforts to reduce the prevalence of elevated blood lead levels in children birth to 18 years through the implementation of a comprehensive lead poisoning prevention program through: public and professional outreach and education; and collaboration with local health care providers for screening/testing, diagnostic evaluation, medical management, environmental interventions, and coordination of services for children 0-18 years with elevated blood lead levels; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the New York State Department of Health, and to execute such other grant-related documents as may be necessary, for so long as the Department of Health continues to be funded by this program, with work plans and budgets to be amended and revised on an annual basis by letters of agreement between the parties; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with agencies and organizations as necessary to carry out the objectives and requirements of this grant program.

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Adopted w/ Legislator Duff voting "no" – February 22, 2012

RES. NO. 48-12

Amend Resolution 109-11 – 2% Lakes and Waterways Funding

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, there has been an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 3, Subsection 12 of Local Law 2-08 and Section 1202-j of the New York State Tax Law further provide that all revenues derived from the imposition of the occupancy tax, after deduction the amount provided for administering such tax, shall be allocated as follows: three-fifths of such revenue (the original 3% tax) shall be credited and deposited in a special tourism and convention fund for the purposes of enhancing and promoting Chautauqua County, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the County, to enhance the environment, to improve infrastructure related to tourism, conventions and trade shows, to develop, operate and maintain parks, recreational facilities and tourist attractions, and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths (the newer 2% tax) of such revenues shall be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County pursuant to programs authorized by local law; and

WHEREAS, policy guidelines to allocate the limited resources generated by the revenues over three-fifths (the newer 2% tax) were amended pursuant to Resolution 109-11, and it is appropriate to amend such guidelines regarding the allocations for Lake Erie and the Conewango Watershed; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the policy guidelines established pursuant to Resolution 109-11 for the allocation of occupancy tax revenue over three-fifths (the newer 2% tax), as follows:

1. The Chautauqua County Watershed Coordinator position, which includes salary, fringes, travel and other necessary expenses, shall be supported by \$90,000 of the occupancy tax for lakes and streams. All funds not utilized annually shall be returned to the reserve fund for lakes and streams.

2. An annual emergency contingency fund shall be created and supported by \$40,000 of the occupancy tax for lakes and streams, with expenditures subject to approval of the County Legislature for the following purposes, based on demonstrated need:

- Implementation of recommendations outlined in the Chautauqua Lake Management Plan (2010);
- Development and implementation of a Submerged Aquatic Vegetation Management Plan (SAVMP);
- Submerged aquatic vegetation management (including but not limited to harvesting and shoreline cleanup);
- Harbor remediation including, but not limited to, dredging and submerged aquatic vegetation (SAV) management;
- Shoreline and streambank stabilization.

Remaining funds not utilized annually shall be returned to the reserve fund for lakes and waterways.

3. The Chautauqua County Soil & Water Conservation District shall be supported by \$100,000 for its assistance in the implementation of watershed management projects on a county-wide basis.

4. Maintenance of the waterways, which shall include harvesting of SAV and shoreline cleanup, shall be funded through the provision of funding to the following organizations:

- a. Chautauqua Lake Association – \$50,000.00
- b. Findley Lake Association – \$5,000.00
- c. Cassadaga Lake Association – \$3,000.00
- d. Bear Lake Association – \$750.00
- e. Lake Erie Management Commission – \$25,000.00
- f. Department of Public Facilities, Division of Engineering for Conewango Watershed dam engineering inspections as required by the DEC "Dam Safety Regulations" – \$25,000.

5. The balance of the occupancy tax revenues generated over three-fifths by the new 2% tax shall be utilized to enhance and protect the lakes and streams of Chautauqua County. The following method shall be utilized to determine how such funds are distributed annually:

- a. A seven (7) member Waterways Panel made up representatives from the Chautauqua County Water Quality Task Force (WQTF), facilitated by the Chautauqua County Watershed Coordinator, shall evaluate and prioritize all lake and stream protection and enhancement projects submitted to the

Legislative Planning and Economic Development Committee annually. The Waterways Panel will submit its recommendations and findings to the Legislative Planning and Economic Development Committee for consideration.

- b. All requests for funding shall be submitted annually on forms as prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. These parameters shall include that the purchase of any property is not eligible as a project to be funded by the 2% Lakes and Waterways Bed Tax. The Waterways panel charged with evaluating and prioritizing projects request may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.
- c. All requests shall be initially ranked on a "Waterways Ranking Form" prior to final prioritization and recommendations by the Waterways Panel to the Legislative Committee.
- d. If during annual implementation of the approved lake and stream protection and enhancement projects circumstances or new information surface that prevents a project from being undertaken, the next project on the prioritization list will be considered for funding with all or a portion of the funds budgeted for the original project.
If no project exists on the annual prioritization list that can viably begin within the fiscal year, the funds from the original project will be returned to the reserve fund for lakes and waterways.

Signed: Croscut, Ahlstrom, Rogers, Heenan

Moved by Legislator Himelein, Seconded by Legislator Runkle to amend by adding:

ADD an additional sentence at the end of Paragraph 4 of the first RESOLVED clause:

It is the intent of the County Legislature that unused portions of the aforementioned annual allocations to the Lake Erie Management Commission and Department of Public Facilities shall be re-appropriated for the same purposes in future fiscal year(s).

Adopted as amended w/ Legislator Duff voting "no" – February 22, 2012

RES. NO. 49-12

The 2012 Chautauqua County Reinvestment Act

At the Request of Legislator Cornell:

WHEREAS, Resolution No. 90-11 approving the Chautauqua 20/20 Comprehensive Plan, was enacted on April 27, 2011 and calls on County leaders to "reposition the County's role to use housing as an economic development tool for neighborhood revitalization;" and

WHEREAS, the Chautauqua 20/20 Comprehensive Plan lists as a "high priority action" for the County to "...take a leadership role in assessing and developing identified housing strategies that lead to the preparation of a proactive strategy to adjust the County's housing supply to meet current market demands;" and

WHEREAS, Resolution 159-11, providing for Chautauqua County to set aside funding from the Housing Trust Fund allocation for a housing grant program and as seed money for a potential County-wide Land Bank to facilitate conversion of vacant or abandoned properties into productive use was enacted on July 27, 2011; and

WHEREAS, such a "proactive" strategy for housing and neighborhood revitalization is now being pursued; therefore now be it

RESOLVED, That the County Land Bank Board shall be empowered and charged with working towards the development of a strategy for action that could include, but not be limited to, excess housing supply, changing market preferences, demand for second homes, reinvestment by a public/private partnership in reuse of existing buildings, and land banking/disposition of properties as part of complementary open space initiatives; and be it further

RESOLVED, That the County Land Bank Board shall commence the development of said strategy for action no later than June 1, 2012 and will provide the Legislature with policy recommendations to support neighborhood revitalization, including the establishment of a land bank; and be it further

RESOLVED, That in the event the County's Land Bank application is not approved by New York State by said start date, the task of said strategy for for action would fall upon Housing Task Force.

Signed: Cornell

Defeated – R/C Vote: 8 Yes; 14 No; 3 Absent – (No's: Ahlstrom, Barmore, Borrello, Duff, Heenan, Hemmer, Himelein, Horrigan, Runkle, Scudder, Stewart, Tarbrake, Wendel, Gould) – February 22, 2012

RES. NO. 50-12

Amend 2011 Budget to Adjust Accounts for Year End Reconciliation

By Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, some departments have received revenues in excess of budget; and

WHEREAS, some expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That A, ESN and ESN Fund Balances are appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

| | | |
|--------------|---|-----------------|
| A.-----.889 | Fund Balance, Reserved Fund Balance – Misc Reserve: DWI | \$70,727 |
| ESN.----.909 | Fund Balance, Unreserved Fund Balance – Fund Balance | \$2,160 |
| ESP.----.909 | Fund Balance, Unreserved Fund Balance – Fund Balance | <u>\$20,051</u> |
| | | \$92,938 |

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2011 budget:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|---|-----------|
| A.1010.----.4 | Contractual - Legislative Board | \$2,083 |
| A.1010.----.8 | Employee Benefits - Legislative Board | \$6,325 |
| A.1162.1110.5 | Fixed Contractual - Court Officers | \$4 |
| A.1162.1120.4 | Contractual - Assigned Counsel | \$174,280 |
| A.1165.----.4 | Contractual - District Attorney | \$20,668 |
| A.1165.1169.4 | Contractual - Crime Victims | \$919 |
| A.1165.1169.5 | Fixed Contractual - Crime Victims | \$4 |
| A.1165.1169.8 | Employee Benefits - Crime Victims | \$9,572 |
| A.1170.----.4 | Contractual - Public Defender | \$26,796 |
| A.1170.----.5 | Fixed Contractual - Public Defender | \$337 |
| A.1172.----.5 | Fixed Contractual - Aid To Defense | \$4 |
| A.1174.----.4 | Contractual - Alternatives To Incarceration | \$9 |
| A.1174.----.5 | Fixed Contractual - Alternatives To Incarceration | \$6 |
| A.1185.----.4 | Contractual - Medical Examiners & Coroners | \$6,011 |
| A.1230.----.1 | Personal Services - County Executive | \$574 |
| A.1330.----.5 | Fixed Contractual - Real Property Tax | \$755 |
| A.1364.----.5 | Fixed Contractual - Exp: Prop Acquired for Tax | \$501 |
| A.1410.----.4 | Contractual - County Clerk | \$5,361 |
| A.1410.1411.2 | Equipment - Motor Vehicles | \$1,119 |
| A.1440.----.5 | Fixed Contractual - Engineers | \$24 |
| A.1450.----.1 | Personal Services - Board of Elections | \$23,632 |
| A.1460.----.1 | Personal Services - Records Management | \$2,840 |
| A.1460.----.4 | Contractual - Records Management | \$205 |
| A.1460.----.5 | Fixed Contractual - Records Management | \$79 |
| A.1610.----.1 | Personal Services - Office Services | \$6,622 |
| A.1610.----.5 | Fixed Contractual - Office Services | \$2,666 |
| A.1620.----.1 | Personal Services - Buildings & Grounds | \$23,547 |
| A.1620.----.4 | Contractual - Buildings & Grounds | \$1,664 |
| A.1620.----.5 | Fixed Contractual - Buildings & Grounds | \$13,182 |
| A.1620.----.8 | Employee Benefits - Buildings & Grounds | \$47,488 |
| A.1620.5020.1 | Personal Services - B & G - Hall R. Clothier Building | \$173 |
| A.1620.5020.4 | Contractual - B & G - Hall R. Clothier Building | \$9,243 |
| A.1620.5020.8 | Employee Benefits - B & G - Hall R. Clothier Building | \$97 |
| A.1620.5030.4 | Contractual - B & G - Court House | \$14,365 |
| A.1620.5060.4 | Contractual - B & G - Gerace Office Building | \$2,348 |
| A.1620.5070.4 | Contractual - B & G - Mayville Municipal Building | \$1,567 |

| | | |
|---------------|---|-----------|
| A.1620.6060.4 | Contractual - B & G - Liberty Square | \$750 |
| A.1620.6070.4 | Contractual - B & G - Chadwick Bay | \$8,680 |
| A.1620.6080.4 | Contractual - B & G - North County Office Building | \$750 |
| A.1620.7010.4 | Contractual - B & G - South County Office Building | \$3,619 |
| A.1650.----.4 | Contractual - Communications System | \$31,385 |
| A.1650.----.5 | Fixed Contractual - Communications System | \$1,718 |
| A.1670.----.4 | Contractual - Print Shop | \$19,810 |
| A.1670.----.5 | Fixed Contractual - Print Shop | \$6 |
| A.1670.----.8 | Employee Benefits - Print Shop | \$3,441 |
| A.1680.----.8 | Employee Benefits - Information Technology | \$86,972 |
| A.1680.GIS.4 | Contractual - IT - Geographical Inforamtion System | \$2,925 |
| A.1710.----.1 | Personal Services - Insurance Administration | \$4,898 |
| A.1985.----.4 | Contractual - Municipal Sales Tax | \$973,557 |
| A.1989.----.5 | Fixed Contractual - Tax Rolls Maint & Process | \$356 |
| A.2960.TRAN.4 | Contractual - Ed: Handicapped Children (Preschool) | \$31,920 |
| A.3010.----.2 | Equipment - Emergency Services | \$5,650 |
| A.3010.----.5 | Fixed Contractual - Emergency Services | \$1,997 |
| A.3020.DISP.5 | Fixed Contractual - Public Safety Communications | \$815 |
| A.3020.E911.5 | Fixed Contractual - Public Safety Communications | \$432 |
| A.3020.IECG.5 | Fixed Contractual - Public Safety Communications | \$4 |
| A.3020.TECH.1 | Personal Services - Public Safety Communications | \$862 |
| A.3020.TECH.5 | Fixed Contractual - Public Safety Communications | \$145 |
| A.3110.----.2 | Equipment - Sheriff | \$36,098 |
| A.3110.----.5 | Fixed Contractual - Sheriff | \$37,622 |
| A.3110.3114.5 | Fixed Contractual - Pistol Permit | \$58 |
| A.3110.3118.5 | Fixed Contractual - Criminal Investigation - Juvenile | \$1,329 |
| A.3110.3118.5 | Fixed Contractual - Criminal Investigation - Juvenile | \$426 |
| A.3140.----.4 | Contractual - Probation | \$19,958 |
| A.3150.----.1 | Personal Services - Jail | \$139,435 |
| A.3150.----.4 | Contractual - Jail | \$32,346 |
| A.3150.----.5 | Fixed Contractual - Jail | \$24,098 |
| A.3189.3111.5 | Fixed Contractual - Navigation | \$359 |
| A.3189.3112.5 | Fixed Contractual - Snowmobile | \$457 |
| A.3189.3112.8 | Employee Benefits - Snowmobile | \$11,550 |
| A.3189.MEDI.1 | Personal Services - Medi-Vac | \$78,705 |
| A.3315.----.1 | Personal Services - Stop DWI | \$15,774 |
| A.3315.----.4 | Contractual - Stop DWI | \$54,953 |
| A.3315.VICT.4 | Contractual - Victim Impact Panel | \$699 |

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| A.3625.----.1 | Personal Services - Technical Rescue | \$205 |
| A.3640.----.1 | Personal Services - Hazardous Materials | \$205 |
| A.3640.----.2 | Equipment - Hazardous Materials | \$95 |
| A.3640.----.4 | Contractual - Hazardous Materials | \$9,781 |
| A.3989.----.1 | Personal Services - Emergency Medical Service | \$1,500 |
| A.4010.----.8 | Employee Benefits - Public Health Admin | \$81,746 |
| A.4010.NURS.1 | Personal Services - Nursing | \$75,106 |
| A.4010.NURS.2 | Equipment - Nursing | \$3,600 |
| A.4059.----.1 | Personal Services - Early Intervention Program | \$17,595 |
| A.4059.----.4 | Contractual - Early Intervention Program | \$128,966 |
| A.4059.----.8 | Employee Benefits - Early Intervention Program | \$7,514 |
| A.4310.----.8 | Employee Benefits - Mental Hygiene | \$22,013 |
| A.4322.----.4 | Contractual - Mental Hygiene | \$1,052 |
| A.5610.5610.5 | Fixed Contractual - Jamestown Airport | \$3,518 |
| A.5630.5625.5 | Fixed Contractual - Chautauqua Area Rural Transit System | \$120,923 |
| A.5630.5631.4 | Contractual - SUNY | \$15,919 |
| A.5630.MED.4 | Contractual - CARTS - Medicaid | \$346 |
| A.6102.----.4 | Contractual - Medial Assistance - MMIS | \$26,540 |
| A.6109.----.4 | Contractual - Family Assistance | \$1,120,976 |
| A.6140.----.4 | Contractual - Safety Net | \$1,844,388 |
| A.6420.GJG.4 | Contractual - Green Jobs Green New York | \$7,500 |
| A.6510.----.5 | Fixed Contractual - Veteran Service Agency | \$4,106 |
| A.6510.----.8 | Employee Benefits - Veteran Service Agency | \$274 |
| A.6772.----.5 | Fixed Contractual - Office for the Aging | \$1,242 |
| A.7110.----.1 | Personal Services - Parks | \$7,301 |
| A.7110.----.5 | Fixed Contractual - Parks | \$121 |
| A.7510.----.5 | Fixed Contractual - Historian | \$511 |
| A.8020.----.1 | Personal Services - Planning | \$1,896 |
| A.8020.----.5 | Fixed Contractual - Planning | \$1,168 |
| A.8020.----.8 | Employee Benefits - Planning | \$5,706 |
| CS.1710.----.1 | Personal Services - Liability & Casualty Insurance Admin | \$622 |
| CS.1710.----.8 | Employee Benefits - Liability & Casualty Insurance Admin | \$45 |
| CS.1930.----.4 | Contractual - L & C - Judgments & Claims | \$8,310 |
| D.5010.----.5 | Fixed Contractual - Public Facilities Administration | \$659 |
| D.5110.----.1 | Personal Services - Maintenance of Roads | \$130,115 |
| D.5110.----.4 | Contractual - Maintenance of Roads | \$200,685 |

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| D.5110.----.5 | Fixed Contractual - Maintenance of Roads | \$609 |
| D.5110.----.8 | Employee Benefits - Maintenance of Roads | \$67,957 |
| DM.5130.----.2 | Equipment - Road Machinery | \$260 |
| DM.5130.----.4 | Contractual - Road Machinery | \$168,184 |
| DM.5130.----.5 | Fixed Contractual - Road Machinery | \$1,738 |
| EE.8410.075.4 | Contractual - Electric Generation - Electric Plant Infrastructure | \$800,000 |
| EE.8410.----.1 | Personal Services - Electric Generation | \$1,000 |
| EE.8410.----.8 | Personal Services - Electric Generation | \$600 |
| EH.4530.----.3 | Depreciable Equipment - County Home Fiscal | \$50,000 |
| EH.4530.----.5 | Fixed Contractual - County Home Administration | \$50,000 |
| EL.8160.1000.2 | Equipment - Environment - Landfill | \$3,400 |
| EL.8160.6000.1 | Personal Services - Environment - Closed Landfills | \$1,100 |
| EL.8160.6000.4 | Contractual - Environment - Closed Landfills | \$3,300 |
| EL.8160.6000.8 | Employee Benefits - Environment - Closed Landfills | \$700 |
| ESN.8110.8112.1 | Personal Services - NCLSD - Administration | \$23 |
| ESN.8110.8112.4 | Contractual - NCLSD - Administration | \$4,486 |
| ESN.8110.8112.5 | Fixed Contractual - NCLSD - Administration | \$7,588 |
| ESN.8120.8122.1 | Personal Services - NCLSD - Sanitary Sewers | \$1,163 |
| ESN.8120.8122.4 | Contractual - NCLSD - Sanitary Sewers | \$5,663 |
| ESN.8130.8132.1 | Personal Services - NCLSD - Sewage Treatment | \$73 |
| ESN.8130.8132.5 | Fixed Contractual - NCLSD - Sewage Treatment | \$202 |
| ESN.9730.9732.7 | Interest - NCLSD - Debt Service | \$54,975 |
| ESP.8110.8114.4 | Contractual - PPDS - Administration | \$2,076 |
| ESP.8110.8114.5 | Fixed Contractual - PPDS - Administration | \$303 |
| ESP.8120.8124.4 | Contractual - PPDS - Sanitary Sewers | \$45,785 |
| ESS.8110.----.1 | Personal Services - S&CCLSD - ADMINISTRATION | \$1,681 |
| ESS.8110.----.5 | Fixed Contractual - S&CCLSD - ADMINISTRATION | \$5,312 |
| ESS.8120.----.5 | Fixed Contractual - S&CCLSD - SANITARY SEWERS | \$3 |
| ESS.8130.----.5 | Fixed Contractual - S&CCLSD - SEWAGE TREATMENT | \$191 |
| EW.8120.----.4 | Contractual - Sanitary Sewers | \$253 |
| EW.8130.----.5 | Fixed Contractual - North County Industrial Water Dist #1 | \$639 |
| H.3110.511.4 | Contractual - Helicopter Equipment & Repair | \$50,000 |
| M.1930.----.4 | Contractual - Health Insurance Judgments & Claims | \$35,760 |
| M.1930.----.8 | Employee Benefits - Health Insurance Judgments & Claims | \$2,429 |
| Total | | \$7,259,331 |

DECREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--|----------|
| A.1010.----.1 | Personal Services - Legislative Board | \$934 |
| A.1010.----.5 | Fixed Contractual - Legislative Board | \$1,264 |
| A.1040.----.1 | Personal Services - Clerk, Legislative Board | \$1,206 |
| A.1040.----.4 | Contractual - Clerk, Legislative Board | \$260 |
| A.1040.----.5 | Fixed Contractual - Clerk, Legislative Board | \$2,588 |
| A.1040.----.8 | Employee Benefits - Clerk, Legislative Board | \$1,303 |
| A.1162.1110.4 | Contractual - Court Officers | \$4 |
| A.1165.----.8 | Employee Benefits - District Attorney | \$31,163 |
| A.1170.----.1 | Personal Services - Public Defender | \$27,152 |
| A.1185.----.1 | Personal Services - Medical Examiners & Coroners | \$2,709 |
| A.1185.----.8 | Employee Benefits - Medical Examiners & Coroners | \$3,302 |
| A.1230.----.8 | Employee Benefits - County Executive | \$574 |
| A.1330.----.2 | Equipment - Real Property Tax | \$754 |
| A.1364.----.4 | Contractual - Exp: Prop Acquired for Tax | \$500 |
| A.1410.----.5 | Fixed Contractual - County Clerk | \$5,361 |
| A.1410.1411.4 | Contractual - Motor Vehicles | \$1,119 |
| A.1440.----.3 | Depreciable Equipment - Engineers | \$24 |
| A.1450.----.4 | Contractual - Board of Elections | \$20,057 |
| A.1450.----.5 | Fixed Contractual - Board of Elections | \$3,575 |
| A.1460.----.3 | Depreciable Equipment - Records Management | \$3,124 |
| A.1610.----.4 | Contractual - Office Services | \$87,326 |
| A.1620.5020.5 | Fixed Contractual - B & G - Hall R Clothier Building | \$2,468 |
| A.1620.5030.5 | Fixed Contractual - B & G - Court House | \$1,300 |
| A.1620.5040.4 | Contractual - B & G - Palmer Building | \$8,933 |
| A.1620.5040.5 | Fixed Contractual - Buildings & Grounds - Palmer Bldg. | \$104 |
| A.1620.5050.4 | Contractual - B & G - Ice Cream Shop | \$1,384 |
| A.1620.5050.5 | Fixed Contractual - B & G - Ice Cream Shop | \$20 |
| A.1620.5060.5 | Fixed Contractual - B & G - Gerace Office Building | \$2,842 |
| A.1620.5070.5 | Fixed Contractual - B & G - Mayville Municipal Building | \$1,461 |
| A.1620.5080.4 | Contractual - B & G - Jail Addition | \$20,378 |
| A.1620.6050.4 | Contractual - B & G - D&F Plaza | \$3,862 |
| A.1620.6050.5 | Fixed Contractual - B & G - D&F Plaza | \$187 |
| A.1620.7010.5 | Fixed Contractual - B & G - South County Office Building | \$2,271 |
| A.1620.7020.4 | Contractual - B & G - Jamestown City Hall | \$100 |
| A.1620.7020.5 | Fixed Contractual - B & G - Jamestown City Hall | \$374 |
| A.1620.7040.5 | Fixed Contractual - B & G - Harrison Street | \$67 |

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| A.1620.8060.4 | Contractual - B & G - Ag Center | \$19,685 |
| A.1620.8060.5 | Fixed Contractual - B & G - Ag Center | \$522 |
| A.1650.----.1 | Personal Services - Communications System | \$16,592 |
| A.1650.----.8 | Employee Benefits - Communications System | \$13,193 |
| A.1670.----.1 | Personal Services - Print Shop | \$3,427 |
| A.1680.----.1 | Personal Services - Information Technology | \$15,307 |
| A.1680.----.3 | Depreciable Equipment - Information Technology | \$32 |
| A.1680.----.4 | Contractual - Information Technology | \$14,834 |
| A.1680.----.5 | Fixed Contractual - Information Technology | \$4,834 |
| A.1710.----.4 | Contractual - Insurance Administration | \$4,898 |
| A.1989.----.4 | Contractual - Tax Rolls Maintenance & Processing | \$358 |
| A.2960.TUIT.4 | Contractual - Ed: Handicapped Children (Preschool) | \$160,886 |
| A.3010.----.4 | Contractual - Emergency Services | \$7,647 |
| A.3020.DISP.4 | Contractual - Public Safety Communications | \$815 |
| A.3020.E911.4 | Contractual - Public Safety Communications | \$432 |
| A.3020.IECG.4 | Contractual - Public Safety Communications | \$4 |
| A.3020.TECH.4 | Contractual - Public Safety Communications | \$145 |
| A.3020.TECH.8 | Employee Benefits - Public Safety Communications | \$862 |
| A.3110.----.4 | Contractual - Sheriff | \$75,049 |
| A.3110.3114.4 | Contractual - Pistol Permit | \$58 |
| A.3110.3118.1 | Personal Services - Criminal Investigation - Juvenile | \$426 |
| A.3140.----.1 | Personal Services - Probation | \$19,958 |
| A.3150.----.8 | Employee Benefits - Jail | \$195,879 |
| A.3189.3111.1 | Personal Services - Navigation | \$359 |
| A.3189.3111.8 | Employee Benefits - Navigation | \$11,550 |
| A.3189.3112.1 | Personal Services - Snowmobile | \$457 |
| A.3189.MEDI.5 | Fixed Contractual - Medi-Vac | \$78,705 |
| A.3315.VICT.4 | Contractual - Stop DWI | \$699 |
| A.3989.----.4 | Contractual - Emergency Medical Service | \$11,786 |
| A.4010.----.1 | Personal Services - Public Health Administration | \$60,151 |
| A.4010.----.3 | Depreciable Equipment - Public Health Administration | \$3,287 |
| A.4010.----.4 | Contractual - Public Health Administration | \$14,082 |
| A.4010.----.5 | Fixed Contractual - Public Health Administration | \$6,619 |
| A.4010.NURS.5 | Fixed Contractual - Nursing | \$15,330 |
| A.4010.NURS.8 | Employee Benefits - Nursing | \$58,736 |
| A.4035.----.1 | Personal Services - Family Health/Planning Services | \$20,000 |
| A.4035.----.8 | Employee Benefits - Family Health/Planning Services | \$7,356 |
| A.4320.----.4 | Contractual - Mental Hygiene | \$1,052 |

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| A.4320.----.8 | Employee Benefits - Mental Hygiene | \$22,013 |
| A.5610.5610.4 | Contractual - Jamestown Airport | \$3,518 |
| A.5630.5625.1 | Personal Services - Chautauqua Area Rural Transit System | \$120,922 |
| A.5630.MED.5 | Fixed Contractual - CARTS - Medicaid | \$346 |
| A.6010.----.1 | Personal Services - Social Services Administration | \$652,280 |
| A.6010.----.4 | Contractual - Social Services Administration | \$1,537,126 |
| A.6010.----.5 | Fixed Contractual - Social Services Administration | \$187,500 |
| A.6010.----.8 | Employee Benefits - Social Services Administration | \$553,960 |
| A.6055.----.4 | Contractual - Day Care | \$61,038 |
| A.6420.GJG.1 | Personal Services - Green Jobs Green New York | \$4,388 |
| A.6420.GJG.8 | Employee Benefits - Green Jobs Green New York | \$3,112 |
| A.6510.----.4 | Contractual - Veteran Service Agency | \$4,380 |
| A.7110.----.4 | Contractual - Parks | \$7,422 |
| A.7510.----.8 | Employee Benefits - Historian | \$511 |
| A.8020.GIS.1 | Personal Services - Geographical Information System | \$688 |
| A.8020.GIS.4 | Contractual - Geographical Information System | \$1,226 |
| A.8020.GIS.5 | Fixed Contractual - Geographical Information System | \$1,151 |
| A.8020.GIS.8 | Employee Benefits - Geographical Information System | \$5,705 |
| CS.1710.----.4 | Contractual - Liability & Casualty Insurance Admin | \$8,977 |
| D.5010.----.3 | Depreciable Equipment - Public Facilities Administration | \$659 |
| D.5142.----.1 | Personal Services - Snow Removal - Co Roads | \$282,150 |
| D.5142.----.4 | Contractual - Snow Removal - Co Roads | \$117,216 |
| DM.5130.----.1 | Personal Services - Road Machinery | \$23,863 |
| DM.5130.----.8 | Employee Benefits - Road Machinery | \$29,591 |
| EE.8410.----.4 | Contractual - Electric Generation | \$1,600 |
| EL.8160.10004 | Contractual - Environment - Landfill | \$8,500 |
| ESN.8110.8112.8 | Employee Benefits - NCLSD - Administration | \$6,023 |
| ESN.8120.8122.4 | Contractual - NCLSD - Sanitary Sewers | \$1,607 |
| ESN.8120.8122.8 | Employee Benefits - NCLSD - Sanitary Sewers | \$847 |
| ESN.8130.8132.4 | Contractual - NCLSD - Sewage Treatment | \$10,395 |
| ESN.8130.8132.5 | Fixed Contractual - NCLSD - Sewage Treatment | \$2,015 |
| ESN.8130.8132.8 | Employee Benefits - NCLSD - Sewage Treatment | \$726 |
| ESN.9730.9732.6 | Principal - NCLSD - Debt Service | \$50,400 |
| ESP.8130.8134.4 | Contractual - PPDS - Sewage Treatment | \$22,248 |
| ESP.8130.9734.6 | Principal - PPDS - Debt Service | \$5,865 |
| ESS.8110.----.4 | Contractual - S&CCLSD - Administration | \$6,993 |
| ESS.8120.----.2 | Equipment - S&CCLSD - Sanitary Sewers | \$3 |

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| ESS.8130.----.2 | Equipment - S&CCLSD - Sewage Treatment | \$191 |
| EW.8310.----.4 | Contractual - North County Industrial Water Dist #1 | \$892 |
| M.1930.----.4 | Contractual - Health Insurance Judgments & Claims | \$38,189 |
| | | \$4,872,298 |

INCREASE REVENUE ACCOUNTS:

| | | |
|------------------------|--|-------------|
| A.1620.----.R266.0000 | Sale of Property/Compens - Sale of Real Property | \$2,053 |
| A.1620.----.R270.1000 | Miscellaneous - Refunds: Prior Yr Exp | \$1,252 |
| A.1620.6070.R241.0CHA | Use of Property & Money - Chadwick Bay | \$6,628 |
| A.5630.5631.R178.9000 | Departmental Income - Oth Transportation Inc | \$9,256 |
| A.5630.5631.R358.9000 | NYS Aid - Transportation | \$6,664 |
| A.6772.----.R270.5000 | Miscellaneous - Gifts & Donations | \$1,242 |
| A.1985.----.R111.0MUN | Sales Taxes - Sales Tax-Muni Make Whole | \$973,557 |
| A.1310.9999.R111.0000 | Sales Tax - Sales Tax | \$226,715 |
| DM.5190.9999.R240.1000 | Use of Money & Property - Interest & Earnings | \$116,728 |
| EE.8410.075.R571.0000 | Proceeds L/T Obligation - Serial Bonds | \$800,000 |
| H.3110.511.R266.5001 | Sale of Property/Compens - SALE OF EQUIP: H62871 | \$50,000 |
| | | \$2,194,095 |

DECREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|-----------------|---|-----------|
| EH.4530.45830.4 | Contractual - EH - Heat Recovery System | \$100,000 |
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Signed: Runkle, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – February 22, 2012

RES. NO. 51-12

Refunding Bond Resolution Dated February 22, 2012

A Resolution Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Chautauqua, New York, to be Designated Substantially "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

By Audit & Control Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua, New York (hereinafter, the "County") heretofore issued \$14,500,000 Public Improvement (Serial) Bonds, 2004 Series B, pursuant to a certain bond resolution dated June 23, 2004, authorizing not exceeding \$14,500,000 serial bonds for the construction of various Chautauqua County jail building additions and renovations, and a bond determinations certificate of the Director of Finance dated December 15, 2004 (hereinafter referred to as the "Refunded Bond Certificate"), such Public Improvement (Serial) Bonds, 2004 Series B, now

outstanding in the amount of \$11,890,000, maturing on December 15 annually in each of the years 2012 to 2029, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the \$11,890,000 outstanding principal balance of the Refunded Bonds maturing in the years 2012 to 2029, both inclusive (the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. For the object or purpose of refunding the \$11,890,000 outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium payable with respect to the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$13,530,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Public Improvement Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$13,530,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The County Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-12 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Director of Finance pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller. It is hereby further determined that such Refunding Bonds may be issued pursuant to Section 90.00 of the Local Finance Law in the event that the amount of Refunding Bonds to be issued does not exceed the maximum permissible thereby at the time of the sale thereof.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Director of Finance shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the Director of Finance.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Director of Finance providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Director of Finance as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

The Director of Finance, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Director of Finance is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the

provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the Director of Finance, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the object or purpose for which such Refunded Bonds were issued is twenty-five years;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$13,530,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Director of Finance is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters

related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Director of Finance; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Director of Finance shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the County Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Director of Finance is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Director of Finance shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each of the Refunded Bonds which the Director of Finance shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this

paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Jefferies & Company (the "Underwriter") for purchase prices to be determined by the Director of Finance, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Director of Finance, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Director of Finance to the Underwriter in accordance with said purchase contract upon the receipt by the County of said the purchase price, including accrued interest.

Section 11. The Director of Finance and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Director of Finance and all powers in connection thereof are hereby delegated to the Director of Finance.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the County Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Signed: Runkle, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – R/C Vote: 22 Yes; 3 Absent – February 22, 2012

2nd Privilege of the Floor

Susan Baldwin, Villenova, I am again, harping about the County Home. I had an opportunity to attend the ad hoc committee meeting last week and what they had brought up was some very important information about the budget from the County Home. From 2002, it's a real easy document and I happen to have, if anybody is interested in it, I have enough copies for everyone here. In 2002, the bottom line, the total fund equity for the County Home was \$7,297,610. It continued to be \$5 million dollars. In 2005, they did go down but it was most likely some reconstruction or something but then they still had more than \$400,000 ahead in 2005. It continued to grow. More than a million and a half in 2006. In 2008 it was \$4,738,036. It went up \$6,993,686 in 2009 and in 2010 there was an over amount, total fund equity of \$5,205,144. That money went nowhere for 2010. It's

not here. It's not in her budget at all. She didn't put it there and so there we find for 2010 year to date actual amount, she has the interest for that money but she doesn't have it there. So then the bottom line looks like there is minus \$3 million dollars when in fact there is over that. Then she's estimated a half a million dollars less in income than the previous year and that kind of doesn't seem – for 2012, that is, it hasn't arrived yet and she has already decided that it is not happening. She has also added almost a million dollars to the retiree's fund. A million dollars, for retirees? Come on. This is over the \$5 million they've already added to it. Then they've added another million on to it and projected incomes. So, there is a lot of things here, discrepancies that I would like you guys to really take a look at. It's really important, it's right here, it's not too hard. A \$3 dollar calculator will figure it out for you. You don't have to be a CPA. You can do it and you'll find out that in fact, the County Home was making money right along. Making money. Then you go and say well, we have to find a way to make more. Well, good and they will, they will get right at it. But, we already are ahead. So you really need to think about that. If anybody wants one, like I said, I copied all of these and I have them for you. Thank you.

Rose Conti, President of CSEA, Unit 6300. As you can see we wanted to change things up a little bit this evening. I came because I wanted to thank the Legislature for forming the Ad Hoc Committee. I think that it is a very positive thing that you are doing. We're slowing down, we're taking a look at what is really going on. We're giving ourselves time to take a look and to see if there isn't something that we can do and we slowed down the pace of the rush to sell. I think that is a very positive move. I was also glad to hear at the first Ad Hoc Committee meeting that it was made very clear that the County Home is not costing the taxpayers \$10,000 a day. People misunderstand what they hear when they hear it is losing \$10,000 a day. They think that somehow every day the taxpayers are adding an additional \$10,000 to make it stay open so I was glad that was one of the first things that was cleared up at that committee. I was very grateful to hear that. I was also grateful to hear that the Ad Hoc Committee plans on having their own times lines. What is it going to take for us to get the information we need, how long will that take and how long will it take to process it? It's again, it's that taking the time to do the right thing and I think that is very important. So, believe it or not this positive attitude got me thinking about positive. I know, that scares you guys right? But I got to thinking maybe we need to start all becoming more positive in the way that we talk about ourselves, in the way that we communicate. So I got to thinking of some examples and that maybe instead of saying that DSS takes away our tax money and it gives it to everybody for grants and food stamps and Medicaid and start reminding everyone that they also watch dog their money. That part of their job is to protect their tax dollars and maybe start talking about the parts of DSS that are positive, like the Support Collection Unit that makes sure that no absentee parents are not making payments and taxpayers making them. That is a very positive thing that Department does and we forget to say something positive about it. So then I got to thinking about is how we complain about our clinics and what the clinics do and how they give away immunizations and they give away birth control and maybe we should talk about how they prevent illness and how they educate the youth and how they prevent further problems. Again, take a positive look at what they are doing, not a negative look. Then I was thinking about Probation. We forget about what they do when they get involved in youth, they take them and divert them away from the court system and they work very hard to try and turn these kids around before it's too late. That is a positive thing. Ask the police department if that is not a positive thing, ask the tax dollars and the taxpayers if that is not a positive thing that County employees do for the taxpayers of this County. I also thought that we should be grateful for our DMV people. I know that if we have three people ahead of us in line we all go oh my gosh, we have to wait but if you go anywhere else and take a look at the lines you would come home and appreciate the people that we have here. People from Erie County actually come to our County because they would rather drive here and go through our lines because it is faster than being in their own County. I think that it says something positive about the way people operate and work in Chautauqua County. CSEA has a motto that we try and tell everybody now and it says, that you stand up tall, you look people straight in the face, you tell them who you are, you tell them what you do for them, you tell them why you are important and you tell them what would happen if they weren't here. I think that it is time that we all start doing that same thing. Thank you.

MOVED by Legislator Borrello, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. 7:56 p.m.

Regular Meeting
Chautauqua County Legislature
Wednesday, March 28, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Jankowski announced a quorum present.

Legislator Hemmer delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Croscut the minutes were approved.

1st Privilege of the Floor

Greg Edwards, County Executive, Garfield Road, Jamestown. Mr. Chairman if I may, just three items of interest. I will begin with something that I am very happy to recognize. It's on your agenda tonight and that is for your review of my recommendation that you affirm the hiring of Susan Marsh as our Finance Director. Susan has taken time of from a much deserved vacation and a brief break between her work with Cott and coming to work for us, to be here this evening. So, I would like to recognize Susan and ask you to join me in welcoming her prior to your conversation. (Applaud)

There are also two matters on the agenda tonight that I would like to speak just briefly to. The first is the motion to consider an increase in our sales tax. As many of you know and have communicated from our State Senator, there are bills before the State for their review with regards to sales tax. One specifically authorizing counties to have authorization at the local level to have a sales tax up to 4%. She has indicated to many, myself included, that this has a potential of being reviewed and brought to further consideration by the State within the next 30 days. With that being true, I would recommend that you consider potentially tabling the resolution that is before you tonight and I would ask that you take that under consideration as that matter comes before you.

The last thing is the Roswell Park motion. This is something that is of interest, I believe, to all of us. It is of particular interest to me having a very close friend and mentor of mine, have to go through 65 chemotherapy treatments that were at WCA but under the direction of Roswell and the professionals there. His wife and he both agree that one of the two of them would have died if they would have had to travel beyond this local area to obtain those treatments. Having met with the folks at Roswell, recognizing the thousands of people that work there, the significant research work and work towards a cure that takes place right here in Western New York. I would ask that you consider approving that motion in the largest number that is going to support it so we can join the other Western New York communities here and speaking clearly that Roswell is important to us. I will give you a little bit of encouragement. It appears if the rest of the Legislature approves the Governor has softened some of his positions with regards to the immediacy of Roswell having to have their support from the State level significantly reduced. I think this motion would add to the pressure that is out there right now for the Legislature to join in and I thank you for your time.

Chairman Gould: Is there anyone else to speak?

Mr. Vince DeJoy, I live at 321 Baker Street, Jamestown. I am a member of the Jamestown City Council and I am the Chair of the Finance Committee. I am glad that the County Executive has decided to table the motion to increase the sales tax. Although, I will assume that in one way or another it will rear its head again, depending on what Albany does. But, the one thing that I would like to address is some of the language that was in the resolution which I hold some contempt with. In the fact that part of the resolution states where both the County's cumulative reduction in sales tax revenues of \$68.7 million since 2006 and the County's obligation to "hold harmless" the cities, towns, and villages from the impact of the sales tax exemption from residential energy (\$2.1 million annually)

can no longer be absorbed without substantial unacceptable County property tax increases. Ladies and gentleman, hold harmless is a fallacy. What they are attempting to do is change the distribution formula that was set up by Mr. Parment bringing it to the State, agreeing to bring an increase to the State. Whereas any amount over 7%, there would be 30% share to the municipalities. So, hold harmless is a fallacy and some of the language that was used in the recent Administrative Services meeting, for which I have the minutes, is alarming to me and troubling. I am going to quote part of the minutes where the County Executive speaking. "So, if this legislation were to pass of the gifting of dollar to the towns, villages, and cities from which we no longer receive would end, then the towns, villages and cities would have to operate under the same guidelines that existed every year since the sales tax was imposed in Chautauqua County residential energy or the sales tax and residential energy. So that would be something that they would no longer be receiving from the County." There again, what's basically changed here is the distribution formula and the County isn't taking money out of their general fund to do this. I just believe that is misleading and disingenuous. I think the Post Journal wholeheartedly agreed with that assessment on May 1, 2011. In their editorial they said and I quote the Post Journal from that editorial, "is Chautauqua County Executive Gregory Edwards purposely repeating what he knows to be not true or is he so ill informed he does not know what is going on. He has for months been saying that the County is forced to pay \$2 million dollars from its general fund to local municipalities under a deal dating to 2007 when the County eliminated its tax on home heating fuel." I think the Post Journal and most the other towns and villages can see through this.

Just want to also bring up another point that was made in Administrative Services meeting where Legislator Cornell asked, "Can you explain how you view it as money that you are collecting and passing along to municipalities, their State entitled 30% share?" And I can't believe the response that Chairman Barmore of the Committee made. " May I answer that Mr. Edwards? This is his quote. You and I are brother and sister, speaking to Legislator Cornell, and our grandmother has been giving us \$20.00 each for Christmas for as long as we've been alive. This year, Grandma says, she isn't going to give us \$20 anymore but she says to me, I want you to give Lori \$20 so that she continues to receive it. So I not only don't get the \$20 from Grandma, I have to pull from my wallet to give you the \$20 that you have always received from the past even though I am not receiving anything anymore." This sounds like that whole (*inaudible*) argument that is trying to be passed in the Supreme Court for health care reform. It just doesn't hold. You are not taking money out. You are still getting it an increased amount of sales tax revenue and you still get that 70% share. Why would you want to take that 30% share and put the burden on the municipalities, the cities, the towns, and the villages? I just don't understand that thinking.

I want to lastly close by again quoting the Post Journal in that May 1, 2011 editorial. "And denying that revenue sharing money comes from extra sales tax the County collects. Edwards has constructed a while argument worthy of a slick defense lawyer representing a guilty defendant. We don't know whether he thinks the rest of us will stupidly believe him if he repeats it often enough or he really does not understand. Either way the people of Chautauqua County deserve and desperately need better from their government." To that, I say amen because I think this whole argument of hold harmless has been misleading and I believe that it needs to stop. Thank you.

COMMENDATIONS:

CHAUTAUQUA COUNTY CORONERS
 WARREN RILES
 JOHN SIXBEY
 RICHARD MACKOWIAK
 JAMES JACKSON
 &
 PAST CORONERS:
 MIKE NIELSEN & DANIEL NEWMAN
 BY LEGISLATOR ROBERT DUFF

COMMENDATION:

PJ WENDEL
 POST JOURNAL WRESTLING COACH OF THE YEAR
 BY LEGISLATOR BARMORE

COMMUNICATIONS:

1. Letters (6) – County Executive – Re: Appts. & Re-Appts: Chaut. Opportunities, Aging Advisory, Southern Tier Ext. RR Authority, NYS Fish & Wildlife Mangmt., Chaut. County Soil & Water Conservation Dist. Bd., Chaut. County Youth Bd.
 2. Letter – County Executive – Re: Response to County Home Questions
 3. To the Point Newsletter – Cornell Co-op. Extension – Re: WIC (In boxes)
 4. 2012 Monthly Budget Performance Report
 5. Minutes – Chaut. Co. Soil & Water Conserv. District – February/2012
 6. Quarterly Report – NYS Small Business Developmt. Center – 10/1 – 12/31/11
 7. Annual Report – NYS Small Business Developmt. Center – 1/1 – 12/31/11
 8. Letter – NYS Ag & Markets – Anniversary of Ag. District 1
 9. Highlights – Fish & Wildlife Monthly – 12/15/11-1/15/12
 10. Res. – Essex County Bd. of Supervisors – Re: Mandate Relief to NYS
 11. Res. – Allegany Co. Bd. of Supervisors – Re: Funding, Completion, and Designation of Daniel Patrick Moynihan Interstate Highway86
 12. NYSAC – Official Resolutions Adopted in February
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Legislator Himelein: I would like to have communication number two read please into the record.

Legislator Whitney: Is it possible to read the original letter so the public has reference to what the answers are? I don't believe that is part of the –

Chairman Gould: We read it last month. We'll read this one first and then that one again, if you would like it that way.

Legislator Whitney: So they have reference to what we are talking about, what the answers are.

Chairman Gould: The one that you want read, is not on the agenda, so will read this one and if you want the one read again from last month, we'll do it again.

Legislator Whitney: Thank you.

Clerk Jankowski: Communication number two is addressed to Lori Cornell, Minority Leader, Chautauqua County Legislature and Robert Whitney, Assistant Minority Leader, Chautauqua County Legislature, dated March 9, 2012.

Legislators Cornell and Whitney:
 Attached please find my response to your request of February 16, 2012 regarding the efforts by my administration after receiving the recommendations of the Chautauqua County Home Legislature Review Subcommittee.

I believe that the following responses addressed all of the issues in your correspondence. I have also provided a copy of this letter and attachment to the Clerk of the Legislature and the media, as they were also provided with a copy of your initial correspondence. Yours truly, Gregory Edwards, Chautauqua County Executive.

The set of up the letter is, I'll be reading the original and the County Executive response that he has inserted in the original letter. He begins with:

Dear Legislators:

In response to your request dated February 16, 2012, I have reviewed the actions taken in response to the Legislature's review committee recommendations.

- **Enhance the review process of the Minimum Data Set (MDS) assessments to ensure that all clinical data is effectively captured in order to optimize Medicare reimbursement.**

Response:

Modifications have been completed to reassign categories of MDS. Mark Robbins and Karen Zobel completed special training at an MDS Institute. Karen Zobel reviews each MDS to assure maximum reimbursement. Additionally, extensive training of all professional nursing and ancillary staff has been provided through a series of educational webinars relating to the changes in the MDS, the RUGS reimbursement system, and the financial implications of the reported data.

- **Change the model of the Chautauqua County Home (CCH) to include a larger number of inpatient Medicare rehab patients.**

The reality is that there are a fixed number of Medicare rehab patients in any market including Northern Chaut. Co. This total number drives the volume of procedures available. There is no way to change the base number, and rehab is a highly competitive field with numerous players all vying for this business. Further increasing numbers of patients increases the requirement for more employees and we already lose approximately \$100.00 per patient due to the impact of the salary, and benefits paid to the existing therapists as well as the work rules of the current contract. Increasing volume will likely result in increased losses.

- **Increase Medicare Part B reimbursement for physical therapy services rendered to Medicaid and private pay inpatients.**

Medicare Part B is again another area that has a fixed market volume as stated above. This area is primarily occupational and speech therapy and it is a miniscule portion of the CCH rehab volume. The reimbursement for Part B therapy during 2011 was \$23,846 PT, \$9,515 OT and \$16,382 Speech. The total revenue (\$49,743) represents approximately 11% of total therapy charges and less than .3% of revenue before IGT.

- **Establish an outpatient physical rehab program.**

The CCH analyzed this and confirmed that it was not feasible. Regulations would demand a separate entrance and exit just for the participants in this program. The construction of an entrance and elevator lift to access the rehab unit would create an expense the limited volume would never justify. Additionally, the expenses associated with the introduction of more procedures would have the same issues as the "model" change suggested above.

- **Enhance in-house physician services such as neurology, dermatology, urology, and mental health. This would save transportation and staff costs.**

The number of specialists in the medical field is again a market driven number. Every health care provider (including the 4 hospitals in Chaut. Co.) are struggling to maintain, much less expand the number of specialists in the Region. The situation was bad in 2008 and it has become even worse over the last 3 years. For example, There is one Neurologist in the County and he is located in Jamestown; the closest Dermatologist is in Irving; Chaut. Co. Mental Hygiene and at least two other

entities are trying to recruit Psychiatrists. It is a challenge to recruit psychiatrists to Chautauqua County due to both the rural location and the far lower salaries we are able to offer. For outpatient psychiatrists salaries are in the \$200,000 to \$220,000 range. Our starting salary is \$140-150,000. There is not enough volume to support specialists at CCH, and even if there were, the reimbursements would not support in-house services.

- **Consider reducing the number of full time positions through attrition and replacing them with part time employees where possible.**

Please refer to the CSEA contract, Taylor Law and PERB rulings.

- **Set up an endowment fund through the Chautauqua Region Foundations.**

The Auxiliary for the CCH was consulted when this was suggested and after consultation with the Exec. Dir. of NCCF there was no interest on the part of the Auxiliary.

- **Offer a spectrum of care to include assisted living alternatives and other in-home community options.**

Until recently, the State had frozen the CON process for this matter. Additionally, many Counties are getting out not into this business by trying to sell their CHHA's and other Nursing services. The CCH (as most County operated facilities) cannot cover their costs with the highest reimbursed procedures, these services are paid a lesser level of reimbursement.

- **Continued advocacy at the state and federal level for increased Medicare and Medicaid reimbursement rates that will cover operating and capital costs. Also, lobby NYS to find alternative funding sources for the IGT program to reduce the financial impact on county budgets.**

CCH has been doing this for many decades. CCH has belonged to and continues to participate in NYASSA, CFNY, and partners with County owned and privately owned long term care facilities across NYS for these and many other purposes.

- **Implement and continue to capitalize on opportunities for revenue and service enhancement programs such as Evercare's special needs long-term care Medicare plan.**

This was accomplished in August, 2009.

- **Initiate project to implement additional energy conservation measures as identified by the recent Comprehensive Energy Audit using NYSERDA incentives and with guaranteed cost savings by the ESCO (Energy Savings Company). Consider having a natural gas well on CCH property to reduce utility costs.***

BCS completed an energy audit in June, 2009. Many of the capital projects that the CCH has completed over the last 3 years are a direct result of this process and several others were submitted for completion in the Home's multi-year capital plan. Relative to the natural gas well drilled on the CCH property, the finance staff for the facility conducted extensive analysis and reviews of Medicaid reimbursement issues. 4 or 5 years ago then financial analyst Eric Torgerson reviewed multiple options, and engaged special consultants with expertise in the issues, and all of this was completed before any contracts were signed.

- **Have the administrator and/or finance director of the CCH present interim financial statements to the Audit & Control Committee on a quarterly basis. A quarterly performance report should also be presented to the Human Services Committee.**

Tim Hellwig, Administrator and Colleen Wright, Budget Director at the County Home attended and presented at Audit and Control meetings on 12/14/09, 5/20/10, 6/16/11 and 8/18/11. Monthly internal financial statements were submitted each month to the Audit & Control committee.

With regard to the report of Harmony Healthcare, like many "consultants" who offer to conduct surveys of facilities this firm conducted a review and then produced a report that was light on specifics, yet had a strong recommendation that for a substantial contract they could deliver additional savings opportunities. The on-site therapist who personally conducted the review gave very good verbal proposals to the CCH to improve the processes that were instituted by the CCH. However, the balance of the proposed written suggestions were not identified as being cost effective, given the need for substantial payments to the consultants. The primary suggestion of increasing the Medicare census for the Home was made, but the reality is CCH admits virtually all referrals for this service already. This is a competitive market and CCH has capitalized on the vast majority of available referrals. Additionally, the Medicare landscape has changed substantially. Part C is now over 50% of the HMO driven volume and the reimbursements have been reduced for this portion of the referrals. The software upgrades have been analyzed and proposed as a capital expense, but certainly must be considered closely given the upfront costs, versus the return and the current dynamics of the CCH. Very truly yours, Gregory Edwards.

On the back, he has also responded to an attachment that was with the original letter. The attachment was in regards to the gas well.

With regard to the gas well project, we understand that action was taken to contract with Chautauqua Mechanical, Inc. of Falconer, NY for the construction of a gas well at the Chautauqua County Home. While we applaud your proactive pursuit of this stated recommendation, we question whether you first explored the Medicaid reimbursement policy for such a venture before signing the contract for \$426,493 with Chautauqua Mechanical on June 15, 2011. As you address the status of each of the Subcommittee's recommendations as requested, we also appreciate your special attention to this question.

The response from County Executive Edwards reads as follows:

The status of the energy conservation measures recommended by BCS is as follows:

- 1) Boiler replacement completed in May, 2010.*
- 2) Heat recovery project was included in the facility's capital plan and scheduled for 2012, but is deferred by capital projects review committee pending decision on disposition of CCH.*
- 3) Chiller replacement was included in the facility's capital plan and scheduled for 2012, but is deferred by capital projects review committee pending decision on disposition of CCH.*
- 4) Lighting upgrades were included in the facility's capital plan and are scheduled for 2013.*
- 5) Water conservation measures were not pursued due to the minimal projected financial impact.*
- 6) Laundry Washer and Dryer replacements are planned for 2012.*
- 7) Replacement of motors with variable speed, improved efficiency motors were included in the facility's capital plan and scheduled for 2012, but are deferred by capital projects review committee pending decision on disposition of CCH.*
- 8) Pump VFD Controls were completed in 2010.*
- 9) Window treatment upgrades were not pursued due to the limited benefit of the projected expenditure.*
- 10) Roof Replacement with insulation upgrade was included in the facility's capital plan and is scheduled for 2013.*
- 11) Pneumatic valves were replaced in 2010.*
- 12) BCS software upgrade was determined not to be needed and was not pursued.*
- 13) Hot water heater for dishwasher was installed in 2010.*

- 14) *Steam Humidifier water preheating was determined not to be needed after repairs to the system were made.*
- 15) *Cogeneration/absorption chiller was determined not to be needed.*
- 16) *Garage ECMs were determined not to be needed, and manual controls remain in place.*
- 17) *Gas well was installed in 2011 and completion is deferred pending decision on disposition of CCH.*

The financial benefit of the completed improvements is difficult to assess individually. We clearly have reduced usage of natural gas and those costs are down significantly. I defer to Colleen on the amounts, but it would be difficult to determine how much of the cost reduction is related to the improved efficiencies as opposed to the reduced cost of natural gas.

Chairman Gould: Thank you very much. Mr. Whitney, do you want your original letter still read?

Legislator Whitney: Yes, if I could Mr. Chairman.

Clerk Jankowski: The original letter was dated February 16, 2012, addressed to County Executive Greg Edwards, Gerace Office Building, Mayville, N.Y. 14757.

Dear Mr. Edwards:

As we assess the financial viability of the Chautauqua County Home, it is important for the County Legislature to understand all efforts undertaken by the Administration to strengthen its existence to date.

Specifically, in 2008, then Chairman Keith Ahlstrom authorized the formation of the Chautauqua County Home Legislature Review Subcommittee to conduct a review of the Home's operations and future sustainability. As you know, the subcommittee made up of five legislators from a cross-section of the county and political spectrum, recommended unanimously that the Home "remain open for many years to come and continue to provide and give excellent care to the residents of Chautauqua County." The subcommittee also reported, however, that to become more sustainable, the Administration should consider the following "opportunities for financial improvements" of the Home:

- Enhance the review process of the Minimum Data Set (MDS) assessments to ensure that all clinical data is effectively captured in order to optimize Medicare reimbursement.
- Change the model of the Chautauqua County Home (CCH) to include a larger number of inpatient Medicare rehab patients.
- Increase Medicare Part B reimbursement for physical therapy services rendered to Medicaid and private pay inpatients.
- Establish an outpatient physical rehab program.
- Enhance in-house physician services such as neurology, dermatology, urology, and mental health. This would save transportation and staff costs.
- Consider reducing the number of full time positions through attrition and replacing them with part time employees where possible.
- Set up an endowment fund through the Chautauqua Region Foundations.
- Offer a spectrum of care to include assisted living alternatives and other in-home community options.
- Continued advocacy at the state and federal level for increased Medicare and Medicaid reimbursement rates that will cover operating and capital costs. Also, lobby NYS to find alternative funding sources for the IGT program to reduce the financial impact on county budgets.
- Implement and continue to capitalize on opportunities for revenue and service enhancement programs such as Evercare's special needs long term care Medicare plan.

- Initiate project to implement additional energy conservation measures as identified by the recent Comprehensive Energy Audit using NYSERDA incentives and with guaranteed cost savings by the ESCO (Energy Savings Company). Consider having a natural gas well on CCH property to reduce utility costs.*
- Have the administrator and/or finance director of the CCH present interim financial statements to the Audit & Control Committee on a quarterly basis. A quarterly performance report should also be presented to the Human Services Committee.

As County Executive, you are responsible for executing these recommendations. As the Legislature, we are responsible for oversight. We therefore request, with ample time now passed, for a complete response as to how many of these recommendations you have directed your Administration to actively pursue and the status of each.

We make further note of the April 2011 report by Harmony Healthcare International, Inc. detailing several revenue-producing recommendations as well, particularly with regard to the Home's Rehabilitation Department. On page 13 of the report, the consultant writes that she was "struck by the tremendous opportunity at hand in this facility to move the therapy services from good to outstanding." And in a recent conversation between Legislator Lori Cornell and Harmony Healthcare's Elisa Bovee, the consultant openly stated with permission to quote her that "there is absolutely revenue sitting on the table...." We then again ask, what action since last April have you taken to pursue such an opportunity?

We appreciate your attention to this important matter. The lives of the residents we serve depend upon our careful consideration.

Sincerely, Lori Cornell, Minority Leader and Robert Whitney, Asst. Minority Leader, Chautauqua County Legislature. Please note attachment.

Attachment regarding the gas well. With regards to the gas well project we understand that action was taken to contract with Chautauqua Mechanical Inc. of Falconer, N.Y. for the construction of a gas well at the Chautauqua County Home. While we applaud your proactive pursuit of this stated recommendation, we question whether you first explored the Medicaid reimbursement policy for such a venture before signing the contract for \$426,493 with Chautauqua Mechanical on June 15, 2011. As you address the status of each of the Subcommittee's recommendations as requested, we also appreciate your special attention to this question.

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 02/22/12

MOTIONS: (On file w/ 3/28/12 Leg. Data)

- 3-12 Urging Governor Cuomo to Continue State Funding for Roswell Park Cancer Institute (RPCI) – Adopted w/ Legislators Ahlstrom, Cornell, Whitney voting "no"
- 4-12 Supporting Continued Cooperation between the State of New York, the City of Dunkirk, and NRG Energy Inc. to Prevent a Shutdown of the Dunkirk Power Plant – Unanimously Adopted

RES. NO. 52-12

Confirm Appointment – New York State Fish & Wildlife Management Board

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Fish and Wildlife Management Board.

Tom Erlandson
 26 Valley View Drive
 Frewsburg, N.Y. 14738
 Term Expires: 12/31/13

Legislative Representative
 Filling term of former Legstr. Doug Richmond

Signed: Himelein, Horrigan, Erlandson, DeJoe, Stewart

Unanimously Adopted – March 28, 2012

RES. NO. 53-12

Confirm Appointment – Chautauqua County Soil & Water Conservation District Board

By Public Facilities Committee:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Soil and Water Conservation District Board.

Robert Orr
 12037 Hanford Rd.
 Silver Creek, N.Y. 14136
 Term Expires: 3/31/15

Farm Bureau Representative
 Filling position held by Robert Thompson

Signed: Himelein, Horrigan, Erlandson, DeJoe, Stewart

Unanimously Adopted – March 28, 2012

RES. NO. 54-12

Confirm Appointment – Chautauqua County Visitors Bureau Board of Directors

By Planning & Economic Development Committee:
 At the Request of Chairman Jay Gould:

WHEREAS, per Resolution 66-84 there shall be two legislators named as voting members of the Chautauqua County Visitors Bureau Board of Directors; and

WHEREAS, the Chairman of the Legislature has submitted the following name for confirmation by the Legislature; now therefore be it

RESOLVED, That the following named individuals be appointed members of the CCVB Board of Directors.

Shaun Heenan
 89 Seel Acres
 Dunkirk, NY 14048

Vincent Horrigan
 225 Lakeside Drive
 Bemus Point, NY 14712

Signed: Croscut, Rogers, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 55-12

Confirm Re-Appointment – Chautauqua County Aging Advisory Board

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Chautauqua County Aging Advisory Council.

Elizabeth Turzillo
6 Alpine Drive
Silver Creek, N.Y. 14136
Term Expires: 3/31/14

Signed: Tarbrake, Horrigan, Hoyer, James, Hemmer

Unanimously Adopted – March 28, 2012

RES. NO. 56-12

Confirm Appointment – Chautauqua Opportunities, Inc.

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua Opportunities Governing Board.

| | |
|-------------------------|-------------------------|
| Vincent Horrigan | Replacing Doug Richmond |
| 225 Lakeside Drive | |
| Bemus Point, N.Y. 14712 | |
| Term Expires: 6/30/12 | |

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – March 28, 2012

RES. NO. 57-12

Confirm Appointment - Chautauqua County Youth Board

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Youth Board.

| | |
|---|--------------------------------------|
| Jenna Gammon 8 Susann Ct. Fredonia, N.Y. 14063 Term Expires: 3/31/15 | Position last held by Michele Yahner |
|---|--------------------------------------|

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – March 28, 2012

RES. NO. 58-12

Confirm Appointment – Southern Tier Extension Railroad Authority

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua requested that the New York State Legislature create the Southern Tier West Railroad Authority pursuant to Resolution No. 115-98 and 144-2000; and

WHEREAS, State legislation has been adopted creating the Chautauqua, Cattaraugus, Allegany & Steuben Southern Tier Extension Railroad Authority; and

WHEREAS, County Executive Gregory J. Edwards has submitted the following recommendation for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby make the following appointment to the Southern Tier Extension Railroad Authority.

| | |
|---|---------------------------------|
| Adam Gorczyca 5375 Powers Rd. Orchard Park, N.Y. 14127 Term Expires: 2/28/14 | Filling term of William Euliano |
|---|---------------------------------|

Signed: Croscut, Rogers, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 59-12

Board Appointments for North County Industrial Water District No. 1 and North County Industrial Sewer District No. 1

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, North County Industrial Water District No. 1 was created by Resolution 245-78 and North County Industrial Sewer District No. 1 was created by Resolution 246-78; and

WHEREAS, the initial requirement that there be seven board members was modified by Resolution 178-05, which provided that the membership of each of the boards would be five members; and

WHEREAS, three of the five appointed Board Members are no longer available to serve; and

WHEREAS, James Crowell has been secured to serve as a new Board Member; and

RESOLVED, That the number of Board Members for the North County Industrial Water District No. 1 and the North County Industrial Sewer District No. 1 be maintained at five, with the following individuals confirmed as Board Members for the terms stated:

| | | |
|------------------------|------------------------|------------------------|
| Edward Divine | James Crowell | Brian Purol |
| 618 Main Street | 2931 W. Sheridan Dr. | 3681 New Rd. |
| Dunkirk, NY 14048 | Dunkirk, NY 14048 | Dunkirk, NY 14048 |
| Term Expires: 12/31/12 | Term Expires: 12/31/15 | Term Expires: 12/31/15 |

Signed: Himelein, Horrigan, Stewart, Erlandson, DeJue (Amended in PF)

Unanimously Adopted – March 28, 2012

RES. NO. 60-12
Confirm Appointment – Director of Finance

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive Gregory J. Edwards has appointed Susan Marsh, 42 Birchwood Drive, Fredonia, New York, as Director of Finance, effective April 9, 2012, subject to confirmation by the County Legislature; now therefore be it

RESOLVED, That pursuant to Section 3.02(c) of the Chautauqua County Charter, the Chautauqua County Legislature hereby confirms the appointment of Susan Marsh as Chautauqua County Director of Finance, effective April 9, 2012.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – March 28, 2012

RES. NO. 61-12
Amend Resolution 2-12, Appointing Clerk to the Chautauqua County Legislature

By Administrative Services Committee:
At the Request of Legislators Cornell, Whitney, DeJue, DeJoy, Erlandson, Coughlin, Rogers, Hoyer, James, Nazzaro:

RESOLVED, That the percentage of time of the Clerk of the Legislature set forth in Resolution 2-12 is amended from 49% to 50%, with no change in salary.

Signed: Cornell (Defeated in A.S. – Barmore, Scudder, Tarbrake voting "no")

Withdrawn by sponsors – March 28, 2012

RES. NO. 62-12

Adjust 2012 Budget for HHS Voting Access for Individuals with Disabilities, Polling Place Access Improvement Grant

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Board of Elections received a grant from the NYS Board of Elections acting through the State of New York in the amount of \$5,642.00 for the years 2012-2016 entitled "Voting Access for Individuals with Disabilities, Polling Place Access Improvement Grant"; and

WHEREAS, these funds are to be appropriated to establish, expand and improve access to polling places and participation by individuals with a full range of disabilities in the election process; and

WHEREAS, this is a reimbursement-based contract and a portion of these funds must be expended by September 30, 2016; therefore be it

RESOLVED, That the Director of Finance be, and is hereby directed, to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---------------------------------|---------|
| A.1450.----.4 | Contractual –Board of Elections | \$5,642 |
|---------------|---------------------------------|---------|

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|------------------------------------|---------|
| A.1450.----.R308.9007 | NYS Aid: Oth St Aid: Election Gant | \$5,642 |
|-----------------------|------------------------------------|---------|

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, Wendel, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 63-12

Authorize Petty Cash Account Increase for Department of Weights and Measures

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Department of Weights and Measures currently has a revolving petty cash fund in the amount of \$100.00; and

WHEREAS, the current petty cash amount is inadequate to consistently make change for fees charged for the various services; therefore be it

RESOLVED, That the above-mentioned revolving petty cash account be adjusted and increased to \$200.00; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to transfer the funds pursuant to Section 371 of the New York State County Law.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, Wendel, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 64-12

The 2012 Chautauqua County Reinvestment Act

By Legislator Cornell:

WHEREAS, Resolution No. 90-11 approving the Chautauqua 20/20 Comprehensive Plan, was enacted on April 27, 2011 and calls on County leaders to "reposition the County's role to use housing as an economic development tool for neighborhood revitalization;" and

WHEREAS, the Chautauqua 20/20 Comprehensive Plan lists as a "high priority action" for the County to "...take a leadership role in assessing and developing identified housing strategies that lead to the preparation of a proactive strategy to adjust the County's housing supply to meet current market demands;" and

WHEREAS, Resolution 159-11, providing for Chautauqua County to set aside funding from the Housing Trust Fund allocation for a housing grant program and as seed money for a potential County-wide Land Bank to facilitate conversion of vacant or abandoned properties into productive use was enacted on July 27, 2011; and

WHEREAS, such a "proactive" strategy for housing and neighborhood revitalization is now being pursued; therefore now be it

RESOLVED, That the County Land Bank Board shall be empowered and charged with working towards the development of a strategy for action that could include, but not be limited to, excess housing supply, changing market preferences, demand for second homes, reinvestment by a public/private partnership in reuse of existing buildings, and land banking/disposition of properties as part of complementary open space initiatives; and be it further

RESOLVED, That the County Land Bank Board shall commence the development of said strategy for action no later than June 1, 2012 and will provide the Legislature with policy recommendations to support neighborhood revitalization, including the establishment of a land bank; and be it further

RESOLVED, That in the event the County's Land Bank application is not approved by New York State by said start date, the task of said strategy for for action would fall upon Housing Task Force.

Signed: Cornell - (Defeated in A.S. – Barmore, Scudder, Tarbrake voting "no")

Defeated – R/C Vote: 10 Yes; 15 No (No's: Ahlstrom, Barmore, Borrello, Croscut, Duff, Heenan, Hemmer, Himelein, Horrigan, Runkle, Scudder, Stewart, Tarbrake, Wendell, Gould) – March 28, 2012

RES. NO. 65-12

Establishment of Chautauqua County Land Bank Corporation

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards and Legislator Lori Cornell:

WHEREAS, in 2011, the New York State Legislature enacted a new Article 16 of the Not-for-Profit Corporation Law authorizing the creation of up to ten (10) land bank corporations to combat community deterioration by facilitating the return of vacant, abandoned, and tax-delinquent properties to productive use in order to eliminate the harms and liabilities caused by such properties; and

WHEREAS, by virtue of State law and local legislation, the County of Chautauqua guarantees the tax collection of all city, town, village, and school taxes within the County of Chautauqua, and acts as the sole foreclosing governmental unit for all local governments within the County, thereby making the County an ideal candidate for approval of a single county-wide land bank corporation; and

WHEREAS, in response to the aforementioned State legislation, \$150,000 was set aside by the County Legislature in Resolution 159-11 as seed money for the creation of a land bank in Chautauqua County, and \$15,000 of said \$150,000 was authorized in Resolution 194-11 for completion of a financial plan for the land bank with the assistance of the nationally recognized Center for Community Progress (CCP); and

WHEREAS, the Department of Planning and Economic Development is preparing an application to Empire State Development (ESD) for approval of a land bank corporation in Chautauqua County, and to be considered for approval, the County Legislature must adopt a resolution approving the establishment of a land bank; therefore be it

RESOLVED, That the County Legislature hereby establishes and authorizes a land bank in Chautauqua County, as follows:

1. Name of the land bank – "Chautauqua County Land Bank Corporation"
2. Number of initial members of the Board of Directors – eleven (11).
3. The initial individuals to serve as members of the Board of Directors, with a term of two (2) years:

James E. Caffisch
928 Marvin Road
P.O. Box 100
Clymer, NY 14724
(Director, Chautauqua County Real Property Tax Office)

Larry L. Barmore
P.O. Box 245
Gerry, NY 14740
(Chautauqua County Legislator, District 9)

Lori B. Cornell
20 Dewey Place
Jamestown, NY 14701
(Chautauqua County Legislator, District 12)

Steven Centi
199 McDaniel Avenue
Jamestown, NY 14701
(Director – City of Jamestown Department of Development)

Steve R. Neratko
733 Washington Street
Dunkirk, NY 14048
(Director – City of Dunkirk Department of Development)

Michael L. Bradshaw
145 Pardee Avenue
Jamestown, NY 14701
(Executive Director – Citizen's Opportunity for Development & Equality (CODE))

Peter A. Lombardi
190 Newton Avenue
Jamestown, NY 14701
(Director of Neighborhood Initiatives – Jamestown Renaissance Corporation)

Daniel P. Reininga
86 Central Avenue
Fredonia, NY 14063
(President - Lake Shore Savings & Loan)

Lyman A. Buck III
81 Chestnut Street
Jamestown, NY 14701
(Board Member – Chautauqua Region Community Foundation)

William W. Carlson
10370 Chestnut Road
Dunkirk, NY 14048
(Broker - Howard Hanna Holt Real Estate)

Garrett A. Brooks
129 Hotchkiss Street
Jamestown, NY 14701
(Member - Chautauqua County Planning Board)

4. Qualifications, manner of appointment, and term of office of members of the Board:

Members of the Board of Directors must be residents of or be employed in the County of Chautauqua. Appointments shall be made by the County Executive, subject to confirmation by the County Legislature. The term of office of members of the Board shall be two (2) years.

5. The proposed articles of incorporation of the Chautauqua County Land Bank Corporation prepared by the County Law Department and on file with the Clerk of the County Legislature are hereby approved for inclusion in the County's application to Empire State Development.

Signed: Barmore, Tarbrake, Paula, DeJoy, Cornell (Scudder "no")

Adopted w/ Legislator Runkle, Scudder voting "no" – March 28, 2012

RES. NO. 66-12
Recognition of Earth Day

By Public Facilities Committee:
At the Request Legislator Barmore:

WHEREAS, the County Executive and County Legislature recognize the importance of a clean and attractive environment; and

WHEREAS, the County Executive and the County Legislature desire to encourage community and civic groups to clean public parks, roadways, waterways, and other public areas; and

WHEREAS, it is appropriate to waive the user fees at the County Landfill and County Transfer Stations for refuse collected by such community and civic groups, thus encouraging greater public participation in maintaining Chautauqua County in an environmentally clean and attractive condition; it is therefore

RESOLVED, That in recognition of Earth Day the user fees at the Chautauqua County Landfill and County Transfer Stations be waived for refuse collected by community and civic groups as part of organized clean-ups of public parks, roadways, waterways, and other public areas for the period from Saturday April 21, 2012 through Saturday May 19, 2012, provided such community and civic groups advise the County Landfill of their organized clean-up activities one week prior to the start of the activity.

Signed: Himelein, Horrigan, Stewart, Erlandson, DeJoe (Amended in P.F.)

Unanimously Adopted – March 28, 2012

RES. NO. 67-12

Transfer ILS, DME, and MALSR (Nav aids) for Runway 25 to FAA for Ownership and Maintenance

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County Airport – Jamestown received federal funding from the FAA Airport Improvement Program (AIP) for the installation of an Instrument Landing System (ILS), a low power Distance Measuring Equipment (DME) system, and a DME MALSR (approach lighting system); and

WHEREAS, FAA Order 6700.20A provides that the FAA Administrator may assume ownership of such navigation and lighting systems funded by the Airport Improvement Program; and

WHEREAS, by assuming ownership, the FAA will assume the responsibility for all maintenance and repairs associated with the facilities via a Memorandum of Understanding; and

WHEREAS, the Airport Commission has reviewed this arrangement and the proposed lease between Chautauqua County and the FAA; and

WHEREAS, Chautauqua County desires to transfer ownership and maintenance of the equipment to the FAA; therefore be it

RESOLVED, That Chautauqua County agrees to transfer ownership of the ILS, DME and DME MALSR systems to the FAA without cost; and be it further

RESOLVED, That Chautauqua County Executive is authorized to enter into an easement, license or lease agreement with the FAA for the land rights required for these facilities at no cost to the FAA for 20 years, with the further rights for the FAA to renew for an additional 20 year period.

Signed: Himelein, Horrigan, Stewart, Erlandson, DeJoe

Unanimously Adopted – March 28, 2012

RES. NO. 68-12
Leandra's Law and Ignition Interlock Funds

By Public Safety Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, in 2009 New York enacted "Leandra's Law" in order to impose tougher sanctions on individuals who place a child passenger at risk while driving under the influence of alcohol or drugs; and

WHEREAS, as part of this initiative New York State Vehicle and Traffic Law Section 1193(1)(b) requires courts to order individuals who violate certain subdivisions of Vehicle and Traffic Law Section 1192 to install and maintain interlock ignition devices in vehicles owned or operated by such individuals; and

WHEREAS, New York State has established procedures for the handling of Ignition Interlock equipment in 9 NYCRR Part 358; and

WHEREAS, public safety will be enhanced by Breath Alcohol Ignition Interlock Device (BAIID) monitoring of drivers who have been ordered to install interlock ignition devices; and

WHEREAS, funding for the monitoring of Ignition Interlock cases is available through the New York State Division of Criminal Justice Services and the Governor's Traffic Safety Commission through the National Highway Traffic Safety Administration; and

WHEREAS, Chautauqua County received such funding for the year October 1, 2010 through September 30, 2011, and has been designated to receive future funding for the monitoring of Ignition Interlock devices on a per device basis, with such funding to be provided to the Chautauqua County Probation Department and the Stop DWI Program; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County Executive and the Chairman of the Legislature to approve the acceptance of BAIID Monitoring funding for Chautauqua County from the New York State Division of Criminal Justice Services and the Governor's Traffic Safety Council, for so long as such funding is available to the County, and authorizes the County Executive to execute all agreements and documents necessary for receipt of such funding.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – March 28, 2012

RES. NO. 69-12

Authorize County to Accept Alternatives to Incarceration Grant

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Division of Probation and Correctional Alternatives has extended the contract for this program and approved an additional funding level of \$7,634.50 for the operational period of January 1, 2012 through June 30, 2012 or for the duration of funding, for the Alternatives to Incarceration Program; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant for the duration of the Alternatives to Incarceration Program; and

WHEREAS, such project funds will assist the County in providing criminal courts with individualized treatment and supervision plans for selected, non-violent defendants, which will reduce crime and promote public safety by providing community based supervision and treatment that will increase offender accountability and lower recidivism; and

WHEREAS, these revenues have been included in the adopted 2012 budget and will be included every year hereafter so long as the Alternatives to Incarceration Program exists; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for Alternatives to Incarceration Program for the 2012 calendar year in the amount of \$7,634.50 or for the duration of funding; and be it further

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for Alternatives to Incarceration Program and each subsequent year so long as the Alternatives to Incarceration Program exists, and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Division of Probation and Correctional Alternatives.

Signed: Duff, Whitney, Wendel Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO 70-12

Command Vehicle Funds from Multiple HLS Grants

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2008 in the amount of \$207,750, for Fiscal Year 2009 in the amount of \$244,810, and for Fiscal Year 2010 in the amount of \$260,245; and

WHEREAS, the Office of the Sheriff was awarded funds also from Homeland Security Program State Law Enforcement Terrorism Preparedness Program Fiscal Year 2009 in the amount of \$101,250; and

WHEREAS, Resolutions are in place which have authorized the County Executive to sign and accept these Homeland Security Grant Programs; and

WHEREAS, to meet the objectives of these programs, partial funds of each grant are to be used to purchase a Command Vehicle to be utilized by all County emergency response agencies such as fire, law enforcement, public health, etc., which will giving agencies the opportunity of incorporating technology that gives incident commanders the advantage against the challenges and demands of all-hazards response for extended operations; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2012 budgetary changes:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--|---------------|
| A.3010.----.3 | Depreciable Equipment – Emergency Services | \$206,630 |
| A.3110.----.3 | Depreciable Equipment – Sheriff | <u>40,999</u> |
| | | \$247,629 |

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

| | | |
|-----------------------|------------------------------------|---------------|
| A.3010.----.R430.5004 | Federal Aid – Homeland Security | \$206,630 |
| A.3110.----.R438.9LTP | Federal Aid – Terrorism Prevention | <u>40,999</u> |
| | | \$247,629 |

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 71-12

Homeland Security Grant for FFY09 – Project Coordination Team

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2009 in the amount of \$244,810; and

WHEREAS, Resolution 95-10 authorized the County Executive to sign and accept the Homeland Security Grant Program 2009; and

WHEREAS, to meet the objectives of the program, funds are, at this time, to be used to hire a project coordination team to ensure all County municipalities have an updated Emergency Operations Plan to be integrated into the County Comprehensive Emergency Management Plan; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--|--------------|
| A.3010.----.1 | Personal Services – Emergency Service | \$43,406 |
| A.3010.----.8 | Employee Benefits – Emergency Services | <u>3,321</u> |
| | | \$46,727 |

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|---------------------------------|----------|
| A.3010.-----R430.5004 | Federal Aid – Homeland Security | \$46,727 |
|-----------------------|---------------------------------|----------|

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 72-12

State Homeland Security Program for Fiscal Year 2011

By Public Safety and Audit & Control Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds of \$312,000 from the FY2011 State Homeland Security Program (SHSP); and

WHEREAS, the grant is to enhance regional preparedness in the Chautauqua County area thru projects and initiatives that comply with the Federal grant guidelines and supports the implementation of the State Homeland Security Strategy; and

WHEREAS, the grant period runs from September 1, 2011 through August 31, 2014; and

WHEREAS, funds will be added to the 2012 budget in subsequent resolutions once the County is ready to expend them; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign and execute all necessary agreements to accept the award.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 73-12

Agreements with Jamestown Community College for Sheriff's and Fire Service Academy

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, for both the Sheriff's Academy and Fire Service Academy, Jamestown Community College has agreed to provide the Office of the Chautauqua County Sheriff and the Office of Emergency Services reimbursement for the County's cost of instruction and program coordination associated with the Fire Academy programs; and

WHEREAS, the Fire Service Academy did generate a surplus of revenue over expenses for the County and it is appropriate that any such surplus be appropriated to capital account(s) for improvement of fire training centers; and

RESOLVED, That any surplus of revenue over expenses from the Fire Service Academy be appropriated to capital account(s) for improvement of fire training centers, and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the Capital budget:

INCREASE CAPITAL PROJECT ACCOUNT:

| | | |
|--------------|---|----------|
| H.3410.510.4 | Contractual – Training Center Enhancement | \$41,775 |
|--------------|---|----------|

INCREASE CAPITAL REVENUE ACCOUNT:

| | | |
|----------------------|--|----------|
| H.3410.510.R226.0001 | Charges: Other Gov't-JCC Reimbursement | \$41,775 |
|----------------------|--|----------|

Signed: Duff, Whitney, Wendel, Coughlin, Hemmer, Runkle, Nazzaro, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 74-12

Authorize License Extension and Amendment of Lease Agreement with New York RSA No. 3 Cellular Partnership, A New York Partnership, d/b/a Verizon Wireless ("Verizon Wireless")

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Verizon Wireless ("Verizon") and Chautauqua County ("County") entered into a certain License Agreement dated October 12, 1999, (the "License"), to lease space on the Verizon-owned tower located at 500 Orchard Road in the Town of Ellicott (Tax Parcel No. 386.18-1-2) (the "Property"); and

WHEREAS, the License had an initial term of sixteen (16) months with two (2) renewal terms of five (5) years, the second of which expired on February 28, 2011; and

WHEREAS, Verizon and County verbally agreed to continue the terms of the License on the same terms and conditions on a month to month basis until an extension could be negotiated; and

WHEREAS, County and Verizon desire to amend the License to extend the term of the License and to set forth the rent due during such extension; and

WHEREAS, it is desirable and appropriate for Verizon to continue to lease such space to County to provide continued communication ability for public safety operations; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a License Extension and Amendment with Verizon to continue the License on substantially the following terms and conditions:

1. Term. Five (5) year extension term beginning March 1, 2011 and expiring February 29, 2016 with an automatic five (5) year extension term provided the Agreement has not been cancelled or been declared to be in default.
2. Rent. \$9,349.30 annually, with an increase of three (3) percent per year.
3. Other. As negotiated by the County Executive and the Sheriff's Office.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 75-12

Authorize License Extension and Amendment of Lease Agreement with New York RSA No. 3 Cellular Partnership, A New York Partnership, d/b/a Verizon Wireless ("Verizon Wireless")

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Verizon Wireless ("Verizon") and Chautauqua County ("County") entered into a certain License Agreement dated October 12, 1999, (the "License"), to lease space on the Verizon-owned tower located at 8257 Hardscrabble Road in the Town of Westfield (Tax Parcel No. 226.00-1-26) (the "Property"); and

WHEREAS, the License had an initial term of sixteen (16) months with two (2) renewal terms of five (5) years, the second of which expired on February 28, 2011; and

WHEREAS, Verizon and County verbally agreed to continue the terms of the License on the same terms and conditions on a month to month basis until an extension could be negotiated; and

WHEREAS, County and Verizon desire to amend the License to extend the term of the License and to set forth the rent due during such extension; and

WHEREAS, it is desirable and appropriate for Verizon to continue to lease such space to County to provide continued communication ability for public safety operations; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a License Extension and Amendment with Verizon to continue the License on substantially the following terms and conditions:

1. Term. Five (5) year extension term beginning March 1, 2011 and expiring February 29, 2016 with an automatic five (5) year extension term provided the Agreement has not been cancelled or been declared to be in default.
2. Rent. \$7,257.12 annually, with an increase of three (3) percent per year.
3. Other. As negotiated by the County Executive and the Sheriff's Office.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 76-12

Authorize Agreement with WNY Public Broadcasting Association for Extension of Lease of Space on County's Tower in the Town of Ellery

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County has had an agreement with WBFO for lease of space on the Ellery Center Tower since January 15, 2001; and

WHEREAS, WBFO was acquired by WNY Public Broadcasting Association on March 1, 2012; and

WHEREAS, WNY Public Broadcasting Association desires to continue the use and lease of this space; and

WHEREAS, the Office of the Sheriff has negotiated with WNY Public Broadcasting Association for a renewal of its existing agreement at a rate of \$4,000 per year for a period commencing as of March, 2011 and ending December 31, 2017, and at the rate of \$4,500 per year

for the first additional two year extension and \$5,000 per year for a second additional two year extension for a term ending on December 31, 2021; therefore be it

RESOLVED, That the County Executive is authorized to execute the appropriate agreement extending the lease between WNY Public Broadcasting Association and Chautauqua County for use of space on the cell tower in the Town of Ellery upon the foregoing terms.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Heenan, Borrello
Unanimously Adopted – March 28, 2012

RES. NO. 77-12

Authorize Execution of the New York State Office of Homeland Security Grant for Operation Stone Garden

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York approved the application for Office of Homeland Security Program Grant for Operation Stone Garden; and

WHEREAS, the State of New York will provide funding in the amount of \$ 215,097.00 for the initial contract period from September 1, 2011 to August 31, 2014 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security Program Grant in the initial amount of \$215,097.00 with no local share; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--|------------|
| A.3110. ---.1 | Personal Services - Sheriff Operations | \$ 62,176 |
| A.3110. ---.2 | Equipment - Sheriff Operations | \$ 30,931 |
| A.3110. ---.3 | Depreciable Equipment - Sheriff Operations | \$ 50,198 |
| A.3110. ---.4 | Contractual - Sheriff Operations | \$ 53,358 |
| A.3110. ---.8 | Employee Benefits - Sheriff Operations | \$ 18,434 |
| | Total | \$ 215,097 |

ESTABLISH AND INCREASE REVENUE ACCOUNT:

| | | |
|------------------|-------------------------------------|-----------|
| A.3110.R438.9OSG | Federal Aid: Operation Stone Garden | \$215,097 |
|------------------|-------------------------------------|-----------|

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Heenan, Borrello

Adopted w/ Legislators Ahlstrom, Barmore, Borrello, Runkle, Scudder voting "no"

RES. NO. 78-12

Authorize Agreement w/ Erie II-Chautauqua-Cattaraugus BOCES for Family Planning/HIV/STD Health Education Initiative

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Health Department has been selected by the NYS Health Department to be a partner in the State's Title X Family Planning Program grant and HIV Surveillance and Partner Notification Program (PNAP) grant offered by the Centers for Disease Control and Prevention (CDC); and

WHEREAS, the terms of the grant project include a required school health component; and

WHEREAS, Erie II-Chautauqua Cattaraugus BOCES is able to provide a Reproductive Health Educator for the Family Planning and PNAP program who will establish and carry out the goals and objectives of the school health portion of the Family Planning and the youth service agency portion of the PNAP program on behalf of Chautauqua County; and

WHEREAS, the County acts as the local lead agency for the Family Planning and PNAP projects and provides funding to the Contractor for such goals and objectives; and

WHEREAS, BOCES agrees to administer, coordinate, and implement the assigned goals and objectives of the Family Planning and PNAP grant programs; and

WHEREAS, the Chautauqua County Health Department resolves to provide funding in the initial annual amount of Thirty Thousand and no/100 dollars (\$30,000) for the Reproductive Health Educator for the Family Planning and PNAP grant programs; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with Erie 2-Chautauqua-Cattaraugus BOCES for the Reproductive Health Educator on an annual basis for so long as the Department of Health continues to be funded by one or more of these grant programs.

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – March 28, 2012

RES. NO. 79-12

Abolish Public Welfare Petty Cash Account and Increase Funds to Chautauqua County Home Fiscal Petty Cash Fund

By Human Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County Resolution 425-48 established a revolving petty cash fund in the amount of \$200 to be used by the Chautauqua County Home as an incidental fund; and

WHEREAS, Chautauqua County Resolution 192-83 established a revolving petty cash fund in the amount of \$300 to provide funds to the Chautauqua County Home for the operation of a store for the sale of personal items to individual residents; and

WHEREAS, the petty cash fund in the amount of \$200 established by Chautauqua County resolution 425-48 is no longer necessary nor used by the Chautauqua County Home; and

WHEREAS, the petty cash fund in the amount of \$300 established by Chautauqua County Resolution 192-83 is insufficient due to inflationary trends; now therefore be it

RESOLVED, That the petty cash fund established by Resolution 425-48 as an incidental fund is hereby abolished; and be it further

RESOLVED, That the petty cash fund established by Resolution 192-83 be increased by \$50 for a total amount of \$350; and be it further

RESOLVED, That the Director of Finance is hereby directed to make any and all necessary accounting adjustments to establish these changes.

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James, Runkle, Nazzaro, Wendel, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 80-12

Authorize Agreement with Small Business Development Center at Jamestown Community College

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Department of Planning and Economic Development is striving to increase the viability of businesses within the County by providing a technical assistance program for start-up businesses in the County which will track and assist businesses in their early stages of development; and

WHEREAS, Jamestown Community College has established a Small Business Development Center at its Jamestown Campus in cooperation with the State University of New York which is able to provide a technical assistance program; and

WHEREAS, the Chautauqua County Legislature has appropriated funds in the County Budget for such services during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$34,653.00 for the term commencing as of January 1, 2012 through December 31, 2012.

Signed: Croscut, Rogers, Heenan, Borrello, Runkle, Nazzaro, Wendel, Himelein, Heenan, Borrello

Unanimously Adopted – March 28, 2012

RES. NO. 81-12

Authorizing Extension of Tax Collection Agreements with the Cities of Dunkirk and Jamestown

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolutions 167-10 and 168-10, the County Legislature authorized agreements with the cities of Dunkirk and Jamestown for new joint tax collection agreements providing that collection and enforcement of real property taxes for the cities and school districts within the cities would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the cities, including the guarantee of all such taxes; and

WHEREAS, it would be appropriate to extend such agreements under the same terms and conditions for a period of two (2) years; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute extensions of the existing joint tax collection agreements with the cities of Dunkirk and Jamestown for a two (2) year term covering the 2012 and 2013 tax levies.

Signed: DeJoy, Cornell (Defeated in A.S. w/ Barmore, Scudder, Tarbrake voting "no")

MOVED by Legislator Runkle, SECONDED by Legislator Hoyer to table.

Tabled – R/C Vote: 19 Yes; 6 No (No's: Croscut, Hemmer, Himelein, Stewart, Tarbrake, Wendel) – March 28, 2012

RES. NO. 82-12

A Resolution Authorizing Issuance of \$15,500,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of Acquisition of Two Dormitory Buildings for the Jamestown Community College

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital projects; therefore be it;

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The acquisition of two dormitory buildings to house approximately 220 students at the Jamestown Community College Campus in and for the County of Chautauqua, New York, including site improvements, original equipment, appurtenances, apparatus and other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$15,500,000. It is hereby determined that the plan of financing of such specific object or purpose shall consist of the issuance of \$15,500,000 bonds hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subdivision 11(b) of paragraph a of Section 11.00 of the Local Finance Law; and

Section 2. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 3. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Jamestown Community College will reimburse Chautauqua County the full amount of debt service on

such bonds from rental income derived from said two dormitory buildings, and shall further provide a guarantee for repayment of the debt service on such bonds. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 4. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 5. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 6. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 7. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, Wendel, Himelein, Heenan, Borrello

Unanimously Adopted – R/C Vote: 25 Yes - March 28, 2012

RES. NO. 83-12

Approving Labor Contract with CSEA Unit 6322 (Part Time Deputy Sheriffs)

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua, under the supervision of the State of New York Public Employment Relations Board (PERB) has recognized a bargaining unit to represent part-time Deputy Sheriffs designated as CSEA Unit 6322; and

WHEREAS, the County's negotiating team and CSEA Unit 6322 have reached a tentative agreement for the period January 1, 2010 through December 31, 2012; and

WHEREAS, pursuant to Section 2.05(g) of the Chautauqua County Charter, the County Legislature must approve all labor contracts; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the tentative agreement between the County and CSEA Unit 6322 to include a 2010 salary schedule reflecting a \$1.46 per hour increase over the 2009 salary schedule for each step effective 1/1/2012, a 2011 salary schedule reflecting a \$1.46 per hour increase over the 2010 salary schedule for each step effective 1/1/2012, and a 2012 salary schedule identical to the 2011 salary rate, with no member eligible for retroactive pay for the adjusted 2010 and 2011 salary schedules which become effective on 1/1/12; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate the new labor agreement with CSEA Unit 6322.

Signed: Tarbrake, DeJoy, Cornell, Runkle, Himelein, Heenan, Borrello (A.S. – Barmore, Scudder voting "no")(A.C.- Legislators Nazzaro, Wendel voting "no")

MOVED by Legislator Coughlin, SECONDED by Legislator DeJoe to table

Tabled – R/C Vote: 15 Yes; 10 No (No's: Cornell, Croscut, Erlandson, Himelein, Hoyer, Nazzaro, Tarbrake, Wendel, Whitney, Gould) – March 28, 2012

RES. NO. 84-12

Requesting Amendment of State Legislation Regarding Imposition of Sales Tax

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards and Legislator Keith Ahlstrom:

WHEREAS, the County of Chautauqua was authorized by the New York State Legislature to impose a one and one-quarter percent (1.25%) additional sales tax for the period March 1, 2005 to August 31, 2006, which was subsequently reduced to one percent (1.00%) for the period September 1, 2006 to November 30, 2007, and further reduced to three-quarters of one percent (.75%) for the period December 1, 2007 to November 30, 2010, and further reduced to one-half of one percent (.5%) for the period December 1, 2010 to November 30, 2013; and

WHEREAS, to minimize 2011 and 2012 property tax increases due to increases in several mandated categories of expense such as Medicaid, New York State Retirement contributions, and social services and public health programs, the County has severely reduced its fund balances and reserves which will no longer be available to offset a projected 2013 deficit of \$14 million, including further increases in State mandates of at least \$2.7 million; and

WHEREAS, both the County's cumulative reduction in sales tax revenue of \$68.7 million since 2006 and the County's obligation to "hold harmless" the cities, towns, and villages from the impact of the sales tax exemption for residential energy (\$2.1 million annually) can no longer be absorbed without substantial unacceptable County property tax increases; therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to impose a sales tax of one and one-quarter percent (1.25%) for the period December 1, 2012 through November 30, 2013, subject to the same requirements set forth in Chapter 174 of the Laws of 2009, except that the County's obligation to "hold harmless" the cities, towns, and villages from the impact of the sales tax exemption for residential energy shall be terminated commencing December 1, 2012; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator Catharine Young, Assemblyman Andrew Goodell, and Assemblyman Joe Giglio.

Signed: Barmore, Scudder, Tarbrake, Runkle, Wendel, Himelein, Heenan, Borrello (A.S. – Cornell, DeJoy voting "no") (A.S. – Legislator Nazzaro voting "no")

MOVED by Legislator Ahlstrom, SECONDED by Legislator Scudder to table

Tabled – Unanimously Carried – March 28, 2012

2nd Privilege of the Floor

Mr. Greg DeCinque, President of Jamestown Community College. It's been a long evening and certainly I won't take the five minutes and I will attempt to stay under the three minutes. I simply wanted to say thank you for your support this evening. I know last year when we went through this in greater detail with the Administrative Services Committee and Audit & Control Committee, County Executive and Finance Directors. I know I had an opportunity recently to meet with some of the new Legislators and we talked about some of these things but this is a really great example of how County organizations such as the College and the Legislature can come together and do things in such a way that there is a long term savings to all of the taxpayers. The way in which we are funding these residents' halls, there will be zero costs to any of the taxpayers and as you know all of the bonds will be paid through the income generated through the rental fees paid through those resident halls. I am able to tell you tonight that we are already two thirds full for next Fall and the numbers are certainly moving in the right direction. I invite you to drive down Curtis Street at any time and see how quickly our new building is going up and we're confident that it will be ready on time. I know that you have had a lot of heavy items on your agenda tonight so I didn't think that you would mind my standing here for just a moment and simply saying thank you for your support. (Applaud)

Ms. Rose Conti, President, CSEA. I just want to talk very quick and very briefly about our ongoing efforts for the County Home. I see this as a three prong thing that we're doing here. We have the proposals that are going to be brought to us by Marcus & Millichap, we also now have the Ad Hoc Committee which I am very grateful for. I am grateful that this body said we need to take a different look, we need to take a different approach. I am extremely grateful for the Chair of that Committee who has stood up and said, now that we have asked for this study and survey, we're going to give it the time that it requires to do a good thorough job so that the information brought back to everybody is useful, helpful and it's the second piece that we're going to need to take a look at. I think the third piece and one that we're getting a little bit away from and we're going to have to find room for again is then the human piece. Somehow we're going to have to remember that these are the lives of people who have lived in this County most of their life. They reside here. That's their home and at some point, we're just going to have to step back take a look at, you know, you have to set the money aside, the figures aside, you have to think about what that selection is and what you are doing and what that choice is. So I hope that as we continue through this process that we're all going through together, that we don't forget who we're really doing this for. I would again invite anyone who has not had an opportunity to go to the County Home to go down, to take a look at it, to meet with members of the Residence Council, to listen to what they have to say about how they are feeling about what is going on. Because I think that it would be very enlightening. The President of their Council has requested and met with me and it's actually quite an experience to meet with him and listen to what he has to tell us. Also, he's a little feisty so he also leaves you with a shopping list of what to do so look out. Thank you.

MOVED by Legislator Ahlstrom, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. (8:49 p.m.)

Chautauqua County Legislature
Wednesday, April 25, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Jankowski announced a quorum present. (Absent: DeJoe, Rogers)

Legislator Horigan delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Tarbrake, SECONDED by Legislator Hoyer the minutes were approved.

1st Privilege of the Floor

Ms. Rose Conti, 50 Lake Avenue in Brocton. I am the President of the CSEA Unit 6300 and that is who I will be speaking for. Tonight I am asking that you not delay in continuing to do the right thing for the residents of the Chautauqua County Home. I think that we have taken a positive turn and I think that we need to continue doing that. By passing the resolution tonight, not only do you make good financial decisions and show that Chautauqua County honors and respects those that have given so much, you will prove that you know that these are not citizens who some would have us believe have never contributed anything in their lifetime. I know that that is out there and a lot of people are saying it so I want to remind us that not only did they contribute as taxpayers, consumers, homeowners, and community members, but in the professions that they held. They were nurses, bricklayers, teachers, bus driver, carpenter, store owner, telephone operator, railroad conductor, security guard, professor, police officer and that is just to name a few. They served in WWII, in the Korean Conflict, and in Vietnam. Some as decorated military members, all as heroes. Now, they have given away everything that they had to give and all that they are asking for is the basic security of their home and the staff that they have grown to love. By passing this resolution tonight, you will secure that as we move forward to continue doing what this Legislature said they would do when they formed an Ad Hoc Committee. You will give us more time to look at great ideas of how to save this and keep it a County Home. We are not like the other facilities that you see closing across the State and being sold for next to nothing because they are so deteriorated. We are a state of an art facility and we need to think about that and we need to find a way to keep it ours. Keep it belonging to the taxpayers of this County. By doing this, this evening, you will give us a better chance of doing that and being successful in that endeavor. Thank you.

Ms. Kathy Snyder, I am from Dunkirk and an employee at the County Home. We have been in touch with other counties and other facilities that are in the process of being sold and I can't help but think of this whole thing like a scene out of a movie. Independence Day with Will Smith. When President Whitmore asked the alien is there a way that we can peacefully coexist together? What do you want us to do? And the alien response, die. I want you to die. I think that everybody is getting that feeling that nobody out here wants to help. There seems to be this whole process out there in the State and whatever is happening, every County nursing home is becoming under attack, especially the ones in the smaller counties that need the Medicaid. So, we're asking you to please, please look at everything and to really consider everything before you decide to not fund the IGT money. Please, please carry this through and have the money available incase the Center for Governmental Research makes a recommendation that we can remain a County facility and that they provide recommendations as to how we can do that. Thank you.

Mr. Aaron Crowell, 1379 Cassadaga Road, in South Dayton, in the Town of Villenova. I am speaking for Farm Bureau on the Motion to oppose changes to the Ag. Youth Labor regulations proposed by the United States Department of Labor. As many of you know, these changes have caused great concern in our organization as well across our country. Agricultural is one of the

founding industries of this country, it is one of the founding industries in this County. According to the 2009 USDA survey \$118 million dollars worth of gross receipts of farms in Chautauqua County. That is a great impact on our County but if you look back over the past two decades, 25 years ago, there were 12 active chapters of Future Farmers of America and there were 12 school systems that taught basic agricultural classes. Today, there are only 3 school systems that have those still existing. Since 2002 when the USDA began keeping demographics of farm operators, since 2002, there has been a 22% increase in the category of over 65 and owning and operating a farm. The reason for these changes is there just is not the young educated people coming into agriculture. It's a highly competitive field, it's a field that is one of the few growing exports in this country. By these changes that will limit the youth that can actually operate machinery and work on these highly (*inaudible*) and advance farms that we have today, we cut down the ability for those kids to have a chance to find an active interest in agriculture. To get their feet wet in an industry that is really is one of our few active growing industries. I ask that you support this Motion and send a message to stop these changes that are proposed by USDOL. Thank you.

Chairman Gould: Is there anyone else to speak to the first privilege of the floor? Seeing no one, we'll continue on.

COMMENDATION: DR. GREGORY T. DECINQUE AND
THE JCC BOARD OF DIRECTORS
BY LEGISLATOR WENDEL

PRESENTATION: FISHING ESSAY GRAND PRIZE
AWARD WINNERS
BY COUNTY EXECUTIVE EDWARDS

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 3/28/12

COMMUNICATIONS:

1. Letter – Co. Executive – Appt. Chaut. County Planning Board
2. Report – Fn. Director Marsh – Re: March/2012 Investment
3. Budget Director Crow – March/2012 – Monthly Performance
4. Letter – JCC – Re: President's Roundtable Discussion
5. Minutes – Chaut. Co. Soil & Water Conservation District/March
6. Minutes – Chautauqua County Fire Advisory Bd. – March/2012
7. Highlights – Fish & Wildlife 2/15-3/15/12
8. Res. – Fulton County – Re: Urging US Congress to Repeal a Portion of the Universal Services Fund Surcharge that provided Free Cellular Telephone Services to "Income Eligible" Individuals
9. Letter – To Congressman Higgins; From Carrillo-Jones – Re: Amending NYS Domestic Relations Law re: lack of statutory definition of "Joint Custody"
10. Letter – NYS Dept. Ag. & Markets – Re: Anniversary of Ag. Dist.5 Review
11. Letter – Orrick Bond Council – Ack. Receipt of JCC bond papers.
12. Letter – Assemblyman Giglio – Ack. Receipt of Motions 3 & 4-12
13. Invitation – Infinity Visual & Performing Arts – Art Show/Open House
14. Letter – Planning Bd. Chairman – Re: Local Gov't. Efficiency Committee

TABLED RES. NO. 81-12, Authorizing Extension of Tax Collection Agreements with the Cities of Dunkirk and Jamestown – (Tabled Leg. 3/28/12) – No action taken – April 25, 2012, (See page 84 for text)

Chairman Gould: Is there a motion to move this off the table? Seeing none, it stays on the table.

TABLED RES. NO. 83-12, Approving Labor Contract w/ CSEA Unit 6322 (PT Deputy Sheriffs) – (Tabled Leg. 3/28/12)

TABLED RES. NO. 83-12, R/C Vote: 15 Yes; 8 No; 2 Absent (No's: Barmore, Coughlin, Erlandson, Hemmer, Nazzaro, Runkle, Scudder, Gould) – (See page 86 for text) - Adopted

TABLED RES. NO. 84-12, Requesting Amendment of State Legislation Regarding Imposition of Sales Tax – (Tabled Leg. 3/28/12) No action taken - April 25, 2012 - (See page 87 for text)

MOTION: (On File w/ 4/25/12 Leg. Data)

5-12 Opposing Changes in the Law Governing Agriculture Youth Labor – Unanimously Adopted – March 25, 2012

RES. NO. 85-12

Confirm Appointment – Farmland Protection Board

At the Request of Chairman Jay Gould:

WHEREAS, Chairman Jay Gould, has submitted the following appointment for action by the Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointment to the Farmland Protection Board:

Quinn Kaye
10966 Dennison Road
Forestville, NY 14062 Term Expires: 12/31/14

Signed: Croscut

Unanimously Adopted – April 25, 2012

RES. NO. 86-12

Confirm Re-Appointment - Chautauqua County Planning Board

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointment for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Chautauqua County Planning Board:

Garrett A. Brooks
129 Hotchkiss St.
Jamestown, N.Y. 14701
Term Expires: 4/30/15

Signed: Croscut

Unanimously Adopted – April 25, 2012

RES. NO. 87-12

Authorizing the Implementation and Funding in the First Instance of 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project, to Fully Fund the Local Share of Federal-Aid Eligible and Ineligible Project Costs, and Appropriating Funds Therefore

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, a project, for the Replacement of the County Route 18 Bridge over Prendergast Creek, Bin 3325180, in the Town of North Harmony, Chautauqua County, PIN 5758.45 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, the latter of which is anticipated to be approximately 67% funded by the State of New York; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the project PIN 5758.45,

NOW, THEREFORE, the Legislature of the County of Chautauqua, duly convened does hereby

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above subject project; and it is hereby further

RESOLVED, That the Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases exceeds the amount appropriated, \$215,000, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, That the sum of \$55,000.00 is hereby appropriated as indicated below (in addition to \$160,000 previously appropriated via County Resolution Number 75-08 adopted March 26, 2008 and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right of Way Incidentals phases of the Project; and it is further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2012 budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|--------------|-------------------------------------|------------|
| D.5112.390.4 | Contractual - County Bridge Program | \$ 55,000* |
|--------------|-------------------------------------|------------|

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

| | | |
|----------------------|---|--------------|
| D.5112.390.R458.9002 | Federal Aid: Surface Transportation Program | \$44,000 |
| D.5112.390.R358.9003 | State Aid: Marchiselli Funds | <u>8,250</u> |
| | | \$ 52,250 |

And be it further,

RESOLVED, That D Fund Balance is appropriated as follows:

INCREASE APPROPRIATED HIGHWAY FUND BALANCE:

| | | |
|-----------------|-----------------------------|----------|
| D.----.909.0000 | Fund Balance – Fund Balance | \$ 2,750 |
|-----------------|-----------------------------|----------|

* Sum of \$55,000 is in addition to \$160,000 previously appropriated via County Resolution No. 75-08 adopted March 26, 2008 to a total amount of \$215,000 appropriated.

Signed: Himelein, Horrigan, Stewart, Erlandson, Runkle, Nazzaro, DeJoe, Heenan, Borrello

Unanimously Adopted – April 25, 2012

RES. NO. 88-12

Authorizing the Implementation and Funding in the First Instance of 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project, to Fully Fund the Local Share of Federal-Aid Eligible and Ineligible Project Costs, and Appropriating Funds Therefore

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, a project for the Replacement of the Prospect Street Bridge over Mill Creek, Bin 3326130, in the Village of Sinclairville, Chautauqua County, PIN 5758.44 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, with the anticipation that 75% of the Non-Federal funds will be funded by the State of New York; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the project PIN 5758.44,

NOW, THEREFORE, the County Legislature of the County of Chautauqua, duly convened does hereby

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above subject project; and it is hereby further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project portions thereof; and it is further

RESOLVED, That in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases exceeds the amount appropriated, \$240,000.00, the County of Chautauqua shall convene Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, That the sum of \$130,000.00 is hereby appropriated as indicated below (in addition to \$110,000.00 previously appropriated via County Resolution Number 76-08 adopted March 26, 2008) and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right of Way Incidentals phases of the Project; and it is further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2012 budget:

INCREASE THE USE OF D FUND BALANCE:

| | | |
|------------|--------------|----------|
| D.-----909 | Fund Balance | \$ 6,500 |
|------------|--------------|----------|

And be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2012 budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|--------------|-------------------------------------|-------------|
| D.5112.390.4 | Contractual - County Bridge Program | \$ 130,000* |
|--------------|-------------------------------------|-------------|

INCREASE CAPITAL REVENUE ACCOUNTS:

| | | |
|----------------------|---|-------------------|
| D.5112.390.R458.9002 | Federal Aid: Surface Transportation Program | \$ 104,000 |
| D.5112.390.R358.9003 | State Aid: Marchiselli Funds | <u>\$ 19,500</u> |
| | | <u>\$ 123,500</u> |

* Sum of \$130,000 is in addition to \$110,000 previously appropriated via County Resolution No. 76-08 adopted March 26, 2008 to a total amount of \$240,000 appropriated.

Signed: Himelein, Horrigan, Stewart, Erlandson, Runkle, Nazzaro, DeJoe, Heenan, Borrello

Unanimously Adopted – April 25, 2012

RES. NO. 89-12
Reallocate Capital Funds and Close Capital Project

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the capital project for the Breathing Air Compressor (project account H.3010.32803) has been completed; and

WHEREAS, project costs came in under budget due to a grant obtained by the Fredonia Fire Department; and

WHEREAS, the Office of Emergency Services would like use these surplus funds to help finish the Pole Barn Project that was started in 2011; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2012 Capital Budget:

| | | |
|--|---|---------|
| <u>INCREASE CAPITAL APPROPRIATION ACCOUNT:</u> | | |
| H.3410.614.4 | Contractual – Emergency Services Center | \$6,706 |
| <u>DECREASE CAPITAL APPROPRIATION ACCOUNT:</u> | | |
| H.3010.32803.4 | Contractual – Breathing Air Compressor | \$6,706 |
| <u>INCREASE CAPITAL REVENUE ACCOUNT:</u> | | |
| H.3410.614.R503.1000 | Interfund Transfer | \$6,706 |
| <u>DECREASE CAPITAL REVENUE ACCOUNT:</u> | | |
| H.3010.32803.R503.1000 | Interfund Transfer | \$6,706 |

and be it further,

RESOLVED, That the Director of Finance is authorized and directed to close out account H.3010.32803 for any further expenditures and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of an audit and reconciliation of account H.3010.32803, any remaining surplus or deficit be adjusted to the Reserve for Capital.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Heenan, Borrello, Himelein

Unanimously Adopted – April 25, 2012

RES. NO. 90-12
NYS DHSES FY 2011 Emergency Operations Center Grant Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services has been awarded funds of \$42,200 from the FY2011 Emergency Operations Center Grant Program from the Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the goal of the grant is to reduce the current level of risk to the Emergency Operation Center (EOC) facilities in severe weather as well as the improvement of our Audio/Visual system to comply with today's technology and our virtual EOC software; and

WHEREAS, the grant period runs from October 1, 2011 through August 31, 2014; and

WHEREAS, the grant has a local match of 25% which is currently estimated to be \$14,067.00; and

WHEREAS, the Office of Emergency Services intends to include this as part of their 2013 Capital Budget request; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign and execute all necessary agreements to accept the award.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Heenan, Borrello, Himelein

Unanimously Adopted – April 25, 2012

RES. NO. 91-12

Authorize Agreement with the Village of Brocton for Enhanced Police Services

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Village of Brocton has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during a portion of the 2012 and 2013 calendar years; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for the period of March 19, 2012 through May 31, 2013, for an estimated cost not to exceed \$27,400, based on an hourly rate of \$35.35; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Brocton for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Heenan, Borrello, Himelein

Unanimously Adopted – April 25, 2012

RES. NO. 92-12

Authorize CCVB for Matching Funds for NYS Division of Tourism

By Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Legislature has authorized the New York State Department of Commerce to match funds expended by local and regional organizations promoting tourist travel, resorts and vacation businesses in this State; and
WHEREAS, the New York State Legislature has made appropriations for such purposes;
and

WHEREAS, to participate in this program, the Chautauqua County Legislature must designate a not-for-profit corporation; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates Chautauqua County Visitors Bureau as the local tourist promotion agency for the Matching Funds Program sponsored by the Division of Tourism and authorizes said designated agency to make application for matching tourism funds, to receive such matching fund, and to represent the County of Chautauqua in tourism promotion efforts; and be it further

RESOLVED, That in making the aforesaid designation, the Chautauqua County Legislature hereby certifies that Chautauqua County Visitors Bureau has been in operation for at least three (3) years immediately prior to making this year's application; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau comply with the following criteria for implementing the Matching Funds Program:

1. That all interest earned from the Matching Funds Program monies be expended for generic County advertising according to the New York State guidelines for the Program, and
 2. That all discounts, refunds and advertising agency commissions earned through the Matching Funds Program be reflected in the respective participant's account, and
 3. That all of the participant's accounts be reconciled monthly and at the end of the program, and that Chautauqua County Visitors Bureau collect from or refund to participant's such local share as necessary to balance their respective accounts, provided that any local share less than \$50.00 be maintained by the Chautauqua County Visitors Bureau in the matching Funds account and expended for additional generic advertising for the County, and
 4. That the above requirements be stated in the Program agreement with each participant;
- and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$429,000.00 for the state fiscal year from April 1, 2012 through March 31, 2013.
Signed: Runkle, Nazzaro, DeJoe, Heenan, Borrello, Himelein

Unanimously Adopted – April 25, 2012

RES. NO. 93-12

Authorizing the Allocation of a Portion of the 2% Occupancy Tax – Lakes and Waterways Emergency Fund to CLA for Weed Harvesting Operations in Chautauqua Lake for 2012

By Audit & Control Committees:
At the Request of Legislators Croscut, Horrigan, Erlandson, and Borrello:

WHEREAS, by Resolution 109-11, the Chautauqua County Legislature established a County policy creating an annual emergency contingency fund supported by \$40,000 of the 2%

occupancy tax for lakes and streams, with expenditures subjected to approval of the County Legislature; and

WHEREAS, Resolution 109-11 stipulates that requests for emergency funds may be requested based on demonstrated need and used for the following purposes:

- Implementation of recommendations outlined in the Chautauqua Lake Management Plan (2010);
- Development and implementation of a Submerged Aquatic Vegetation Management Plan (SAVMP);
- Submerged aquatic vegetation management (including but not limited to harvesting and shoreline cleanup);
- Harbor remediation including, but not limited to, dredging and submerged aquatic vegetation (SAV) management;
- Shoreline and stream bank stabilization.

WHEREAS, the Chautauqua Lake Association (CLA) meets the policy criteria for the emergency contingency fund; and

WHEREAS, the CLA has had significant budget reductions for 2011 and 2012 limiting their ability to maintain Chautauqua Lake waterways, via mechanical weed harvesting and beach clean-up, thereby reducing recreational activities on Chautauqua Lake; and

WHEREAS, weed growth in Chautauqua Lake for the 2012 summer has the potential to be one of the worst years, due to the mild winter, lack of ice cover on the Lake, and unseasonably warm spring conditions; and

WHEREAS, CLA will receive additional funding from the Chautauqua Region Community Foundation in the amount of \$10,000 if they are successful in obtaining matching funds from Government sources; and

WHEREAS, Chautauqua Lake residents and tourists would benefit greatly from the allocation of additional funds to the CLA in the amount of \$10,000 in 2012 from the 2% Occupancy Tax Lakes and Waterways Emergency Fund; let it be

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of \$10,000 from the 2% Occupancy Tax Lakes and Waterways Emergency Fund to CLA for maintenance of Chautauqua Lake waterways in 2012.

Signed: Runkle, Nazzaro, DeJoe, Heenan, Borrello, Himelein

Unanimously Adopted – April 25, 2012

RES. NO. 94-12

Resolution Authorizing the Chautauqua County Department of Social Services to Create an Action Plan to Increase the Welfare-to-Work Participation Rates in Chautauqua County

At the Request of Legislators Runkle, Scudder, Wendel, Stewart, Borrello, Heenan, DeJoe:

WHEREAS, the New York State welfare-to-work program is locally administered and state supervised and involves all 57 counties and the City of New York; and

WHEREAS, in January 2012, the New York State average rate for participation in this program was 34.2% while the participation rate in Chautauqua County was only 10%, or 24.2 % below the state average; and

WHEREAS, the Chautauqua County participation rate in the welfare-to-work program has steadily dropped from 30.8% in May 2007 to 10% in January 2012, a drop of 20.8%, while the New York State average has dropped by only 3.1% from 37.3% to 34.2% during the same time period; and

WHEREAS, there are only five counties in New York State that have performed at a lower rate than Chautauqua County; and

WHEREAS, substantial savings to local taxpayers could be realized through improving the welfare-to-work participation rate in Chautauqua County; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby directs the Chautauqua County Department of Social Services to provide the County Legislature within 30 days hereof with an action plan to increase the current Chautauqua County Welfare to Work Participation Rate from 10% to the statewide average rate of 34.2% within 12 months, including specific plans to increase the number of worksites, education and training programs, improve supportive services for worksites, evaluate and select appropriate welfare recipients for each worksite, assist welfare recipients to meet the expectations of worksite employers, address and resolve transportation and day care issues, and provide prompt and efficient sanctioning of any welfare recipients who refuse without good cause to participate in the program; and be it further

RESOLVED, That the Chautauqua County Legislature hereby directs the Chautauqua County Department of Social Services to identify for the County Legislature within 30 days hereof any necessary changes in staffing levels, resources, or services that will be needed to bring the Chautauqua County welfare-to-work participation rate in line with the New York State average within 12 months; and be it further

RESOLVED, That the Department of Social Services is hereby directed to furnish monthly progress reports to the Human Services Committee of the Chautauqua County Legislature specifically delineating what progress has been made in achieving the aforementioned goal, including any increase in the number of worksites, increase in the number of welfare recipients participating in the program, the number of welfare recipients who have been sanctioned, and the welfare-to-work participation rate for the preceding month based on the methodology used by the New York State Office of Temporary and Disability Assistance, which reports shall be given at the monthly meetings of the Human Services Committee.

Signed: Runkle

MOVED by Legislator James, SECONDED by Legislator Hoyer to amend by adding the words underlined and deleting the word that has a strikethrough.

Unanimously Adopted – April 25, 2012

Underline indicates New Language, Strikethrough Indicates Deletion

RES. NO. 95-12

Authorizing Extension of Tax Collection Agreement with the City of Dunkirk

At the Request of Legislators Ahlstrom, Heenan and Barmore:

WHEREAS, pursuant to Resolution 167-10, the County Legislature authorized an agreement with the City of Dunkirk and for a new joint tax collection agreement providing that collection and enforcement of real property taxes for the city and school district within the city would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the city, including the guarantee of all such taxes; and

WHEREAS, it would be appropriate to extend the agreement with the City of Dunkirk under the same terms and conditions for a period of two (2) years; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an extension of the existing joint tax collection agreement with the City of Dunkirk for a two (2) year term covering the 2012 and 2013 tax levies.

Signed: Ahlstrom, Heenan, Barmore

Unanimously Adopted – April 25, 2012

RES. NO. 96-12

Authorizing Extension of Tax Collection Agreement with the City of Jamestown

At the Request of Legislator Barmore:

WHEREAS, pursuant to Resolution 168-10, the County Legislature authorized an agreement with the City of Jamestown for a new joint tax collection agreement providing that collection and enforcement of real property taxes for the City and school district within the City would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the City, including the guarantee of all such taxes; and

WHEREAS, it would be appropriate to extend such agreement with the City of Jamestown under substantially the same terms and conditions for a period of two (2) years; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an extension of the existing joint tax collection agreement with the City of Jamestown for a two (2) year term covering the 2012 and 2013 tax levies.

Signed: Barmore

Adopted w/ Legislators Borrello, Duff, Scudder voting "no" – April 25, 2012

RES. NO. 97-12

Appropriating IGT Funds for Chautauqua County Home

At the Request of Legislators Cornell, Whitney, DeJoe, James, DeJoy, Coughlin, Hoyer, Rogers, Duff:

WHEREAS, county-owned nursing homes such as the Chautauqua County Home can qualify for a match of federal funds expected to be no less than 50% through the Intergovernmental Transfer (IGT) program; and

WHEREAS, the County must provide a local share contribution separate and apart from County Home operating revenues in order to qualify for the IGT match; and

WHEREAS, the Chautauqua County Home is currently sustaining substantial losses and it is desirable for the County to maximize available resources to offset a portion of the current deficit by using both local share and IGT matching funds; and

WHEREAS, a larger than expected surplus for 2011 has increased the amount of undesignated fund balance available for a local share contribution to the County Home; therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

| | | |
|------------|--|---------|
| A.-----909 | Fund Balance, Unreserved Fund Balance – Fund Balance | 500,000 |
|------------|--|---------|

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---------------------------------------|---------|
| A.6102.----.4 | Contractual – Medical Assistance MMIS | 500,000 |
|---------------|---------------------------------------|---------|

Signed: Cornell (Defeated in H.S & Tabled in A.C.)

MOVED by Legislator Nazzaro, SECONDED by Legislator Croscut to TABLE –Carried w/ Legislators Cornell, Hoyer and Whitney voting "no" – April 25, 2012

2nd Privilege of the Floor

Ms. Bonnie Peters, 8237 Glassglow Road, Cassadaga, N.Y. I sure wished my notes were more because it's not going to take me three minutes, but I will see what I can do. So, one week ago today I had the privilege of attending the rally that the residents of the County Home held at City Hall in Dunkirk. I was very pleased to see the turn out and I was happy to hear what the residents themselves had to say. One of the residents actually talked to us and explained to us what a day was like for her there. It was very interesting to hear her take on what it's like from the time she gets up to the time she goes to bed. It was great to hear the residents to talk about the place that they call home and it was very encouraging to hear the residence of the community, people of our community that have had loved ones that had been there, to hear what they had to say about the Home. It was also very encouraging for me to hear the residents talk about the people that they call their family that work at the Home and help take care of them. I would like to encourage each of you to take some time and go visit the residents. Go visit the people who live and call that place home. While you are there, I would encourage you also to go and speak with the President of the residence council, Joe Carrara. I tired to think of something to write down to talk to you guys about Joe and I guess really I couldn't come up with anything so I will have to speak from my heart about Joe. He's very passionate about where he lives. He passionate about the people that live there with him and he's passionate about the people that he call his family. So I would encourage you to go and talk with him to see what he has to say. What ideas does he have for all of us, not just pertaining to the Home but pertaining to us as individuals. He's very intelligent individual. Anybody that wants to go there, call me. I will gladly go with you. It's awesome to go there, spend time with the residents. All of their knowledge, all of the things that they can share with us. At the rally, we had one of the ladies that actually told us a poem and it was very interesting to hear her point. So, with that said, thank you and again, if you want to go

and visit the Home, please do so and if you want me to go with you, give me a call, I am right there to go with you, thank you.

Ms. Rose Conti, 50 Lake Ave., Brocton, N.Y. Just a couple of comments. First; on the words of Mr. Nazzaro, I hope that in the coming month that you truly do consider what you are going to do and how you are going to help fund the County Home. That is cutting it kind of close. Your next meeting is May 23rd and I believe the cut off date is June 1st, so, I hope that you are prepared with an idea then and you are ready to go with plugging in those figures and going because I really believe it's the right direction for us to take. The second thing that I wanted to comment on, as I read your resolution 94-12, the second RESOLVED it talks about you are going to be asking for Christine Shuyler to be giving you a report and talk about the changing in staff levels, resources and services. I would just ask that when you see that, that you give thought to what has gone on in the past. It is not about blame, it's about thought. But when you take a department and you reduce the staff at a time when the need for that department has grown, you have overburdened the staff that is left and you force managers and supervisors and directors to make very tough choices about what they have their staff do and what they must do to follow State regulations, to get the job that the State demands them. Because of that other things have to sit on the wayside. They have to shovel their staff around. We went through the fire, we have space issues, we have all the issues in that department that could possibly create the perfect storm. So, as you go through this process, I am hoping that you have a chance to speak to Christine Schuyler, her lead staff but also maybe get a chance to go to these facilities, look at where they are working, listen to the people that do the job as she does and hear what they have to say about what their needs are and what they need to be successful in their jobs which makes them successful in doing what you are expecting them to do. So, please give yourself and opportunity to do that. I think that you will be enlightened and I think that it will help you see it more clearly as you get your reports back.

Bob Whitney, 41 Hallock St., Jamestown, N.Y. I have two comments. The first one is, I definitely hope this IGT is a minimum of the \$500,000. That is bottom line minimum. I hope we can go more than that. And my second comment is to Mr. Tarbrake. As you award Mr. Spanos, did you check into see how much overtime we spent on Sunday getting the trucks ready again? The trucks were already for summer and we had to get them back to winter mode and there was some overtime spent.

Legislator Cornell: (*Inaudible*) comment on these IGT funding too. While the many sponsors of this legislation and I are certainly disappointed that we weren't able to make a decision going forward on the County Home tonight, we do appreciate that Mr. Nazzaro offers a good financial perspective to the Legislature as always and are very hopeful that we're able to do the right thing next month. Whether you oppose or support the sale of, or potential sale of the County Home, putting it in the best financial position going forward makes good sense for the taxpayers of Chautauqua County. Certainly above all, it makes good sense for the people of the County Home and the many families of the residents of the County Home as well. I would also like to offer that I am one of – my Grandmother is in the County Home celebrating her 93rd birthday today so I can certainly testify first hand that I am one of the thousands of families who's had a loved one in the County Home over the last 100 years or so in it's existence. It deserves the funding, it deserves our support going forward.

Legislator Stewart: I too would like to echo Mr. Tarbrake's comments. I would like to say that Town of Cherry Creek and also the County did a fantastic job making sure that my family got to work safe during this inclement weather we had.

Legislator Heenan: I echo the same sentiments as Mr. Tarbrake. I feel that public safety is a lot more important in what we had to spend in overtime putting plows back on trucks.

Chairman Gould: Anyone else to speak to the 2nd privilege of the floor? Seeing none we'll close the privilege of the floor.

MOVED by Legislator Nazzaro, SECONDED by Legislator Croscut and duly carried the meeting was adjourned. (7:58 p.m.)

Chautauqua County Legislature
 Wednesday, May 23, 2012 – 6:30 p.m.
 Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Deputy Clerk Foster announced a quorum present. (Absent: DeJoy)

Legislator James delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Heenan the minutes were approved.

1st Privilege of the Floor

No one chose to speak at this time.

COMMENDATION:

ROBERT H. JACKSON CENTER
 Mr. David Crane
 Mr. Gregory Peterson
 By Legislators Cornell & Horrigan

COMMUNICATIONS:

1. Letter – Chmn. Gould – Appts. Insurance Review Committee
2. Letter – County Exec. Edwards – Appt. Sport Fishery Advisory Board
3. Letter – County Exec. Edwards – Appts. Traffic Safety Board
4. Letter – Chaut. Farml. Protection Bd. – Req. Inclusion of Parcels into Ag. Dist. #2 –Denied
5. Finance Overview- Chaut. County Landfill – (January-December 2011)
6. Monthly Meeting Minutes – Fire Advisory Board – April/2012
7. Chautauqua County Reconciliation as of March 31, 2012
8. Oswego County – Res. – Re: Opposing MOU between NYS & Fed. Gov't. to Speed Development of Wind Towers in Lake Ontario's Eastern Basin
9. Letter – Assemblyman Goodell – Ack. Receipt of Motions 3, 4 & 5-12.
10. Letter – Assemblyman Giglio – Ack. Receipt of Motion 5-12
11. Letter – Speaker Sheldon Silver - Ack. Receipt of Motion 4-12
12. Letter – Congressman Reed – Ack. Receipt of Motion 5-12
13. Letter – NYSAC – Ack. Receipt of Motion 5-12
14. Fulton County – Res. – Calling upon Governor's Mandate Relief Council to Submit Mandate Relief Proposals to State Legislators
15. Financial Statement – CCVB – Yrs. Ending December 31, 2011 and 2010
16. Letter via E-mail – Legislators DeJoy and DeJoe – Re: IDA/Job Creation
17. Letter – Insyte Consulting – Re: Recognizing Contribution to Chaut. Co. Manufacturers – Technical Assistance Program
18. Email – F. Croscut – Insyte Consulting – Jobs Created

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
 NO VETOES FROM 4/25/12

TABLED RES. NO. 97-12 – Appropriating IGT Funds for Chautauqua County Home — (See page 100 for text) - (Amended in A.C. to increase IGT amount to \$1,378,491) – Adopted as amended – R/C Vote: 20 Yes; 4 No; 1 Absent (No's: Horrigan, Stewart, Tarbrake, Wendel) – May 23, 2012

MOTIONS: (On file w/ 5/23/12 Leg. Data)
 6-12 Requesting NYS to Fulfill its Commitment to Upstate Economic Revitalization by Completing Interstate Highway I-86 – Unanimously Adopted
 7-12 "MayDay for Mandate Relief" - Unanimously Adopted

RES. NO. 98-12
 Confirm Re-Appointments - Chautauqua County Traffic Safety Board

By Public Safety Committee:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Traffic Safety Board.

| | | |
|---|---|---|
| Dennis Barmore 2644 28 Creek Rd. Gerry, NY 14740 Term Expires: 5/31/15 | John Bremmer 2012 Winch Rd. Lakewood, N.Y. 14750 Term Expires: 5/31/15 | Bradley Van Riper 2709 28 Mile Creek Rd. Gerry, N.Y. 14740 Term Expires: 5/31/15 |
|---|---|---|

Signed: Wendel, Whitney, Duff, Hemmer, Coughlin

Unanimously Adopted – May 23, 2012

RES. NO. 99-12
 Confirm Appointment - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive Gregory J. Edwards has submitted the following appointment to the Chautauqua County Legislature for action; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Sports Fishery Advisory Board.

| | |
|--|-------------------------------------|
| Lance Ehrhardt 8490 Hahn Rd. Fredonia, N.Y. 14063 Term Expires: 5/31/14 | Position last held by Barry Eckwahl |
|--|-------------------------------------|

Signed: Croscut, Rogers, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 100-12

Confirm Appointment - Chautauqua County Visitors Bureau Board of Directors

By Planning & Economic Development Committee:
At the Request of Chairman Jay Gould:

WHEREAS, per Resolution 66-84 there shall be two legislators named as voting members of the Chautauqua County Visitors Bureau Board of Directors; and

WHEREAS, Legislator Shaun Heenan has recently resigned from the Chautauqua County Visitors Bureau Board of Directors; and

WHEREAS, the Chairman of the Legislature has submitted the following name for confirmation by the Legislature; now therefore be it

RESOLVED, That the following named individual be appointed members of the CCVB Board of Directors.

Thomas DeJoe
14 Fay Street
Brocton, NY 14716

Signed: Croscut, Rogers, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 101-12

Establishing "Summer Hours" for County Employees

By Administrative Services Committee:
At the Request of Chairman Jay Gould:

WHEREAS, Section 206 of the County Law permits the County Legislature to fix the number of hours constituting a legal day's work for all classes of county employees; and

WHEREAS, Section 206 of said law further specifically provides that the County Legislature may adjust such hours for the summer months; therefore be it

RESOLVED, That except as may otherwise be mandated by law, the regular hours of all County offices shall commence at 8:30 A.M. and shall terminate at 4:30 P.M. for the period of May 29, 2012 through September 3, 2012.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – May 23, 2012

RES. NO. 102-12

Adjust 2012 Budget for HELP AMERICA VOTE ACT (HAVA) Funds (SHOEBOX) Program

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Board of Elections received a grant from the NYS Board of Elections acting through the State of New York in the amount of \$230,002.76 to use and implement the 2002 Help America Vote Act (HAVA); and

WHEREAS, these funds are to be appropriated to establish voting system standards, provisional voting, voting information, statewide voter registration database, and voter identification for first time voters; and

WHEREAS, the grant period extends through March 31, 2014; therefore be it

RESOLVED, That the Director of Finance be, and is hereby directed, to make the following 2012 budgetary changes:

INCREASE REVENUE ACCOUNT:

A.1450.R308.9007 New York State Aid – Other State Aid: Elections Grant \$230,003

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.4 Contractual –Board of Elections \$230,003

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, Himelein, Borrello, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 103-12

Authorize Agreements with Chautauqua County Soil & Water Conservation District for Timber Sale Services

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Department of Public Facilities is in need of timber sale services to assist with County timber sale activities on County parks and reforestation properties, and

WHEREAS, the County issued an RFP for such services for the time period 2012-2017, and

WHEREAS, the Chautauqua County Soil and Water Conservation District provided the lowest quote in response to the RFP, with a charge to the County of nine and one-half percent of the revenue earned by the County in connection with such timber sale activities, now, therefore, be it

RESOLVED, That the County Executive is hereby authorized to execute agreements with the Chautauqua County Soil and Water Conservation District for timber sale services, upon such terms and conditions as the County Executive deems appropriate, for the time period 2012 through 2017.

Signed: Himelein, Horrigan, Stewart, DeJoe (P.F. – Erlandson voting "no")

MOVED by Legislator Horrigan, SECONDED by Legislator Croscut to Table. – Unanimously Carried – May 23, 2012

RES. NO. 104-12

Mortgage Tax Distribution May 2012

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due them pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

October 1, 2011 thru March 31, 2012

| TOWNS | | CITIES | |
|---------------|-----------|---------------|--------------------|
| Arkwright | 7,246.33 | Dunkirk | 22,087.66 |
| Busti | 41,790.16 | Jamestown | 70,277.97 |
| Carroll | 11,991.16 | | |
| Charlotte | 5,231.55 | TOTAL | \$92,365.63 |
| Chautauqua | 62,246.39 | | |
| Cherry Creek | 2,253.13 | | |
| Clymer | 6,214.63 | VILLAGES | |
| Dunkirk | 11,210.22 | | |
| Ellery | 56,088.08 | Bemus Point | 3,688.53 |
| Ellicott | 65,790.64 | Brocton | 880.50 |
| Ellington | 6,187.31 | Cassadaga | 1,406.89 |
| French Creek | 29,288.92 | Celoron | 4,012.17 |
| Gerry | 10,702.43 | Cherry Creek | 289.69 |
| Hanover | 32,082.32 | Falconer | 7,566.54 |
| Harmony | 6,916.70 | Forestville | 1,130.00 |
| Kiantone | 15,893.71 | Fredonia | 18,020.31 |
| Mina | 14,121.37 | Lakewood | 13,193.25 |
| North Harmony | 20,663.11 | Mayville | 4,974.00 |
| Poland | 6,966.26 | Panama | 855.68 |
| Pomfret | 34,277.21 | Sherman | 1,053.00 |
| Portland | 9,561.39 | Silver Creek | 3,935.25 |
| Ripley | 6,743.12 | Sinclairville | 1,130.51 |

| | | | |
|--------------|---------------------|--------------------|---------------------|
| Sheridan | 8,636.59 | Westfield | 4,987.50 |
| Sherman | 5,172.92 | | |
| Stockton | 7,306.44 | TOTAL | \$67,123.82 |
| Villanova | 2,878.38 | | |
| Westfield | 13,488.90 | | |
| TOTAL | \$500,949.37 | GRAND TOTAL | \$660,438.82 |

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, Himelein, Borrello, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 105-12

Authorize Acceptance of 2012-2013 NYS Office of Victims Services Crime Victim Assistance Grant

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Office of the District Attorney has been awarded a Crime Victim Assistance Grant in the amount of \$117,681 from the New York State Office of Victims Services for the period from October 1, 2012 through September 30, 2013; and

WHEREAS, the local match requirement will be provided by third party and in-kind services; and

WHEREAS, such funds will enable the District Attorney's Office to provide assistance to victims of crime in Chautauqua County; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Office of Victims Services to accept a Crime Victim Assistance grant; and be it further

RESOLVED, That it is the intent of the County Legislature that the crime victim coordinator and the victim service provider positions created and funded pursuant to this grant will not be continued should the grant not be refunded.

Signed: Wendel, Whitney, Duff, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Borrello, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 106-12

2009 Citizen Corps Grant Award Appropriation of Funds

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Department of Homeland Security appropriations provided funds to New York State to be used for grants relating to Citizen Corps Councils; and

WHEREAS, New York State Emergency Management Office has approved Chautauqua County Office of Emergency Services' application for the use of the Citizen Corps Council funds, up to \$79,283.64, for the period September 1, 2009 thru August 31, 2012; and

WHEREAS, the County Executive, by Res. No. 96-10, was authorized to enter into a contract (10-14-05) with New York State Emergency Management Office to accept funds for Citizen Corps Councils; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|----------------------------------|----------|
| A.3010.----.4 | Contractual – Emergency Services | \$69,784 |
|---------------|----------------------------------|----------|

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|---------------------------------|----------|
| A.3010.----.R430.5004 | Federal Aid - Homeland Security | \$69,784 |
|-----------------------|---------------------------------|----------|

Signed: Wendel, Whitney, Duff, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Borrello, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 107-12
2011 Hazardous Materials Grant Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded a Region Partnership Grant in the amount of \$70,552 under the 2011 Hazmat Grant Program which runs from March 6, 2012 thru August 31, 2014; and

WHEREAS, the 2011 HazMat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, Chautauqua County is the submitting partner for the grant and will act as the lead Agency to manage the Grant Funds; and

WHEREAS, the Grant will be used to purchase HazMat and Counter Terrorism equipment to enhance regional HazMat response capabilities; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign the necessary contracts and documents to accept the award, and be it further

RESOLVED, That the Director of Finance is directed to make the following 2012 budgetary changes:

ESTABLISH & INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|------------------------------------|------------|
| A.3640.----.R430.5004 | Fed Aid: Homeland Security Program | \$ 70,552. |
|-----------------------|------------------------------------|------------|

ESTABLISH & INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---------------------------------|------------|
| A.3640.----.2 | Equipment – Hazardous Materials | \$ 70,552. |
|---------------|---------------------------------|------------|

Signed: Wendel, Whitney, Duff, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Borrello, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 108-12

Authorize Agreement with BOCES LoGuidice and BOCES Hewes Centers for School Resource Officer

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of BOCES LoGuidice and BOCES Hewes Centers and determined that these schools and the County would benefit by the continuation of the School Resource Officer program; and

WHEREAS, BOCES LoGuidice and BOCES Hewes Centers have agreed to compensate the County of Chautauqua for the cost of providing one Deputy Sheriff for the period of September 4, 2012 through June 30, 2013, with the deputy to be shared between both facilities at a total sum not to exceed \$84,467, plus any agreed upon overtime hours compensated at the rate of \$57.86 per hour; and

WHEREAS, the County will not be required to incur any additional expenditures to fund this position; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with BOCES LoGuidice and BOCES Hewes Centers for the School Resource Officer Program.

Signed: Wendel, Whitney, Duff, Hemmer, Coughlin, Runkle, Nazzaro, Himelein, Borrello, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 109-12

Authorize Extension of Lease Agreement for Department of Planning and Economic Development at the Riverside Industrial Center

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Department of Planning and Economic Development, in cooperation with the Chautauqua County Industrial Development Agency, has encouraged and supported the development of an industrial incubator project in the Riverside Industrial Center in Jamestown, New York; and

WHEREAS, the County entered into a lease agreement for such office space that was thereafter assigned to the Chautauqua Region Industrial Development Corporation as owner of the premises; and

WHEREAS, the County is desirous of extending the lease agreement for an additional year upon the following terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of a lease agreement with Chautauqua Region Industrial Development Corporation

(CRIDC) for office space in the Riverside Industrial Center on substantially the following terms and conditions:

Division of Planning:

- 1.) Premises. 2,465 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York
- 2.) Rent. At \$2.41 a square foot, an annual sum not to exceed \$5,946.96 to be paid monthly at the rate of \$495.58 per month.
- 3.) Utilities. Landlord to pay utilities.
- 4.) Term. One year term commencing on January 1, 2012 and terminating December 31, 2012 subject to termination by prior notice.
- 5.) Other. As negotiated by the County Executive.

Division of Economic Development:

- 1.) Premises – 2,280 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York.
- 2.) Rent – At \$1.72 a square foot, an annual amount not to exceed \$3,921.00 payable at the rate of Three Hundred Twenty-six and 75/100 (\$326.75) Dollars per month.
- 3.) Utilities – Landlord to pay utilities.
- 4.) Term – One year commencing on January 1, 2012 and terminating on December 31, 2012 subject to termination by prior notice.
- 5.) Other – As negotiated by the County Executive.

Signed: Croscut, Rogers, Heenan, Runkle, Nazzaro

Unanimously Adopted – May 23, 2012

RES. NO. 110-12

Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua Industrial Development Agency was formed pursuant to Section 895-h of the New York State General Municipal Law to promote, develop, encourage, and assist in economic development throughout Chautauqua County; and

WHEREAS, pursuant to Article 11 and Section 11.01 of the Chautauqua County Code the County of Chautauqua Department of Planning and Economic Development is responsible for originating programs and activities to improve the economy of Chautauqua County by stimulating job retention, job creation and growth and capital improvements, as well as seeking funds to be used for development, and working with private interests and public agencies of all types; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose for the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development and promotion in the amount of One Hundred Twenty-five Thousand Nine Hundred Fifty-two and 00/100 (\$125,952.00) dollars.

Signed: Croscut, Rogers, Heenan, Runkle, Nazzaro, Himelein, Borrello, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 111-12

Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Industrial Development Agency has the expertise and knowledge to conduct a Business Assistance Program and has operated such program to, among other things, develop business sites and properties as well as identify and catalog critical business information, and establish, enhance and share a business profile database; and

WHEREAS, the County of Chautauqua desires to assist the Chautauqua County Industrial Development Agency in this endeavor to encourage the development of new businesses in the area as well as the expansion of existing local businesses and industries; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its annual budget; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program for the current fiscal year in the amount of Fifty-nine Thousand One Hundred Fifty-five and 00/100 (\$59,155.00) dollars.

Signed: Croscut, Rogers, Heenan, Runkle, Nazzaro, Himelein, Borrello, Heenan

Unanimously Adopted – May 23, 2012

RES. NO. 112-12

Environmental Assessment and Approval of Funding of Projects for 2012 2% Occupancy Tax Projects

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 184-11 that the Chautauqua County Department of Planning & Economic Development (CCPED) conduct a New York State Environmental Quality Review (SEQR) for the projects ranked numbers 1 – 8 recommended by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature; and

WHEREAS, CCPED and the various involved agencies have reviewed the projects consistent with SEQRA and applicable state regulations; and

WHEREAS, the CCPED recommends that the projects that are ranked as numbers 1 - 8 on the Waterways Panel list be classified as Unlisted under 6 N.Y.C.R.R. 617.2(ak) of the Environmental Conservation Law and do not require additional environmental review; and

WHEREAS, the County has caused the attached Short Environmental Assessment Forms (SEAF) to be prepared for all projects recommended to be classified as Unlisted Actions; and

WHEREAS, the County has reviewed the SEAF for each project and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Actions to determine if the Actions may have any significant adverse environmental effects; now therefore be it

RESOLVED, That the County hereby finds and determines that Actions listed and identified above as numbers 1-8 will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration; and be it further

RESOLVED, That project numbers 1 through 8 are hereby awarded the amounts as set forth by the Waterways Panels list of ranked and prioritized projects out of the 2% Occupancy tax in the 2012 County Budget.

| Project/Agency or Organization | Rank | Amount Requested | Amt Recomd |
|---|------|------------------|-------------|
| Falconer Village Park (Moon Brook Streambank Stabilization /Village of Falconer | 1 | \$36,500.00 | \$36,500.00 |
| Goose Creek Streambank Stabilization /Chautauqua County Soil and Water Conservation District | 2 | \$40,000.00 | \$40,000.00 |
| Tinkertown Bay Shoreline Restoration /Tinkertown Bay Homeowner's Association | 3 | \$40,000.00 | \$40,000.00 |
| Findley Lake Streambank Stabilization /Findley Lake Watershed Foundation | 4 | \$28,780.00 | \$28,780.00 |
| Moon Brook Streambank Stabilization-JCC /Chautauqua County Soil and Water Conservation District | 5 | \$40,000.00 | \$15,970.00 |
| Twenty-Eight Mile Creek Streambank Stabilization /Town of Ellington | 6 | \$29,000.00 | \$ 0 |
| Dewittville Creek Weir Stabilization /Chautauqua County Soil and Water Conservation District | 7 | \$40,000.00 | \$ 0 |
| Kiantone Creek Streambank Stabilization /Chautauqua County Soil and Water Conservation District | 8 | \$40,000.00 | \$ 0 |

Signed: Croscut, Rogers, Heenan, Runkle, Nazzaro, Himelein, Borrello

Unanimously Adopted – May 23, 2012

RES. NO. 113-12

Authorizing Additional 2% Occupancy Tax Funding to Match Requested Funds for the Approved Moonbrook 2% Project at JCC

By Planning & Economic Development and Audit & Control Committees:
At the Request of Chairman Jay Gould, Legislators Croscut, Erlandson, Heenan:

WHEREAS, pursuant to Resolution 184-11, the Chautauqua County Legislature approved the prioritized recommendations for Waterways Panel projects to be completed with the 2012 2% Occupancy Tax; and

WHEREAS, Resolution 184-11 approved the project entitled "Moon Brook Streambank Stabilization-JCC" (Project #5) submitted by the Soil and Water Conservation District (SWCD); and

WHEREAS, only \$15,970 out of the \$40,000 requested was made available based on estimated funds for 2012 projects; and

WHEREAS, additional 2% Reserve Funds have been identified in the amount of \$24,030;
and

WHEREAS, the additional funds in the amount of \$24,030 would fully fund the SWCD
Moonbrook-JCC project; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes full funding of the SWCD
to complete the Moonbrook-JCC project and appropriates Reserved Fund Balance as follows:

INCREASE APPROPRIATED FUND BALANCE:

A.-----889.WATR Fund Balance, Resvd Fund Bal – Misc Res Lakes & Waterways \$24,030

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following
amendments to the 2012 Budget.

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual – Watershed Administration \$24,030

Signed: Croscut, Rogers, Heenan, Runkle, Nazzaro, Himelein, Borrello

Unanimously Adopted – May 23, 2012

2nd Privilege of the Floor

Ms. Bonnie Peters, 8237 Glassglow Rd., Cassadaga, NY. I want to respectfully thank you
as a legislative body for doing what was right for the IGT funding for the people of the County Home
and the residence of the County, the taxpayers. Thank you.

Ms. Rose Conti, 50 Lake Avenue, Brocton. I got told earlier that I got miffed so I thought
that I better say that this is the last time I will be addressing this body as the President of CSEA. The
next time you see me I'll be citizen Conti so I'll have to watch for three minutes only. I am very grateful
to all of you for all the hard work that you do for this County. I know that we always don't see eye to
eye but I do understand the job is a tough one and I am grateful that the last thing I get to say to you
as the President of CSEA is thank you for the decision you made this evening.

Ms. Susan Baldwin: I live in Villenova and I also wanted to just get up and say thank you
very much for this decision tonight. You can't imagine how many hours I learned to use the computer
just to do this. So, thank you for a lot of things.

Chairman Gould: Any one else to speak to the privilege of the floor?

MOVED by Legislator DeJoe, SECONDED by Legislator Borrello and duly carried the
meeting was adjourned. Meeting adjourned. (7:42 p.m.)

Chautauqua County Legislature
Wednesday, June 27, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Jankowski announced a quorum present.

Legislator Nazzaro delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator DeJJoe the minutes were approved.

1st Privilege of the Floor

Mr. Chris Yates, President of the Chautauqua Lake Association and I reside at 800 Lakeview Ave., Jamestown, N.Y. I would like to thank the Legislature, the administration, the Planning & Economic Development Department and our partners, the Chautauqua Lake Management Commission for their support for the CLA in its goal of maintaining Chautauqua Lake. Around \$100,000 that was first proposed in your resolution number 136-12, would allow the resumption of a third crew. We arrived at that specific number based on the cost to launch and operate two additional harvesters, a transport barge, small truck and small barge. For many years, we operated three crews on the lake. We were able to operate, in a couple of years, at full capacity of four crews. This season we are operating at two crews as we did in 2011 due to funding limitations. In addition, we've been able to contract with the community to do some specific work, the cost of which is borne entirely by that community. We're continuing to explore those other similar arrangements elsewhere. We believe the early significant nuisance weed growth that has occurred a need for a third crew. I believe that it was reported at last weeks committee meetings that the cost of a third crew was reviewed and determined to be realistic at \$100,000. Depending on how plant growth continues, there may be a need for an additional crew later in the season. The \$100,000 originally proposed would not have fully funded our operation to operate all of our equipment but does go a long way of meeting our needs.

I would like to comment just briefly on the amended resolution that you are considering. We do not believe that we will be able to raise the additional \$30,000 funding in time to meet the match required. We are intensively involved in fund raising and exceeded what we thought might be possible when we began our fund drive earlier this year. Even if we could raise the additional funds that would probably occur to late to make a significant difference in what we could achieve. If the maximum requirement were to be removed we could improve services by extending our daily operations by the number of hours that \$30,000 would afford us. A misinterpretation exists about our capital equipment investment funds. To clarify this, over time, area Foundations have provided us over \$5 million current value worth of capital assets. We have a fiduciary responsibility to protect those assets. We maintain these invested funds which are at an appropriate prudent level for an operations oriented not-for-profit, to preserve the asset and to cover equipment replacement liabilities. In accordance with financial accounting practices, our Board has a policy allowing our spending of the appreciation of the funds at a rate not to exceed 3% annual. In our 2012 operating budget, the amount of \$14,868 is available under that policy and is included in our revenue streams. We have no other reserves. We direct all of our income received annually toward annually operation program. Because we have no other reserve, our annual program can not sustain a deficit. We budget for a break even situation by the end of 2012 and that is what we hope to achieve. We're fortunate that the Foundations have provided for capital assets as our current income is not adequate to cover equipment, procurement, replacement, and operations. A request over the years probably would have been much greater if we would have had to purchase and protect the same equipment. Lastly, I think that it is important to recognize the partnerships that we forged with Cummings Engine whose volunteers help us with shoreline maintenance. Volunteer support of the Rotary Club of

Jamestown in its Adopt a Shoreline and Neighborhood Shoreline Cleanup programs and the program that the Department of Social Services that is incorporating benefit recipients into our normal regular crews. These partnerships are tremendous help in meeting the summer challenges. You are also considering another piece of legislation this evening to provide funding for project relating to Chautauqua Lake Management Plan and activities and projects the CLMC and its partners. The CLA supports the spirit of that resolution to advance the very valuable work of the Commission.

Mr. Bill Evans. I know some of you folks here. I was a part of the founding group of the CLMC and I was its Chairman for five years. I also, in the early 80's sat where you sit for four years so I understand your challenges and I understand responsibilities that you have sitting there. A number of you, I saw at Tom Becker's house about two weeks ago at Chautauqua Institute. Tom is the President of Chautauqua Institution and after you socialize for awhile, he spoke about the lake and he started off by saying, and we quoted somebody else, it wasn't his originally, "Chautauqua Lake is choking on the weeds" and he repeated that. We have a crisis and my purpose here is to talk about the priority this lake must have in the deliberations that you people are involved in. There are parts of the lake this year and I have lived here for 40 years, that are unusable that were never unusable before. I have a good friend, I don't know if he is here tonight, but he is a rower, he doesn't row anymore because he's afraid he can't get his ore in and out of the water. I recently read about a dog that drowned in the weeds in Bemus Point, or in that area. I guess it was probably within the last month. Of course, the fear is it could have been a human being. I have been out there when they are so thick that I would be afraid to fall in myself. Thousands upon thousands of people get their water from the lake. In the last several years, during August, if you are out there, there is a blue green algae that has developed. I don't know if it is poisonous. It looks like it is to me but, so many people draw their sustenance from that lake, we need to be concerned about it. Chautauqua Institution itself right now, 10,000 to 11,000 people are getting their water every day. I mean, is it safe? These are real serious questions. The economics of the situation, I know that you have heard this before and if you were here four or five years ago, you heard it from me, but within the boundaries around the lake, 414 on the north and 394 on the south, is less than 1% of all the taxable property in the County. In other words, 99% is outside of that area but that property, less than 1% raised 28% of all the tax dollars for the County. Something happens to the value of those properties and guess where that tax burden goes? It's going to shift to the entire County. I recently talked with a realtor about what is happening with sales around the lake. During the last year, June of 2011 to June of this year, 100 homes were sold. There are now 200 homes for sale around the lake. Draw your own conclusion. Sound to me like more people are leaving than are coming. We have, I think a legitimate crisis. A thing that I remember four or five years ago, we worried about a time when this might happen. Folks, it's happening right now. In 2005, you created the Chautauqua Lake Management Commission to advise you on the management of the lake. Use that commission and I plead with you to talk to them immediately to get their view on what has to be done now and the cost of doing it and at the same time, to understand how they are preparing a plan for the long term. Just remember what Tom said, the lake is choking and you know what happens if you choke to long.

Mr. Dan Voge, 3855, Rt. 430, Bemus Point, N.Y. I moved here 32 years ago because of a great asset here which is Lake Chautauqua. In western Pennsylvania, the biggest lake there is Conneaut Lake and it's about as big as one of these bays here on our lake. It's a great asset and it's getting to be - it's like we have - I guess we don't have to pay attention to it. Well, (*inaudible*) Pennsylvania they have made a lot of man made lakes where you could use two or three horse power fishing boats on there but it is not like this lake. This lake is a great asset and I use to swim in this lake every day. Actually, not only me but my forefathers, my grandfather, my father, also were property owners here. Back from the late 30's, and the lake is just getting worse and if you don't fix it, they ain't going to come. I realize I asked to send a donation into the CLA and I am not here to criticize people but sending a donation and hoping they'll come, I don't buy any other products in my lifetime that I just pay people and hope that it gets done. I just like to proposed a more updated and business approach or business model whereas, you do maybe a fee for service operation will be better because if I could have the weed problem dealt with and I could see it happening, I wouldn't

mind going down to the end of my dock and writing out a check for maybe ten times what I would write in for a donation. I think that they would get a lot more funds that way where they could take care of the other problem weeds that are further out. I'm not around people's docks and I am telling you, you have a really nice thing here and coming from an area of the country, which is western Pennsylvania, quote, "Steeler Country", it's not there so people don't have it. So if you have it and you don't appreciate it and you don't take care of it and everybody has a home here. Everybody's home requires maintenance so if you don't do the maintenance, they ain't going to come anymore. I hope that something can be done and I am here to support Mrs. Cornell proposal for the funding. Thank you very much and I hope you all think deeply about the condition of the lake because it's getting very bad.

Mr. Norm Schuby, I reside in Stow, NY and I am a lake property owner. I have lived in this County for 37 years and I have vacationed here with my respect to families prior to that time. As I come before this Legislative body tonight, I find it extremely difficult to come begging for what should be given to the people of this County, namely that you authorize the \$200,000 for a mediate and long term maintenance and cleanup to Chautauqua Lake Waterways for this season and the future. I tired to remain calm in my thoughts these days regarding this subject, but way down deep, I hold some deep seeded concern at the comments, activities, and procedures that have occurred regarding this very serious matter by this body, the business community and uninterested people. I want to thank a number of Legislators who gave me the courtesy to respond to my email of 6/21/2012. I would say that 17 people represents a good majority of this body. Although you all did not agree with what I said, I respect your opinions. Let me tell you what I am not interested in hearing. Number one; partisan politics. We have enough idiotic behavior occurring in our national government by people who are only interested in self preservation. This body should represent the people of Chautauqua County in a non-partisan fashion. Two; the fact that all people do not use the lake. This lake and its surrounding property compose 12% of all taxable property in the County and contribute almost 30% of the property taxes collected. I might almost remind you that it generates close to \$40 million dollars in revenue as well as provides employment and the use of businesses, services, as a result of tourism, Chautauqua Institution, and related businesses that depend on people who visit and recreate in this area. I personally don't get anything from the Department of Human Services, the Department of Highways, the Department of Planning, I could take the possession that I don't receive any services from any governmental areas so why should I be concerned that people do? This lake serves us all. Three; the fact that we have to have study, after study, after study, after study, to tell us what problems are and what to do about the vegetation, the creek run off, the use of herbicides, etc. I know that you have another study underway and that will not be released for another year. Guess what, it's another lake season. Four; the fact that this lake is not the problem of County government, it is. We don't need visits and promises from Federal and State representatives, who for political purposes deliver, in my opinion, nothing. The fact that the Lake Association has the \$535,000, that is already been covered. The fact that the Chamber of Commerce is concerned but will not take the position, but they certainly take positions on taxations, (*inaudible*) consolidation, governmental services, and they look for breaks from the IDA. And the fact that weed removal is not the answer. Ladies and Gentleman, it's the only answer that we have now. I thank you very much and I hope that you will consider the allocation. I can only hope.

Mr. Tom Turner, I'm a lakefront property owner and I pay those (*inaudible*) high property taxes. I additionally own a real estate company that sells real estate on Chautauqua Lake. I can tell you personally the frustration of my own family given the nuisance of weeds and I can tell you that lakefront property values in the last couple of years have dropped tremendously. Largely because of weeds. People from Pittsburg and Cleveland don't use our schools, they don't use our services and they don't pay anywhere's near the amount of property tax that we pay here, back home. They come up here to enjoy the lake, enjoy their family and friends, and they are our customers. Not only are they my customers but they are your customers. It's a lot easier to keep the customer than it is to get one back once you lose them. These folks have taken their toys and going back to Cleveland and Pittsburg and selling these homes because we're not taking care of the asset that drew them here in

the first place. Tourism is the largest industry in Chautauqua County and we're kicking the people in the chin that really have driven that market and supported it and brought those values up over the years when things were good. You've heard people talk about how much the property taxes contribute. Houses over a million two are selling for \$900,000, houses over \$900,000 are selling for \$700,000, houses that were \$700,000 are selling for \$500,000. That is what is going to happen when they start doing the re-val. These people are going to be looking to reduce all those assessments and you are going to lose the money, one way or the other. Heck of a lot more than \$200,000. I strongly support Lori Cornell's resolution for funding for the CLA and would further encourage you to try and get involved with the Army Corp and other organizations that you can to try and come up with a long term solution such as dredging or something that would really give us long term effect. Thank you.

Mr. Doug Champ, 225 Bowen St., Jamestown. I am also a Chautauqua Lake user and have been for over 65 years. I think the question in front of all of us is, what do we want this lake to become? Do we want it to become a sustainable lake or do we want to lose this lake? I live in a place where there is no other Chautauqua County boater resident. It's all people from outside the area who spend significant amounts of money during the season to enjoy the lake. I am not going to go even though I was trained as a biologist, I spend most of my time on energy, of what is happening to this lake, morphology. You have a very good biologist as a Legislator who can tell you what has happened. But we are at a tipping point on this lake. The economies that you face in terms of what the priorities are going to be. What this Legislature has to address are critical but there is nothing more critical than what will happen with Chautauqua County without Chautauqua Lake. How are we going to live with it in the future depends on this Legislature. You are making decisions now for the children that we have and the grandchildren that we want. How is that going to work 25 or 50 years from now? There won't be Legislators then but the lake will be here. What kind of condition will that be in? There is no more opportunities out there than what the Legislature wants to provide financially. I understand that. It is limited because of the priorities. But it should be the number one priority that you look at within this County's ability to fund any type of project. We all can debate the economics, the dollar matches, who profits from investments, where they should be made, how long it should be made, but that lake if it didn't exist, can you imagine Chautauqua County without it? The Institute without Chautauqua Lake, people living on the lake without a lake. The question remains, how well and how serious do we want this problem to be addressed? A \$100,000 is no where near enough. I am sorry but that is what is on the table. It's no where near enough. What will happen to this lake is (*inaudible*) over time. We're not a finger lake, we're not a deep lake, whether you can dredge it or not dredge it, it's the fact that we are just right now reaching a point where approach is necessary. Use the science, use the engineering, use the talents of your Chautauqua Lake Watershed people and the Commission that you set up to make those decisions properly for you and for all of us. Because without this lake working, we won't be working either. Thank you.

Mr. Mike Lyon, I am the President of the Chautauqua Watershed Conservancy. I wasn't going to say anything tonight but I am just going to say a couple of quick things. I think that you all know the importance of the lake. You may be at different levels with it but you know as an organization Legislature and you created the Chautauqua Lake Management Commission to help move things along. There is a plan, there are needs, there are short term needs, we must fund the CLA. We must fund it to make sure we cut those weeds for the immediate needs. But we also must move ahead on the longer term things that are going to create a difference. So, I ask you tonight, to support Mrs. Cornell's resolution and to fund, no matter how hard it is, there is no question that you have a big problem here with money, to fund the lake. Thank you.

Mr. William Lock. My wife Patricia and I live at 5 East Wind Drive in Dewittville, N.Y., on Rt. 430. We live in a community that's called Crosswinds. We have 500 feet of lakefront, we have 40 property owners in Crosswinds. The words that you have heard this evening are very important. I am here also to support Lori's resolution and to encourage you to take it one step further because we must, must put the lake at the highest priority. Thank you.

Ms. Laura Damon, representing North Lake Informed Citizens. I live in the Institution and I know Tom Becker and I can hear him say, that the lake is choking on the weeds. In fact, this morning when I picked up my granddaughter, 8 years old, who is learning how to swim and Club at the Institution, she was choking on seaweed. She doesn't want to go back swimming in that lake already. We're not talking two or three years down the road. We're talking NOW. I have communicated with Tom Becker, Doug Conroe, with Lori, with Fred Croscut, with Don Emhart, our Town Supervisor, and various other people. There are a few things that I would love to see happen. That is, that you all sit at a round table, not one party on one side and the other party on the other. Forget the party. The lake has forgotten the party, you don't forget the lake. The Post Journal report which was shameful say I as a former English teacher. There were some words in there that I never saw before but it was depressing, it was sad that things are coming to that kind of battle. One of my contacts said that this is really becoming a D and R issue, Democrat and Republican is what he meant. I think that it is DNR, Do Not Resuscitate. You better resuscitate our lake or we'll all be gone. Thank you and I hope you communicate well at that round table and get all of the issues out on the table and discuss them with cool heads.

Mr. Davie Stein, owner of L.J. Stein and company. I live at 112 West Terrace in Lakewood. I have 10 employees in Lakewood. Actually scattered from all around Chautauqua County. Almost none of our business is generated inside New York State. Nearly all of it is out of the Commonwealth of Pennsylvania. We're constantly trying to figure out why we should keep our business in New York State. The reason we do it has nothing to do with our business interest. It is entirely based on the quality of life. I am living near the lake. I am not even lakefront. I live off the lake but that is why our business is here. When by all rights, it should be in Pittsburgh. If we let the lake continue to atrophy, it's just going to help make my decision a little bit easier. Thank you.

Ms. Karen Johnson, my husband and I own a cottage at 95 Longview, West Ellicott, at the foot of the lake at Burtis Bay. We've been here since 1987. We've paid more in property taxes than we paid for our cottage. We don't live in the State so we can't vote. We use to but we moved to Florida. We use to be able to allow our grandchildren to swim in the lake. We had a swim platform, we could scoop swim. People that get in lake water now are getting sores on their legs. Last year our neighbor had sores on his legs and they left scars on his legs. Our neighbor, Jean who lives down the street from us, she had to go to a dermatologist. She had an infection in her legs and as I understand it, when they picked up the weeds – they don't pick up the weeds anymore because they don't want the kids in the water. I don't know if that is true, but that is what I have heard. We have to put them up and put them on the outside and they are going to pick them up at the road side. Right now, we just think that there has been enough talk about what they are going to do and they absolutely just talk and study, and study, and spend money studying. I mean, you have your doctorate on what is going on in the lake. You have studied it so much. Something needs to be done. Weed cutting is good. I mean, it's better than nothing but it is not the answer. You are not treating the disease. You are just kind of keeping it down by cutting the weeds. But something needs to be done other than that. I don't know what, but we were able to spray – we formed our own partnership in Burtis Bay. It's been 12 years and we did get the lake sprayed in our bay and we were perfect for all of these years. Now this year of course, it's all back again. But something needs to be done. I don't know what herbicides work for us. In Florida they use them and a lot of other states use them. New York of course has more rules and regulations than the whole country, as far as I am concerned but something does need to be done. And politics needs to be out of it. Thank you.

Mr. Rich Stein and I live at 132 W. Summit in Lakewood. I am a resident of Florida and spend about 5 months here at the home that I have had since 1978. The reason we maintain this is because of the lake. One of the things that I am seeing is, my neighbor's jet ski is broken now because of the weeds that had been taking in. Friends have had their boats burnt up. There is more maintenance being done. I sold my sail boat because I can't use it anymore because your weeds are so bad. I own a rowing shell and I was one of the people who started Chautauqua Lake Rowing Association. It's very difficult and dangerous to be on the lake. Either if you are a power boat or sail. I

don't know that I could swim if my rowing shell tipped over. The other thing I will mention, we don't have kids in schools anymore. A high percentage of lakefront homeowners don't have kids in the school, but yet they pay a very high percentage of the property taxes that supports the schools. I think you need to make sure that lake is viable. Other wise, you lose these people, you lose income, and you lose taxes.

Ms. Jeanie Polisoto, CEO of a non-profit, Piece of Nature Wildlife Sanctuary. I have been concerned about the environment for over 30 years and I find this incorrigible action of having a lake die causes me to speak out forthright that Mrs. Cornell here has done a gallant effort to make a proposal that's a viable correction versus the cosmetic approach that has been offered by a lot of people here as a short cut to a way that can do something more than clean up a mess and hope that it doesn't come back. I went to the Planning & Economic Development meeting last week. I was amazed at what happened there. It was reality politics, I guess. I didn't enjoy it but it was certainly an eye opener to me which made me come here since I couldn't talk at that meeting. Mrs. Cornell's plan is comprehensive. She lists things that have to do with best practices. She wants to engage the public. Gee, isn't that a new thing. Let us have a talk and a say in this. And finally, number six on her proposal last week, indicated that she wanted the County's Planning & Economic Development to be, I guess in charge of this. I, think that is a mistake. I think the people deserve a chance at making some differences here. Our concerns are not put into action and they get thwarted by politicians that have nothing better to do than play games. Now, if you really want to know the stupid answers, I have a few. Because there is no point of talking without the answers. In Canada, they equally have a problem with blue/green algae. Mr. David Susuki (?), who is an environmentalist all of his life and a scientist, a very learner gentleman. Let's say that in Canada, they referred to the Lake Erie study about a Department of Fishery and Hatchery that they utilized and tried to make a difference up in their mess, they (*inaudible*) of their lake and the documentary called "Save my Lake". The solutions were when Mrs. Cornell was ready to say that at the Planning meeting, the impact on the water, she was gaveled off when she started to say and there was a little tussle there. Well, that is pardon parcel of what needs to be done. How much can be accomplished, that is another thought. How committed you are. She also wants the public and volunteers which is us. You can pay for cleanups. You suggested \$10 million dollars. She may be right or under the figure of actually making a correction to this problem. The program also cited that because part of the problem has to do with manure from animals. Then instead of putting that on as a topcoat, you need to inject it into the soil, so it doesn't get that run off property that I think this gentleman was talking about, this phosphorous (*inaudible*) feeding of the blue green algae in the lake. He talked run off and having micro- (*inaudible*). This is part of the watershed situation. And then changes in sewage treatment. I think Mr. Croscut brought that up but he failed to mention that as a farmer in the dairy industry, they are one of the biggest culprits of creating this runoff because of not best practices. And Mrs. Cornell did point that out. You need to find best practices. It's not the first that this has happened to and the study with Lake Winnipeg, that includes four providences of four states and the United States have had a comprehensive plan and it needs everybody cooperation. Party politics. I don't want this or this is not right. This is for this reason, it's about saving our environment. I think that everybody should be on the band wagon for that. Thank you Mrs. Cornell.

John Jablonski, 213 Spruce Street, Lakewood, N.Y. I commend that Chautauqua Lake Management Commission and the Department of Planning for all the work that they have done over the last several years. I think that we have a good lake plan. I would like to point out that I think we need a two prong approach here. One is to make sure that the CLA has the resources to keep the lake attractive and usable so that we maintain the tax base that is so important to supporting all the public services in our County. Secondly; we need to really invest in the watershed because no matter how much you invest in cutting weeds, cleaning up the shoreline, whether you use herbicides or not, if you don't deal with the nutrients, the phosphorus from nitrogen and sediments coming in from our tributaries, the lake is going to continue to go down hill and whoever it is, is going to keep asking for more and more money from this body year after year saying conditions are getting worse. (*Inaudible*) in the 1970's to invest in the watershed, it was ignored. We formed the Chautauqua Watershed

Conservancy in the late 1980's because these things were being ignored. It's now 20 years later and there still is not a substantial investment coming from the County in these things. A \$100,000 was shifted out these projects last year to go to Medicaid. I realize that you are in a very difficult situation here but, whether you are a corporation or a public body, you have to look at what brings the revenue into your business or your organization and Chautauqua Lake is a huge driver of what supports everything in this County and I think that you really need to strategically invest any resources that you have to maintain that resource that is bringing the money into the County. Thank you.

Mr. Ned Barone: Chairman Gould, members of the Legislature, I am Ned Barone, Chautauqua County's Public Defender. There has been a resolution that has been submitted to this body by Legislator Whitney and I am here just to inform the Legislature that our department, Public Defender's office is committed to the Pilot Program that is currently being run in Jamestown City Court. Just very briefly, we had submitted a letter to the Public Safety Committee from Mr. William Leahy who is the Director of New York State Indigent Legal Services. We did in fact, receive money from Indigent Legal Services, actually over the next three years. It's a non-competitive grant. We received \$89,000 this year, \$89,000 next year and \$89,000 the following year. That money is not for the Pilot Project however, I feel committed and I feel as though it is important enough that I will be devoting some of those monies to continuing the program. Therefore, we're not asking this Legislature for any money for our office. However, I understand that the District Attorney is requesting \$22,000 for his expenses to continue the program. Again, I just want to advise the body that this is a critical and important program that we're running. It's been recognized throughout New York State as a pioneer in this type of program. The arraignment process is a critical stage of the criminal proceedings. It can set the tone throughout the entire representation of the individual. Last year, I believe when the money was given to both the Public Defender office, District Attorney's office, as well as Probation, it was approximately, I understand \$90,000. So what is being requested at this time is a fraction of that cost. Not to mention the whole idea behind this program is not only to provide counsel at arraignment which is the most important stage of criminal proceeding and we have seen some benefit. My office has adjusted the program, we've tweaked it here and tweaked it there and we believe that it's taking the right path and has had a major impact. Sheila Ditulio (?), she's the Administrative Judge for the Western District, she is in favor of the program. Judge LaMancuso from Jamestown City Court is in favor of the program but I want to just advise the body that this program has brought great recognition to Chautauqua County. It's one of the programs that Chautauqua County is recognized as a pioneer in providing the funding. So, at least on behalf of the program, I believe that it is vital, it's critical and we need to continue this. At some point, it is going to be ordered that counsel be present with every defendant at arraignment. This Legislature was smart enough last year and had the foresight to grant those funds. We were way ahead of the game. We're asking that Chautauqua County continue that funding so that we can continue this program which is absolutely critical. Thank you very much.

Mr. Art Webster, I have a home in Point Chautauqua, a condominium at Bayberry Landing in Dewittville, and I have the privilege of paying taxes on three pieces of property in Chautauqua County. I am a former President of the Chautauqua Watershed Conservancy, I'm on the board of the CLA and I'm also vice-Chair of the CLMC. I am a year round resident. I learned how to walk in Maple Springs. My grandparents had their honeymoon in Maple Springs in 1911. That is 101 years ago. The thing that concerns me the most as a year around resident, is the cycle that we go through every year. We come to this point of the year and the lake is a hot subject and we get all hot and bothered about the lake when it comes to about May, June, July, August, and September. Then in October we go back to being concerned about the same things we were concerned about before. I have seen it over the last 10 years. I have seen it certainly since I have been on the CLMC. What I would like to see us do is look at our own attitudes about this. The people here included. We can't just be thinking about this lake as a seasonal issue. We have to be thinking about this lake and its watershed as something that is going to affect us 12 months of the year. Not just the time when it's warm and we have the people here to talk emotionally and very vehemently about the issues of the lake. We simply

have to get to the point we're thinking about the long term, not just 3, 4 or 5 months of the year. Just look at your attitude. Thanks.

Mr. Paul Stage, I live in Maple Springs. You have heard most of my points already so I am not going to belabor them. I would echo Mr. Evan's comments. This is about money and that's all it's about, is money. The enjoyment of the lake and whatever else comes along as after market thing. Mr. Turner spoke as to the issues of property values and what is happening. You go up and down Lakeside Drive in Bemus and there is a dozen properties for sale. I have never seen that in my life and I've been here going on 55 years. I did hear from a couple of people but I would just ask that somehow we reach across the isle and support Mrs. Cornell's bill. In particular, I would ask Legislator Horrigan and Legislator Croscut, and Legislator Gould, specifically to speak to your comrades and reach across the isle to make this happen. These are your districts and we would just ask that you step up to the plate and represent them to a level that they should be, they need to be for the good of the County. Not for the good of your district but for the good of the County. Thank you.

Mr. Douglas Conroe. I currently serve as Director of Operations at Chautauqua Institution. I am here tonight on behalf of Tom Becker. He would be here if he could. He has to host an event and said he's the host and he couldn't quite get out of it. He sent me and I speak for him and I speak for the Institution. We support the Chautauqua Lake Investment Act as it was originally submitted. We do everything we can not to be political or not to get involved in politics. That is not our mission, that is not our involvement and we do not view the investment act as a political act. We view it as a necessary action to deal with immediate needs and long term needs of Chautauqua Lake. We've viewed Chautauqua Lake as the County's number one environmental resource. This County is blessed with resources. Whether it be Lake Erie, or the other lakes, Cassadaga, Findley, Bear, whether it be the Parks system, whether it be the greenways, we are blessed. But when we look at Chautauqua Lake, as we compare all those nature resources, we see that it is the number one economic driver out of those resources for the County and it's the number one image driver for those resources for the County. Because of that, we feel that it needs to receive deep sincere definite deliberation and attention. It's at the tipping point. We're very involved. I am under direct mandate from my Board of Trustees to be active in lake matters. Our board wants me out there proactive, it wants the Institution to be proactive. They have even included it in the long range strategic plan of the Institution. It is important and it's necessary and we know from everything that we have learned that the lake is at a tipping point. Now, we know that once it tips, getting it back is darn near impossible. So, we think that the act that is presented is a good first step. It's a good holistic step, it's a good comprehensive step.

For years we have supported Mike, the Conservancy, and Chris with the Lake Association and we will continue to support those groups. We know that that is not enough. This year, we are putting additional funds into our shoreline because the Lake Association doesn't have the money and we're doing that at cost. My department budget has been reconfigured. We did that after we adopted the budget in November. We saw what was coming and we reconfigured my budget to get special assistance for us to take care. So, we're not just asking for a handout from the County to help maintain our shoreline, we're taking care of ours. But we know others aren't so fortunate and the Lake Association is important for them. We also are very honored that the Act is recognizing us and suggesting that we be a demonstration community. I am under direct mandate from my Board to when I take actions to also include in them if at all possible demonstration components. That is not because we want to tell people how to do it, it's not because we want to make other people look bad that aren't doing it, its because we want to be a resource as part of our educational mission at the Institution to have available to people options that they can then use. The environmental options that we're taking are the least expensive of the options that are available which is a plus. So, I'm under a very intensive public relations campaign that is starting now to show what we're doing. We're honored that we're being recognized for that. We're not trying to say ha ha, look what we're doing. We're trying to cooperate with various groups and others around here to say this is how it can be done, we're fortunate to be able to do it and we're there to show it. So we say thank you for that suggestion in that.

We're working very hard at managing storm water, we're working very hard at developing a sustainable shoreline management plan. Eighty percent of our shoreline isn't what it should be. It's rated as stressed according to USEPA standards. We believe that that parallel the remainder of the shoreline at Chautauqua Lake. If our documents that we develop can be of help to communities, halleluia. If they want to go a different direction, that is fine. But we all need to go a direction and get there. Today, we're installing a new buffer zone. My crews are down tearing up lawns making a buffer zone. We're trying to do what we can and really appreciate the recognition that has come from that.

Chairman Gould: That is five minutes sir.

Mr. Conroe: Thank you. I would be glad to continue with your pleasure if I could do another minute since you have been so lenient with others.

Chairman Gould: Well, I haven't but go ahead.

Mr. Conroe: You have exceed the five minutes, but I won't argue. Thank you. In closure, we have a water week theme week coming up. We are opening that week with an environmental expo. That expo is not a Chautauqua Lake Expo. We have invited groups from all over to come and talk about what they are doing for water. We invite you to come to that to see the resources. The State Department of Environmental Conservation is coming. The Health Department will be there. We've invited the Lake Erie Management Commission, your commission. They turned us down. We've invited the Barcelona Harbor Commission. We're open to all and we're going to try and do what we can. The lake is important and we're going to continue that. Thank you for your consideration. Thank you.

COMMENDATION:

SUPPORTING OUR STATE PARK
w/ SPECIAL APPLAUSE FOR THE
"FRIENDS OF MIDWAY"

PRESENTATIONS:

CAPITAL PROJECTS
BY PLANNING BOARD CHAIRMAN
DOUG BOWEN

CLMC AND 2% OCCUPANCY TAX REPORT
BY CLMC PRESIDENT LYLE HAJDU
AND
WATERSHED COORDINATOR JEFF DIERS

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 05/23/12

COMMUNICATIONS:

1. Letter – Resignation – Clerk of Legislature – Janet Jankowski
2. Letters (2) – County Executive – Appts. to Traffic Safety Bd. & Chautauqua Opportunities Board
3. Letter – Fn. Director Marsh – Re: Investment Report – May – 2012
4. Quarterly Dashboard – Budget Dir. Crow – Quarter ending 12/31/2011
5. Quarterly Dashboard – Budget Dir. Crow – Quarterly ending 3/31/2012
6. Monthly Budget Report – Budget Dir. Crow – May – 2012

7. Letter – Lyman Buck III – Unable to serve on Chaut. Co. Land Bank Comm.
8. Minutes (2)– Soil & Water Conserv. District Bd. – April/May-2012
9. Minutes – Fish & Wildlife Highlights – March/April – 2012
10. Minutes – NYS Fish & Wildlife Mangmt. Bd. – Region 9 – May – 2012
11. Minutes – Chaut. Co. Fire Advisory Bd. – May – 2012 (In mailboxes)
12. Letter – EDP Renewables N. America LLC – Re: Former Legislator Richmond's Property Interest
13. Quarterly Report – Small Business Development Center – 1/1/-3/31/12
14. Letter – NYSAC – Re: Ack. Receipt of Motion 6-12
15. Letter – NYS Office of Indigent Legal Servs. – Re: Full Funding for Arraignment Counsel and Eligibility Examiner Positions
16. Letter – Fulton Co. Chmn Gendron – Re: Truth in Taxation Local Law.
17. Res. – Fulton Co. – Re: Revise Sharing Formula for Wireless 911 Surcharge
18. Letter – NYS Ag. & Markets – Re: Need of District Review for Ag. Dist. 11.
19. 2013 Capital Budget & 2014-2018 Capital Plan
20. Full Cost/Indirect Cost Allocation Plan

TABLED RES. NO. 103-12 – Auth. Agrmts. w/ Chaut. County Soil & Water Conservation District for Timber Sale Services (See text on pg. 107)

MOVED by Legislator Croscut, SECONDED by Legislator Erlandson to bring off the table.-
Unanimously Carried

TABLED RES. NO. 103-12 – Adopted - R/C Vote: 13 Yes; 11 No; 1 Absent – (No's: Barmore, Cornell, Coughlin, DeJoy, Duff, Erlandson, Hoyer, James, Rogers, Scudder, Whitney)

RES. NO. 114-12
Confirm Appointment – Chautauqua County Traffic Safety Board

By Public Safety Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Traffic Safety Board.

| | |
|--|---------------------------------------|
| Breeanne Agett 1847 Winch Road Lakewood, N.Y. 14750 Term Expires: 6/30/15 | Position last held by Peter Samuelson |
|--|---------------------------------------|

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – June 27, 2012

RES. NO. 115-12
Confirm Appointment – JCC Board of Trustees

By Administrative Services Committee:

At the Request of Chairman Jay Gould:

WHEREAS, Resolution 129-95 authorized regional sponsorship of JCC; and

WHEREAS, Resolution 129-95 created a community college region by the City of Jamestown, County of Chautauqua and County of Cattaraugus, with one appointment to the Board of Trustees to be made by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the appointment to the Jamestown Community College Region Board of Trustees as follows:

Wally Huckno, Sr.
498 Valerie Lane W.E.
Jamestown, NY 14701
Term to Expire: 06/30/2019

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – June 27, 2012

RES. NO. 116-12

Confirm Re-Appointments – Chautauqua Opportunities Inc.

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua Opportunities Governing Board.

Patricia Christina
One Brendon Court
Fredonia, NY 14063
Term to Expire: 6/30/13

Joseph A. Gerace
235 Hunt Road, W.E.
Jamestown, NY 14701
Term Expires: 6/30/13

Legislator Vincent Horrigan
225 Lakeside Drive
Bemus Point, NY 14712
Term to Expire: 6/30/13

Kurt Lindstrom
Cappello Arms
47 Main St.
Silver Creek, N.Y. 14136
Term Expires: 6/30/13

Benjamin Spitzer
5841 Snug Harbor Drive
Mayville, NY 14757
Term to Expire: 6/30/13

Paul Whitford
25 Pearl Ave.
Jamestown, N.Y. 14701
Term Expires: 6/30/13

Signed: Tarbrake, Horrigan, Hemmer, James

Unanimously Adopted – June 27, 2012

RES. NO. 117-12

Authorizing the Implementation and funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project, and Appropriating Funds therefore

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Project to Improve the Intersections of County Route 88, Versailles Road @ County Route 95, Alleghany-York Road in the Town of Hanover, and County Route 45, Southwestern Drive @ County Route 30, Baker Street in the Towns of Busti and Ellicott, Chautauqua County, PIN 5759.10, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 90% Federal funds and 10% Non-Federal funds; and

and WHEREAS, Resolution 12-11 approved the Preliminary Engineering (Design I-IV) phase,

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phases of the project PIN 5759.10 with an estimated cost of \$128,000, and

WHEREAS, it is anticipated the State will provide 75% of the Non-Federal Funds and the County's remaining 25% of local funds will be funded with existing funding in account D.5112.391; and

WHEREAS, Resolution 12-11 did not reflect the portion being funded by the state and the budgeted federal and state funding should therefore be amended;

NOW, THEREFORE, the County Legislature of the County of Chautauqua, duly convened does hereby

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is hereby further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-Aid and/or State Marchiselli-Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, This Resolution shall take effect immediately and that the Director of Finance is hereby authorized and directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|----------------------|------------------------------------|------------|
| D.5112.391.4699.0000 | Contractual – Highway Improvements | \$ 124,800 |
|----------------------|------------------------------------|------------|

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

| | | |
|----------------------|--|------------|
| D.5112.391.R359.7000 | New York State Aid – Transportation Capital | \$ 10,275 |
| D.5112.391.R458.9002 | Federal Aid - Surface Transportation Program | \$ 114,525 |
| | | \$ 124,800 |

Signed: Himelein, Runkle, DeJoe, Heenan

Unanimously Adopted – June 27, 2012

RES. NO. 118-12

Resolution Authorizing the Filing of an Application for State Assistance for Landfill Gas Management Project and Signing of the Associated State Contract, Pursuant to Title 5 of Article 54 and Title 4 of Article 56 of the New York State Environmental Conservation Law

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua is eligible to apply for financial assistance from the State for the Landfill Gas Management Project; and

WHEREAS, the County of Chautauqua has determined that certain work, as described in the State assistance application and any amendments thereof, herein called the "Project" is desirable and in the public interest; and

WHEREAS, Title 5 of Article 54 and Title 4 of Article 56 of the Environmental Conservation Law authorized State assistance payments to municipalities for the management of landfill gas by means of a written agreement and the County deems it to be in the public interest and benefit under this law to apply therewith; therefore be it

RESOLVED, by the Chautauqua County Legislature, that:

1. The filing of an application in the form-required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;
2. The County Executive is directed and authorized as the official representative for the County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. The County agrees that it will fund its portion of the cost of said Municipal Gas Management project;
4. Five (5) certified copies of this Resolution be prepared and sent to the Director, Division of Materials Management, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7250, together with the application; and
5. This Resolution shall take effect immediately.

Signed: Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 119-12
Appointing Clerk of the Legislature

At the Request of Chairman Gould, Legislators Barmore, Borrello, Croscut, Hemmer, Himelein, Horrigan, Runkle, Scudder, Stewart, Tarbrake, and Wendel:

RESOLVED, That Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective July 1, 2012 through December 31, 2012, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$17,640.00 for 49% time.

Signed: Barmore, Scudder, Tarbrake (A.S. Cornell and DeJoy voting "no")

Adopted – R/C Vote: 23 Yes 2 No – Legislators Ahlstrom and Coughlin voting "no"– June 27, 2012

RES. NO. 120-12
Confirm Appointment – Brian C. Abram (R) Commissioner of Elections

By Administrative Services Committee:

At the Request of Chairman Jay Gould. Legislators Barmore, Borrello, Croscut, Hemmer, Himelein, Horrigan, Runkle, Scudder, Stewart, Tarbrake, and Wendel:

WHEREAS, the present term of the Republican Commissioner of Elections will expire December 31, 2012; and

WHEREAS, a Certificate of Appointment signed by the County Republican Chairman, Allen Henderson, duly filed with the Clerk of the County Legislature pursuant to the New York State Election Law, states that a majority of such party Committee recommends the appointment of Brian C. Abram for the ensuing four (4) year term beginning January 1, 2013; now therefore be it

RESOLVED, That Brian C. Abram be and hereby is appointed Republican Commissioner of Elections for the County of Chautauqua for a term of four (4) years commencing January 1, 2013, at the salary provided in Local Law 3-98 increased in conformity with the increases provided for County Managers under the Management Salary Plan.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 25 Yes - June 27, 2012

RES. NO. 121-12
Confirm Appointment Norman P. Green (D) Commissioner of Elections

By Administrative Services Committee:

At the Request of Legislator Keith D. Ahlstrom:

WHEREAS, the present term of the Democratic Commissioner of Elections will expire December 31, 2012; and

WHEREAS, a Certificate of Appointment signed by the County Democratic Chairman, Keith D. Ahlstrom, duly filed with the Clerk of the County Legislature pursuant to the New York State Election Law, states that a majority of such party Committee recommends the appointment of Norman P. Green for the ensuing four (4) year term beginning January 1, 2013; therefore be it

RESOLVED, That Norman P. Green be and hereby is appointed Democratic Commissioner of Elections for the County of Chautauqua for a term of four (4) years commencing January 1, 2013, at a salary increase commensurate with the increase given to the Managers on the Management Salary Plan.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent - June 27, 2012

RES. NO. 122-12
Investment Policy of the County of Chautauqua

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, it is desirable that the County's current policy be re-confirmed with no changes; therefore be it

RESOLVED, That the County Investment Policy is hereby re-confirmed as follows:

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the County's own behalf or on behalf of any other entity or individual. The policy and procedure herein shall be in addition to any other requirements set forth in the Chautauqua County Charter, Chautauqua County Administrative Code and applicable law.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order,
*to conform with all applicable federal, state and other legal requirements (legal);
*to adequately safeguard principal (safety);
*to provide sufficient liquidity to meet all operating requirements (liquidity); and
*to obtain reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The County's responsibility for administration of the investment program is delegated to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Director of Finance within two (2) days of deposit, or within the time period specified in law, whichever is shorter.

The Director of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$30,000,000 for each institution, are:

| | | |
|------------------|------------------------|--------------------------|
| Community Bank | Key Bank of New York | Lakeshore Savings & Loan |
| M & T Bank | Jamestown Savings Bank | HSBC America |
| Evans Bank, N.A. | Citizen's Bank N.A. | JP Morgan Chase, N.A. |
| PayPal | First Niagara Bank | |

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value," or provided by general Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories as designated and approved by the New York State Comptroller.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide

that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- *Special time deposit accounts;
- *Certificates of deposit;
- *Obligations of the United States of America;
- *Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- *Obligations of the State of New York;
- *Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;
- *Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- *Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;
- *Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

Prudential Securities
Merrill Lynch
Bank of New York

Crew & Associates
Mischler Financial Group
Federal Reserve Bank –Treasury Direct

| | |
|----------------------------|------------------------------------|
| First Empire Securities | Manufacturer's & Traders Trust Co. |
| Morgan Stanley Dean Witter | Finacorp Securities |
| McDonald Investments | JP Morgan Chase, N.A. |
| Wachovia Securities | RBS Greenwich Capital |
| Edward Jones | Duncan-Williams Inc |

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

| | |
|----------------------|------------------------------------|
| Bank of New York | RBS Greenwich Capital |
| Federal Reserve Bank | Manufacturer's & Traders Trust Co. |
| Wachovia Securities | JP Morgan Chase, N.A. |
| Edward Jones | First Niagara Bank |

XII. PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

1. From an authorized trading partner, including through a repurchase agreement, future, or option contract.
2. By participation in a cooperative investment program with another governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the County.

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- * All repurchase agreement must be entered into subject to a Master Repurchase Agreement. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- * Obligations shall be limited to obligations of the United States of America, and obligations guaranteed by agencies of the United States of America, where principal and interest are guaranteed by the United States of America.
- * No substitution of securities will be allowed.
- * The custodian shall be a part other than the trading partner.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, DeJoe, Heenan, Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 123-12

Adjust Account in the 2012 Budget for the Board of Elections' Expenditures for the Ballot Supply Carriers

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Board of Elections will be purchasing equipment within the 2012 budget for the ballot supply carrier cabinets; and

WHEREAS, the Chautauqua County Board of Elections will expend a total sum of thirteen thousand nine hundred six dollars (\$13,906.00); and

WHEREAS, such expenses should be an equipment expenditure and charged to the appropriate account class; now therefore be it

RESOLVED, That the Director of Finance be authorized and directed to make the following 2012 budgetary changes to accomplish the equipment purchase:

ESTABLISH & INCREASE APPROPRIATION ACCOUNT:

| | | |
|--------------|--------------------------------|-----------|
| A.1450----.2 | Equipment – Board of Elections | \$ 13,906 |
|--------------|--------------------------------|-----------|

DECREASE APPROPRIATION ACCOUNT:

| | | |
|--------------|---------------------------------|-----------|
| A.1450----.4 | Contractual- Board of Elections | \$ 13,906 |
|--------------|---------------------------------|-----------|

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, DeJoe, Heenan, Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 124-12

Authorize Lease of Office Space at 3988 Vineyard Dr., Dunkirk, for the Chautauqua County DMV

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County is in need of office space in Dunkirk for the County's Department of Motor Vehicles (DMV); and

WHEREAS, office space located at 3988 Vineyard Dr., Dunkirk, is available and suitable for use by the County DMV; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with Roosa Corporation for such office space on substantially the following terms and conditions:

1. Premises: Approximately 2447 square feet of office space at 3988 Vineyard Dr., Dunkirk, NY.
2. Term: September 1, 2012 to August 31, 2022 with options to renew.
3. Rent: \$17.76 per sq ft.
4. Other: As negotiated by the County Executive.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, DeJoe, Himelein, Heenan

Unanimously Adopted – June 27, 2012

RES. NO. 125-12

Authorize Agreement with DFT Communications for use of Ellery Communications Tower

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County is in need of dedicated internet access as a backup, failover, and load balanced internet connection; and

WHEREAS, in order to potentially lower the cost of such access, the County's Department of Information Services competitively bid the needed services allowing bidders the option to utilize space on a County communications tower for both the equipment necessary to meet the County's internet access needs as well as ancillary use for other business purposes; and

WHEREAS, DFT Communications was the lone bidder responding to the County's bid solicitation, but offered to provide the dedicated internet access needed by the County at no cost because DFT would be afforded the opportunity to also utilize the allocated tower space for other business purposes; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into a five (5) year agreement with DFT Communications for use of a portion of the County's Ellery Communications Tower, contingent upon DFT providing dedicated internet access at no cost to the County as specified in Bid # 14-12 issued by the County's Division of Purchasing on behalf of the Department of Information Services.

Signed: Barnmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – June 27, 2012

RES. NO. 126-12

Authorize Acceptance of Aid to Prosecution Funds 2012-2013

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$38,900.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from April 1, 2012 through March 31, 2013; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the 2012 Budget includes appropriations and funding for this grant; therefore be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to prosecute serious felony cases; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State program will not be continued if said program is abolished.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Heenan, Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 127-12

Authorize Agreement with Village of Bemus Point for Enhanced Police Services

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Village of Bemus Point has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2012 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of June 29, 2012 through September 4, 2012, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of \$35.35; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Bemus Point for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Heenan, Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 128-12

Authorize Agreement with Chautauqua Lake Central School District to Provide Enhanced Police Presence

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua Lake Central School District has requested that the Office of the Sheriff provide Deputy Sheriffs at sporting and social events at the schools; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from May 1, 2012 through December 31, 2012, for an estimated cost not to exceed \$2,500, based on an hourly rate of \$35.35; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with Chautauqua Lake Central School District for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Heenan, Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 129-12

Authorize Lease Agreement with City of Jamestown for Office Space for the Public Defender's Office

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua desires to lease approximately 324 square feet of office space on the third floor of the City of Jamestown Municipal Building for use by the Chautauqua County Public Defender's Office; and

WHEREAS, negotiations have been undertaken to obtain a lease agreement mutually beneficial to the County of Chautauqua and the City of Jamestown; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with the City of Jamestown upon the following terms and conditions:

- 1.) Premises. Approximately 324 square feet of office space on the third floor of the City of Jamestown Municipal Building.
- 2.) Term. July 1, 2012 through June 30, 2013.
- 3.) Rent. \$200 per month, based on a price of approximately \$7.00/sq ft
- 4.) Utilities. Landlord shall be responsible for all utilities, including heat. County is responsible for the cost of phone, computer, cable and internet service and installation fees.
- 5.) Other. As negotiated by the County Executive; and be it further

RESOLVED, That the County may renew this lease for up to two (2) additional one year terms (July 1, 2013 – June 30, 2014 and July 1, 2014 – June 30, 2015) upon the same terms and conditions.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Heenan, Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 130-12

Authorize Pilot Project for Intake and Arraignment of Criminal Defendants

By Legislator Robert Whitney:

WHEREAS, as of May 1, 2011, the Legislature authorized a Pilot Project to staff Jamestown City Court with a part-time Assistant District Attorney, part-time Assistant Public Defender and part-time eligibility examiner from the Public Defender's office; and

WHEREAS, the average daily cost of a defendant placed in confinement (the County Jail) is \$62 per day while the average daily cost of a defendant released under supervision (RUS) in a community program is approximately \$1 per day; and

WHEREAS, the County Jail currently receives revenues of \$94 a day for each Federal prisoner housed in the County Jail generating revenues of \$34,310 a year for every one bed filled by a Federal prisoner; and

WHEREAS, additional staffing for intake and arraignments of defendants in Jamestown City Court by the District Attorney's office would likely reduce the number of beds needed for local

prisoners and increase the number of beds available for revenue-generating federal prisoners; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the continuation of additional staffing to the District Attorney's office to provide enhanced intake and arraignment services in Jamestown City Court that will potentially lead to reduced jail incarcerations for misdemeanor and non-violent defendants and thereby create additional space for revenue-generating federal prisoners; and be it further

RESOLVED, That on a quarterly basis the Chautauqua County Legislature and its Public Safety Committee will assess the success and cost effectiveness of this pilot program, with ongoing appropriations and additional staffing to be continued, modified, or terminated as needed with the goal of assuring that the jail's budget is not adversely impacted; and be it further

RESOLVED, That the Director of Finance is authorized and empowered to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|---------------------------------------|--------------|
| A.1165.----.1 | Personal Services - District Attorney | \$17,350 |
| A.1165.----.8 | Employee Benefits - District Attorney | <u>3,632</u> |
| | | \$20,982 |

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|---|----------|
| A.3150.----.R226.0MHS | Charges: Other Government - Marsh Housing | \$20,982 |
|-----------------------|---|----------|

Signed: Whitney

MOVED by Legislator Ahlstrom, SECONDED by Legislator James to amend as follows:

WHEREAS, the Chautauqua County Legislature has agreed to this Pilot Program with the understanding that a report would be offered to the Legislature substantiating the effectiveness of the program and that the Public Defender's office and the District Attorney's office are asked to report to the July, Public Safety Committee, with specific numbers on the program therefore extending the program for an additional 30 days.

INCREASE APPROPRIATION ACCOUNTS:

| | | | |
|---------------|---------------------------------------|---------------------|------------|
| A.1165.----.1 | Personal Services - District Attorney | \$17,350 | \$2,892 |
| A.1165.----.8 | Employee Benefits - District Attorney | 3,632 | <u>605</u> |
| | | \$20,982 | \$3,497 |

INCREASE REVENUE ACCOUNT:

| | | | |
|-----------------------|---|---------------------|-------|
| A.3150.----.R226.0MHS | Charges: Other Government - Marsh Housing | \$20,982 | 3,497 |
|-----------------------|---|---------------------|-------|

Amendment Carried w/ Legislators Runkle, Coughlin, Hoyer voting "no"

Adopted w/ Legislators Runkle, Coughlin, Duff, Hoyer voting "no" – June 27, 2012

Strikethrough Indicates Deletion

RES. NO. 131-12
 Adjust Accounts – Office of District Attorney

By Public Safety and Audit & Control Committees:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Section 183-a of the New York State Judiciary Law, the annual salary of the District Attorney is mandated to be the same as the salary of the County Court Judge; and

WHEREAS, pursuant to Chapter 567 of the Laws of 2010 for the State of New York, the salary of the County Court Judge in Chautauqua County has been raised from \$119,800 to \$140,300 as of April 1, 2012; and

WHEREAS, New York State's Salary Aid Program under the 2012-13 enacted State budget will provide 100% funding of the difference between the salary of the District Attorney prior to April 1, 2012 and the salary after April 1, 2012, with no additional local share provided by the County of Chautauqua; and

WHEREAS, budget accounts for the Office of the District Attorney must be revised to reflect the changes in salary and State revenue; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes in the County's 2012 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---------------------------------------|----------|
| A.1165.----.1 | Personal Services – District Attorney | \$15,375 |
|---------------|---------------------------------------|----------|

INCREASE REVENUE ACCOUNT:

| | | |
|------------------|--|----------|
| A.1165.R303.0000 | New York State Aid: District Attorney Salary | \$15,375 |
|------------------|--|----------|

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Heenan, Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 132-12
 Authorizing Allocation of 2012 3% Occupancy Tax Funding

By Planning & Economic Development and Audit & Control Committees:
 At the Request of Legislator Fred Croscut:

WHEREAS, Resolution 110-11 established guidelines for allocation of the original 3% occupancy tax revenues, and provides that 20% of the 7.5% allocation for tourism promotion grants be held in a contingency account to be utilized for either previously unfunded requests or new unanticipated project requests; and

WHEREAS, the Art in the Woods/Audubon Nature project originally selected for funding in the amount of \$2,864.00 pursuant to Resolution 185-11 will not be undertaken this year; and

WHEREAS, the Tourism Review Panel has made a recommendation for allocation of the 2012 contingency account funding and a portion of the unused Art in the Woods funding; therefore be it

RESOLVED, That the following project is hereby approved for the aforementioned 2012 contingency funding in the amount of \$11,250.00, and is further approved for a portion of the unused Art in the Woods funding in the amount of \$1,294.00:

| | |
|--|-------------|
| Skating & Gymnastics Spectacular, Jamestown Savings Bank Arena | \$12,544.00 |
|--|-------------|

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan, Runkle, DeJoe, Himelein

Unanimously Adopted – June 27, 2012

RES. NO. 133-12

Authorizing the Acceptance of Funds from the Chautauqua Lake Partnership (CLP) as Supporting Funds for the Completion of the Submerged Aquatic Vegetation Management Plan (SAVMP) for Chautauqua Lake

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua Lake is an important economic resource for Chautauqua County that has been negatively impacted by nuisance submerged aquatic vegetation (SAV); and

WHEREAS, the Chautauqua County Department of Planning and Economic Development (CCPED) and the Chautauqua Lake Management Commission (CLMC) seek to undertake a project to develop a submerged aquatic vegetation management plan (SAVMP) for Chautauqua Lake as recommended by the Chautauqua Lake Watershed Management Plan; and

WHEREAS, the proposed scope of work to complete an SAVMP will cost at least \$130,000; and

WHEREAS, the Chautauqua County Capital budget includes \$90,000 for the development of an SAVMP; and

WHEREAS, the Chautauqua Lake Partnership (CLP) is a not-for-profit 501(c)(3) organization whose mission and purpose is to educate, raise public awareness and interest by advocating for an effective lake management plan with a dedicated funding source to restore and maintain the quality and beauty of Chautauqua Lake; and

WHEREAS, CLP has received \$10,000 from the Chautauqua Regional Community Foundation (CRCF) as a match to assist with the development of an SAVMP for Chautauqua Lake; and

WHEREAS, CLP has agreed to donate up to an additional \$20,000, beyond the \$10,000 from CRCF, for a total of \$30,000, to CCPED to develop an integrated SAVMP to manage nuisance SAV that impair recreational, environmental, and economic resources in Chautauqua Lake; and

WHEREAS, Chautauqua County is in the process of negotiating a contract with the Army Corps of Engineers to fund the remaining \$10,000 for completion of the SAVMP for Chautauqua Lake; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the receipt of funds from CLP in the amount of \$30,000 to assist the CCPED and CLMC in the completion of an SAVMP for Chautauqua Lake; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2012 Budget.

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.674.4 Contractual – Chautauqua Lake Management Commission \$30,000

ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.674.R277.0SAV Other Unclassified Revenue for SAV \$30,000

Signed: Runkle, Croscut, Ahlstrom, Rogers, Borrello, Heenan, DeJoe, Himelein

MOVED by Legislator Horrigan, SECONDED by Legislator Croscut to amend as follows:

WHEREAS, CLP has agreed to donate an additional ~~\$20,000~~ \$40,000, beyond the \$10,000 from CRCF, for a total of ~~\$30,000~~ \$50,000, to CCPED to develop an integrated SAVMP and related SEQR to manage nuisance SAV that impair recreational, environmental, and economic resources in Chautauqua Lake; and

WHEREAS, Chautauqua County is in the process of negotiating a contract with the Army Corps of Engineers to fund ~~the remaining~~ \$10,000 for completion of the SAVMP for Chautauqua Lake; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the receipt of funds from CLP in the amount of ~~\$30,000~~ \$50,000 to assist the CCPED and CLMC in the completion of an SAVMP and related SEQR for Chautauqua Lake; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2012 Budget.

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.674.4 Contractual – Chautauqua Lake Management Commission ~~\$30,000~~
\$50,000

ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.674.R277.0SAV Other Unclassified Revenue for SAV ~~\$30,000~~
\$50,000

Amendment – Unanimously Carried

Unanimously Adopted as amended – June 27, 2012

RES. NO. 134-12

Amend Resolutions 194-11 and 65-12 Regarding Chautauqua County Land Bank Corporation

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards and Legislator Cornell:

WHEREAS, New York State Governor Andrew Cuomo has announced that Chautauqua County's application to create a land bank corporation (Land Bank) was one of five applications in the State to be approved by Empire State Development (ESD) in the first round of applications reviewed under the State's land bank legislation; and

New Language Underlined, Strikethrough Indicates Deletion

WHEREAS, pursuant to Resolution 194-11, the Chautauqua County Legislature approved the use of \$15,000 of the \$150,000 in Land Bank seed money previously approved by the County Legislature for the preparation of a Land Bank financial plan by the Center for Community Progress (CCP); and

WHEREAS, approximately \$7,500 of the \$15,000 was expended by CCP in the creation of a financial plan, and the County's Department of Planning and Economic Development is recommending that the remaining \$7,500 be utilized to further engage CCP to assist in the start-up of the Land Bank; and

WHEREAS, pursuant to Resolution 65-12, the County Legislature confirmed the initial Board of Directors of the Land Bank, but one member representing local foundations (Lyman A. Buck III, Board member – Chautauqua Region Community Foundation) will be unable to serve necessitating the approval of a replacement member; therefore be it

RESOLVED, That Resolution 194-11 is hereby amended to authorize the use of the remaining portion of the aforementioned \$15,000 in Land Bank seed money initially designated for the land bank financial plan to be utilized instead for additional services by the Center for Community Progress (CCP) in the start-up of the Land Bank; and be it further

RESOLVED, That Resolution 65-12 is hereby amended to provide that Alexis T. Singleton, 608 Allen Street, Jamestown, New York 14701 (Board member – Sheldon Foundation), shall serve as an initial member of the Board of Directors of the Chautauqua County Land Bank Corporation for a two (2) year term in place of Lyman A. Buck III who was unable to serve.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan, Himelein (A&C Runkle and DeJoe voting "no")

Adopted w/ Legislators Runkle, Scudder, DeJoe voting "no" - June 27, 2012

RES. NO. 135-12

Authorize Transfer of Tax Foreclosure Property to CODE, Inc.

At the Request of Legislators Larry Barmore, Cornell, Tarbrake, DeJoy:

WHEREAS, New York State Governor Andrew Cuomo has announced that Chautauqua County's application to create a land bank corporation (Land Bank) was one of five applications in the State to be approved by Empire State Development (ESD) in the first round of applications reviewed under the State's land bank legislation; and

WHEREAS, the first year plan for the Land Bank included provision for the County transferring up to six (6) tax foreclosure properties to the Land Bank; and

WHEREAS, one of the properties being considered for transfer to the Land Bank is located at 648 East Sixth Street in the City of Jamestown and contains a home in need of demolition; and

WHEREAS, while the incorporation and other organizational steps for the Land Bank are expected to be completed in the next several weeks, Citizen's Opportunity for Development & Equality, Inc. (CODE) has identified grant funding for demolition of the home at 648 East Sixth Street that requires site control by CODE to be established early in July; and

WHEREAS, it would be advantageous for the County to directly transfer the property to CODE so that grant funds can potentially be utilized for demolition of the structure, allowing Land

Bank seed funding allocated by the County to be conserved for other future Land Bank purposes; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer to CODE, Inc. the tax foreclosure property at 648 East Sixth Street in the City of Jamestown (Tax ID 387.34-1-13) for the purchase price of \$1.00, contingent upon CODE, Inc. demolishing the home on the property within twelve (12) months of the transfer and upon such other terms and conditions negotiated by the County Executive.

Signed: Barmore, Cornell, Tarbrake, DeJoy

Adopted w/ Legislators Runkle, Scudder voting "no" – June 27, 2012

RES. NO. 136-12
Chautauqua Lake Investment Act

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislator Cornell:

WHEREAS, Chautauqua Lake is one of the great natural resources of the County, and provides the County's citizens and visitors with numerous recreational and economic opportunities; and

WHEREAS, weed growth in Chautauqua Lake for summer 2012 could be one of the worst years on record due to the mild winter, lack of ice cover on the Lake, and unseasonably warm spring conditions; and

WHEREAS, pursuant to Resolution 93-12, the County Legislature previously allocated an additional \$10,000 from the 2% Occupancy Tax Lakes and Waterways Emergency Fund to the Chautauqua Lake Association (CLA) for enhanced mechanical weed harvesting and beach clean-up, but much greater funds are needed for CLA to address the extraordinary conditions this summer; and

~~WHEREAS, a larger than expected surplus for 2011 has increased the amount of undesignated fund balance available for a further investment in Chautauqua Lake and the activities of the CLA; and~~

WHEREAS, additional significant long-term steps are needed to preserve Chautauqua Lake as a natural and economic resource that is critical to the future of Chautauqua County; now therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of ~~\$200,000 from the County's undesignated fund balance, with \$100,000 up to \$30,000~~ to CLA for mechanical weed harvesting contingent upon equal matching funds from CLA on a dollar for dollar basis maintenance of Chautauqua Lake waterways, and an additional \$100,000 for the long-term steps numbered 2, 6, and 7 listed below; and be it further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A. ~~_____~~ 909 Fund Balance, Unreserved Fund Balance ~~_____~~ Fund Balance ~~_____~~ \$200,000
~~_____~~ and be it further

New Language Indicated by Underline, Strikethrough indicates Deletion

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual Watershed Administration \$200,000
and be it further

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of \$30,000 from the 2% Occupancy Tax Lakes and Waterways Emergency Fund to CLA for maintenance of Chautauqua Lake waterways in 2012

RESOLVED, That the Chautauqua County Legislature hereby intends to pursue the following long term steps to maintain and improve the health of Chautauqua Lake consistent with the recommendations of the Chautauqua Lake Management Commission (CLMC) and the Chautauqua Lake Watershed Management Plan:

1. Seek special home rule legislation from the New York State Legislature authorizing a partial County real property tax exemption for a period of five (5) years for property owners relating to expenditures for the installation of effective buffering and erosion control for the benefit of Chautauqua Lake and its watershed;
2. Task the County's Watershed Coordinator, and the Chautauqua County Department of Planning and Economic Development (CCPED) to work with the Inter-Municipal Committee (IMC) of the CLMC to develop a model county-wide storm water and erosion control law for any new public and private construction by June 2013, with an incentive to municipalities that adopt this law by September 2013; \$10,000 shall be allocated for environmental engineering expertise, and other related expenses, to assist in the drafting of the model law;
3. Designate Chautauqua Institution as a "demonstration community" of best management practices for storm water and erosion control, and encourage all other watershed communities to adopt similar practices relating to new construction, drainage management, tree management, and wetland management;
4. Develop improved County Department of Public Facilities (DPF) policies regarding ditching, road, and bridge construction practices, and mandate supervisor training in erosion and sediment control techniques through the DEC — DPF is requested to draft such policies on or before September 1, 2012, and incorporate any necessary adjustments to the 2013 budget based on such policies;
5. Include an ex-officio County DPF member on the County's Environmental Management Council, Inter-Municipal Committee (IMC) of the CLMC, and the Watershed Quality Task Force;
6. Commence a public relations effort by County government utilizing \$10,000 to be administered by the Watershed Coordinator and matched with private contributions, which will educate, inform, and engage the public to participate in watershed and waterway stewardship, and promote financial and volunteer support of CLMC member organizations; and
7. Provide \$80,000 for stream and ditch stabilization projects to be recommended by a seven (7) member panel consisting of the County Watershed Coordinator, three (3) members from the CLMC's Implementation Committee and three (3) members from the County Water Quality Task Force. Recommendations from the committee will be presented to the County Legislature for approval by August 1, 2012, with all projects to be overseen by the County Watershed Coordinator and CCPED.

New Language Indicated by Underline, Strikethrough indicates Deletion

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of up to \$30,000 to CLA for mechanical weed harvesting contingent upon equal matching funds from CLA on a dollar for dollar basis; and be it further

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of \$30,000 from the 2% Occupancy Tax Lakes and Waterways Emergency Fund to CLA for maintenance of Chautauqua Lake waterways in 2012.

Signed: Croscut, Ahlstrom, Borrello, Rogers, Heenan, Horrigan (Amended in P&E) (A&C – Defeated Runkle, Himelein, DeJoe voting "no") (Strikethrough indicated as deletion; underlined is new language)

MOVED by Legislator Ahlstrom, SECONDED by Legislator Croscut to amend as follows by deleting the 1st, 4th, 6th, and 7th RESOLVED and inserting:

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of up to \$50,000 from the County's unreserved fund balance and up to \$30,000 from the 2% occupancy tax Lakes and Waterways emergency fund to the Chautauqua Lake Association for mechanical weed harvesting, contingent upon CLA providing \$20,000 in matching funds and a commitment by CLA to dedicate a complete third mechanical harvesting crew and equipment for such purpose and such other terms and conditions as negotiated by the County Executive; and be it further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----909 Fund Balance, Unreserved Fund Balance – Fund Balance \$50,000

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual- Watershed Administration \$50,000

Carried – amendment – R/C Vote: 15 Yes; 9 w/ Legislators Barmore, Borrello, DeJoe, Heenan, Hemmer, Himelein, Runkle, Scudder, Gould voting "no"

Adopted as amended – R/C Vote: 13 Yes; 11 No; 1 Absent w/ Legislators Barmore, Borrello, DeJoe, Heenan, Hemmer, Himelein, Nazzaro, Runkle, Scudder, Gould voting "no" (Legislator Nazzaro later changed his vote to yes) Final Vote: 14 Yes; 10 No; 1 Absent – June 27, 2012

RES. NO. 137-12
Chautauqua Lake Investment Act

By Legislator Cornell:

WHEREAS, Chautauqua Lake is one of the great natural resources of the County, and provides the County's citizens and visitors with numerous recreational and economic opportunities; and

New Language Indicated by Underline

WHEREAS, weed growth in Chautauqua Lake for summer 2012 could be one of the worst years on record due to the mild winter, lack of ice cover on the Lake, and unseasonably warm spring conditions; and

WHEREAS, a larger than expected surplus for 2011 has increased the amount of undesignated fund balance available for a further investment in Chautauqua Lake; and

WHEREAS, additional significant long-term steps are needed to protect the watershed and preserve Chautauqua Lake as a natural and economic resource that is critical to the future of Chautauqua County; now therefore be it

RESOLVED, that the Chautauqua County Legislature hereby intends to pursue the following long term steps to maintain and improve the health of Chautauqua Lake consistent with the recommendations of the Chautauqua Lake Management Commission (CLMC) and the Chautauqua Lake Watershed Management Plan:

1. Seek special home rule legislation from the New York State Legislature authorizing a partial County real property tax exemption for a period of five (5) years for property owners relating to expenditures for the installation of effective buffering and erosion control for the benefit of Chautauqua Lake and its watershed;
2. Task the Chautauqua County Department of Planning and Economic Development (CCPED) to work with the Inter-Municipal Committee (IMC) of the CLMC to develop a model county-wide ordinance related to storm water and erosion control for any new public and private construction by September 2013, with the intent to provide such ordinance to municipalities by December 2013 for potential adoption; \$10,000 shall be allocated for environmental engineering expertise, and other related expenses, to assist in the drafting and distribution of the model ordinance;
3. Designate Chautauqua Institution as a "demonstration community" of best management practices for storm water and erosion control, and encourage all other watershed communities to adopt similar practices relating to new construction, drainage management, tree management, and wetland management;
4. Develop improved County Department of Public Facilities (DPF) policies for best management practices regarding ditching, road, and bridge construction that assure the retention of soil and other sediments on site and incorporate measures to absorb and remove nutrients from run-off, and including same day stabilization of excavated road ditches, erection of erosion barriers for excavation projects lasting multiple days and protection of outlets from silt; DPF is requested to draft such policies for best management practices on or before September 1, 2012, and incorporate any necessary adjustments to the 2013 budget based upon the required implementation of such policies;
5. Commence a public relations effort by County government utilizing \$10,000 to be administered by the Watershed Coordinator and matched with private contributions, which will educate, inform, and engage the public to participate in watershed and waterway stewardship, and promote financial and volunteer support of CLMC member organizations; and
6. Provide \$80,000 for stream, lakeshore and road ditch stabilization, storm water storage, filtration and infiltration, and vegetative filtration/buffer landscaping projects within the Chautauqua Lake Watershed to be recommended by a seven (7) member panel consisting of the County Watershed Coordinator, three (3) members from the CLMC's Implementation Committee and three (3) members from the County Water Quality Task Force. Recommendations from the committee will be presented to the County Legislature for approval

by August 1, 2012, with all projects to be overseen by the County Watershed Coordinator and CCPED.

Signed: Cornell

MOVED by Legislator Ahlstrom, SECONDED by Legislator Croscut to Table.

Unanimously Carried – June 27, 2012

RES. NO. 138-12
Quit Claim Deeds

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-11; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

| | | | | | |
|-------------|----------------|---------------------|-------------------------------------|----------|----------|
| QC-14-2012 | Dnk. | 060300-79.14-3-65 | Sonia Buchanan Ruiz | 4991.33 | 4991.33 |
| QC-19-2012 | Dnk. | 060300-79.16-3-52 | Estates of John B & Nancy C Jagoda | 3112.64 | 3112.64 |
| QC-31-2012 | Dnk. | 060300-79.20-8-53 | Peter Lucas III & Lisa Thompson | 3790.41 | 3790.41 |
| QC-32-2012 | Dnk. | 060300-79.20-8-74 | Christine J Cottrell | 5875.21 | 5875.21 |
| QC-35-2012 | Jmst. | 060800-370.15-1-26 | Timothy A & Lori A Town | 3132.59 | 3132.59 |
| QC-40-2012 | Jmst. | 060800-370.19-10-50 | Todd & Tracy Saracki | 4343.45 | 4343.45 |
| QC-65-2012 | Jmst. | 060800-387.08-9-15 | Gary W Danna | 3110.54 | 3110.54 |
| QC-71-2012 | Jmst. | 060800-387.12-3-22 | Estate of Franklin B Garvin | 2338.52 | 2338.52 |
| QC-102-2012 | Jmst. | 060800-387.42-2-6 | Thomas L Oldro | 1369.29 | 1369.29 |
| QC-107-2012 | Jmst. | 060800-404.06-6-20 | Janet Darin Beckerink | 21930.19 | 21930.19 |
| QC-114-2012 | Busti/ Lkwd | 062201-385.05-2-33 | Stony Jackson | 4045.52 | 4045.52 |
| QC-125-2012 | Carroll | 062400-423.06-2-28 | Randall C & Bethany A Beckstrom | 8530.30 | 8530.30 |
| QC-127-2012 | Carroll | 062400-424.00-1-40 | William F Kane | 12463.01 | 12463.01 |
| QC-140-2012 | Charlotte | 062689-218.00-1-4 | Peter A Snyder Jr & Nicole D Casler | 14754.45 | 14754.45 |

| | | | | | |
|-------------|----------------------|----------------------|---|----------------|----------------|
| QC-151-2012 | Ellery/ B. Point | 063601-333.09-2-5 | Thomas D Gustafson & Timothy D Gustafson | 8880.84 | 8880.84 |
| QC-152-2012 | Ellery | 063689-317.00-1-13.1 | Charles Haskin | 11471.22 | 11471.22 |
| QC-153-2012 | Ellery | 063689-317.00-1-32.1 | John Hammond | 7587.90 | 7587.90 |
| QC-157-2012 | Ellery | 063689-368.12-1-5 | Deborah L Damenski | 5577.89 | 5577.89 |
| QC-198-2012 | French Crk. | 064200-393.00-1-47 | Kathleen A Nielsen | 4792.36 | 4792.36 |
| QC-200-2012 | Gery | 064489-318.00-3-34 | Susan J Frederick | 2670.36 | 2670.36 |
| QC-204-2012 | Hanover/ S. Creek | 064603-32.17-5-40 | Dwayne S & Mary E DiPirro | 11548.86 | 11548.86 |
| QC-228-2012 | Mina | 065200-326.00-1-7 | Charles J Kopta | 8466.25 | 8466.25 |
| QC-229-2012 | Mina | 065200-342.00-1-37 | Linda Griswold | 7756.29 | 7756.29 |
| QC-237-2012 | Pomfret | 065889-112.00-1-20 | Eric Centner | <u>2110.43</u> | <u>2110.43</u> |
| Totals | | | | 166048.90 | 166048.90 |

| Offer | | | | Offer | Taxes |
|-------------|--------|--------------------|--|---------|---------|
| Number | Munic. | S/B/L | Purchaser | Amount | Owing |
| QC-3-2012 | Dnk. | 060300-79.07-1-58 | Ferdinand S Tardi | 146.07 | 146.07 |
| QC-4-2012 | Dnk. | 060300-79.11-2-39 | Paulette Martin | 6934.71 | 6934.71 |
| QC-11-2012 | Dnk. | 060300-79.14-1-18 | Gerardo E Lorenzo Jr | 4072.08 | 4072.08 |
| QC-36-2012 | Jmst. | 060800-370.15-6-38 | Holly A Schuyler | 2388.39 | 2388.39 |
| QC-37-2012 | Jmst. | 060800-370.15-7-51 | Dale & Kathleen Wojtowicz | 4253.43 | 4253.43 |
| QC-38-2012 | Jmst. | 060800-370.18-3-55 | Estates of Benjamin B & Elizabeth J Herndon | 2074.11 | 2074.11 |
| QC-39-2012 | Jmst. | 060800-370.18-4-73 | David Glover | 717.02 | 717.02 |
| QC-43-2012 | Jmst. | 060800-370.19-3-29 | Terry R & Karen R Tane | 1793.62 | 1793.62 |
| QC-51-2012 | Jmst. | 060800-386.08-5-11 | Northwest Financial Services Inc., d/b/a Northwest Consumer Discount Co | 2431.60 | 2431.60 |
| QC-67-2012 | Jmst. | 060800-387.09-6-23 | Greater Chautauqua Federal Credit Union | 2936.50 | 2936.50 |
| QC-72-2012 | Jmst. | 060800-387.12-4-25 | Ricki Jean Guthrie | 2621.73 | 2621.73 |
| QC-74-2012 | Jmst. | 060800-387.12-5-41 | Robin & Suzanne Adkins | 2697.44 | 2697.44 |
| QC-82-2012 | Jmst. | 060800-387.15-11-3 | Beverly K Rickerson | 2897.54 | 2897.54 |
| QC-90-2012 | Jmst. | 060800-387.18-5-54 | Northwest Savings Bank | 5617.14 | 5617.14 |
| QC-92-2012 | Jmst. | 060800-387.19-4-6 | Steven L Rickerson | 2203.99 | 2203.99 |
| QC-93-2012 | Jmst. | 060800-387.20-4-30 | The Bank of New York Mellon, as Trustee for CIT Mortgage Loan Trust 2007-1 | 7611.03 | 7611.03 |
| QC-101-2012 | Jmst. | 060800-387.34-3-16 | Movimento Pentecostesarca De Salvacion of Jamestown | 247.19 | 247.19 |
| QC-104-2012 | Jmst. | 060800-388.05-4-46 | Jayson C Mitts | 3182.25 | 3182.25 |

| | | | | | |
|-------------|----------------------|----------------------|---------------------------------------|----------|----------|
| QC-105-2012 | Jmst. | 060800-404.06-1-1 | Deutsche Bank National Trust Co | 1686.07 | 1686.07 |
| QC-113-2012 | Jmst. | 060800-404.08-5-5 | Joseph Fred & Jessica Morales | 13730.07 | 13730.07 |
| QC-117-2012 | Busti/ Lkwd. | 062201-386.05-3-88 | Jamestown's Rental Properties LLC | 3659.16 | 3659.16 |
| QC-126-2012 | Carroll | 062400-424.00-1-31 | Ann J Johnson | 11425.30 | 11425.30 |
| QC-128-2012 | Carroll | 062400-424.00-1-57.2 | Frew Run Gravel Products Inc | 21964.35 | 21964.35 |
| QC-129-2012 | Carroll | 062400-424.00-1-70 | William F Kane | 1950.37 | 1950.37 |
| QC-130-2012 | Carroll | 062400-424.00-1-72 | William F Kane | 840.10 | 840.10 |
| QC-131-2012 | Carroll | 062400-424.00-2-42 | William F Kane | 1268.23 | 1268.23 |
| QC-132-2012 | Carroll | 062400-424.00-2-43 | William F Kane | 870.74 | 870.74 |
| QC-136-2012 | Charlotte | 062689-201.00-1-23 | Green Tree Servicing LLC | 9171.68 | 9171.68 |
| QC-137-2012 | Charlotte | 062689-216.00-2-6 | Ernest F & Elizabeth J Cuellar | 5294.25 | 5294.25 |
| QC-155-2012 | Ellery | 063689-318.00-1-6 | David R & Sheryl L Harvey | 1890.56 | 1890.56 |
| QC-156-2012 | Ellery | 063689-334.00-3-6 | Edna Harrington | 580.93 | 580.93 |
| QC-167-2012 | Ellicott/ Celoron | 063801-386.07-4-19 | Patricia Culliton | 2634.00 | 2634.00 |
| QC-174-2012 | Ellicott | 063889-386.11-4-38 | Todd R & Lori P Swanson | 789.48 | 789.48 |
| QC-175-2012 | Ellicott | 063889-386.11-4-60 | Todd R & Lori P Swanson | 18147.09 | 18147.09 |
| QC-209-2012 | Hanover | 064689-16.18-2-39 | Frank Kiley | 7237.26 | 7237.26 |
| QC-210-2012 | Hanover | 064689-32.08-2-17 | Lynn Jane Ienco | 5828.61 | 5828.61 |
| QC-211-2012 | Hanover | 064689-33.05-1-3 | William K & Linda Grieff | 8685.99 | 8685.99 |
| QC-212-2012 | Hanover | 064689-33.05-2-59 | Michael G Weber | 335.22 | 335.22 |
| QC-214-2012 | Hanover | 064689-49.00-1-2 | Estates of Nick A & Catherine Restivo | 312.85 | 312.85 |
| QC-215-2012 | Hanover | 064689-50.00-2-28 | Estates of Nick A & Catherine Restivo | 855.10 | 855.10 |
| QC-216-2012 | Hanover | 064689-50.00-2-62' | Estate of Nick Restivo | 7970.10 | 7970.10 |
| QC-217-2012 | Hanover | 064689-67.00-4-10 | Nick A Restivo Jr | 418.28 | 418.28 |
| QC-218-2012 | Hanover | 064689-67.00-4-9 | Nick A Restivo Jr | 499.59 | 499.59 |
| QC-221-2012 | Harmony | 064889-433.00-1-54 | Steven K Smith | 4279.28 | 4279.28 |
| QC-225-2012 | Kiantone | 065000-422.00-2-35 | Alan L & Bonita K Mackie | 794.50 | 794.50 |
| QC-226-2012 | Kiantone | 065000-422.00-2-36 | Alan L & Bonita K Mackie | 508.93 | 508.93 |
| QC-230-2012 | Mina | 065200-376.00-2-29.1 | Floyd M Ferguson | 1237.41 | 1237.41 |
| QC-239-2012 | Pomfret | 065889-145.00-2-39.2 | Constance L Harrington | 9211.74 | 9211.74 |
| QC-244-2012 | Portland | 066089-111.15-3-41 | Winifred Newell | 291.20 | 291.20 |
| QC-245-2012 | Portland | 066089-111.15-3-42 | Winifred Newell | 313.62 | 313.62 |
| QC-264-2012 | Sherman/ Sherman | 066601-328.10-1-11 | Julie C Chambers | 1273.66 | 1273.66 |
| QC-270-2012 | Villanova | 067000-136.00-1-37 | Estate of Nick A Restivo | 2264.02 | 2264.02 |
| QC-271-2012 | Villanova | 067000-136.00-1-44 | Estates of Nick A & Catherine Restivo | 10053.92 | 10053.92 |

| | | | | | |
|-------------|-------------------------|---------------------|--|----------------|----------------|
| QC-274-2012 | Westfield/ Westfield | 067201-192.12-1-50 | Estate of John W Riedesel & Peggy A Riedesel | 12833.22 | 12833.22 |
| QC-263-2012 | Sheridan | 066400-63.00-1-39.5 | Chautauqua County Industrial Development Agency | <u>5914.18</u> | <u>5914.18</u> |
| Totals | | | | 24,268.20 | 24,2618.20 |

Signed: Barnmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent – June 27, 2012

RES. NO. 139-12

A Resolution Dated June 27, 2012 Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Chautauqua, New York, to be Designated Substantially "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua, New York (hereinafter, the "County") heretofore issued an aggregate \$15,175,000 Public Improvement (Serial) Bonds, 2002, pursuant to a bond determinations certificate dated April 18, 2002 (the "2002 Bond Certificate"), to finance the cost of the construction of an addition to and reconstruction of the County Home in and for said County as further described in the 2002 Bond Certificate, such Public Improvement (Serial) Bonds, 2002, being dated April 15, 2002 with remaining maturities on April 15 in the years 2013 through 2020, both inclusive (the "2002 Refunded Bonds"); and

WHEREAS, the County heretofore issued an aggregate \$6,975,000 Public Improvement (Serial) Bonds, 2006, pursuant to a bond determinations certificate dated June 14, 2006 (the "2006 Bond Certificate"), to finance the cost of the construction of various jail building additions and renovations and improvements to Court facilities in and for said County as further described in the 2006 Bond Certificate, such Public Improvement (Serial) Bonds, 2006, being dated June 1, 2006 with remaining maturities on June 1 in the years 2013 through 2026, both inclusive (the "2006 Refunded Bonds"); and

WHEREAS, the County Legislature has previously approved the refunding of bonds issued in 2004 pursuant to resolution No. 51-12 (the "2004B Refunded Bonds"); and

WHEREAS, the 2002 Refunded Bonds, the 2006 Refunded Bonds and the 2004B Refunded Bonds are hereinafter sometimes referred to collectively as the "Refunded Bonds"; and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the callable outstanding principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, each of such refundings will individually result in present value savings in debt service if so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. For the object or purpose of refunding the callable outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which, together with the interest

earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$19,500,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "County Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$16,660,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The County Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-12 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Director of Finance pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Director of Finance shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the Director of Finance.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in

accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Director of Finance providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Director of Finance as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Director of Finance, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Director of Finance is also hereby authorized to name the County Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Director of Finance is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the Director of Finance, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is as set forth in the respective Bond Certificates relating thereto;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said respective Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Respective Series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$16,660,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Director of Finance is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Director of Finance; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Director of Finance shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the County Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Director of Finance is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Director of Finance shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each respective series of Refunded Bonds which the Director of Finance shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Raymond James/Morgan Keegan (the "Underwriter") for purchase prices to be determined by the Director of Finance, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Director of Finance, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Director of Finance to the Underwriter in accordance with said purchase contract upon the receipt by the County of said purchase price, including accrued interest.

Section 11. The Director of Finance and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Director of Finance and all powers in connection thereof are hereby delegated to the Director of Finance.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution supplements resolution No. 51-12 and to the extent inconsistent therewith supersedes same.

Section 15. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the County Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.
Dated: June 27, 2012.

Signed: Runkle, DeJoe, Heenan, Himelein

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent – June 27, 2012

2nd Privilege of the Floor

Jeanie Polisoto, Forestville, N.Y. I attended the meeting last week for Planning & Economic Development and I have to say that there is very little public in any of these meetings. I being one of them. I am committed, I am diligent, and willingness to go wherever it takes me. Unfortunately at that meeting, I was not given the opportunity to say anything and I was told by Mr. Croscut that there was a second privilege of the floor. It is very hard for the public to comment when they don't get advanced notice or (*inaudible*) in crowd or they don't have a vested interest to know exactly what to comment on if you don't have that information. I think in fairness, if the public person such as I want to say something for five minutes and I take an hour drive down here, I should not be cut short. I think there is a certain amount of bulliness going on. Mrs. Cornell was gaveled off when she wanted to talk. Mr. Croscut could have said, you have five minutes. I have been to a lot of meetings in my life in many places and we'll leave it at that. I thought that it was rude. It was unnecessary and it did not give the public their due. The fact is, even in the proposal that was, as I said, engaged the public, we would like to be engaged. Is there a honeymoon in any of this? All we get is the cancelled bill saying, pay, pay, pay and I find it very disturbing. I am a second generation that came over and the fact is, just having the opportunity to talk is wonderful and to not be allowed five minutes is not acceptable in my world and I don't think anybody else's. That is what we call freedom, we celebrate it on July 4th. I hope all of you remember that. I would like to talk and bring out certain areas that may gain the public awareness and the Legislature's awareness. I have been around the bush many of times and have served in a lot of different capacities and I am not a novice. Although many a times I have treated in such a poor way you kind of wonder where has the goodwill gone now a days. I appreciate this time to talk and the thing is, if the resolution had not passed, that means very little in the scope of things because you don't have enough money. And the fact is you are going to probably go into the business of trying to placate that budget with hydrofracking possibilities. I even read it on the Internet. That Chautauqua County being a poor place, usually the first place a lot of people who want to make money go to those poor places. Having lived in Texas, what do you think the oil refineries are? In poor places where people usually are settled for less than

their best and are we in Chautauqua County going to gamble, trading off our pristine environment for another buck. It isn't my kind of world that I would like to (*inaudible*) and pass onto the future. Thank you for your time.

Mr. Art Webster, I'm tired too and I hope at your next meeting you will take up the second half of Mrs. Cornell's motion and that involves the Chautauqua Watershed Conservancy and the work that it does. It's not as visible because it's not on the lake with cutters, it's not dealing directly with in-lake issues but think of this. The Chautauqua Lake Watershed is about 180 square miles. The Chautauqua Lake is about 20 square miles, which means that for every square mile of lake, there is 8 square miles of watershed. So, what goes on in the watershed ends up on the lake. We're working very hard to deal with the root issues of what you are dealing with tonight with the Chautauqua Lake Association. We need them both and I am a member of both and committed to both and hope that you will be too. Let's go home.

Mr. Doug Champ, 225 Bowen St., Jamestown, N.Y. I applaud the Legislature and their feelings of investing in the future of our County. I guess, not any project, but I guess Chautauqua Lake, this was the issue tonight. But to hitch on what needs to be done, where is the County Legislators going to be when the discussion turns into Chautauqua Lake issues. I think you need an investment plan that is clear, precise and defined for this lake. If it means that me and Mr. Borrello will go to Albany and talk to the Legislators up there, I would be more than happy to go with him anytime he would like to go. I am sure that there are others that will pursue that kind of investment strategy for this County. So, I guess the challenge is this, are you going to develop a plan, an investment plan, for this lake that is realistic, economical vital and sustainable, or resolutions will come and go and votes will be passed and failed but the lake is going to have a problem with it no matter what. I know that you don't have enough money in your pockets so I think that we ought to look at opportunities that maybe we haven't investigated. Whether it's the State level or the Federal level, dedicated money for the lake in some format, coming from those who use the lake. Most of the money that forms a bound in the lake, in terms of license and taxes and associated fees, goes to the State of New York and we don't really capture that here. The other thing that I would like to say real quickly. There is a, at the Robert Jackson Center, a display of a city and a county that went to war in WWII. There are emotional letters from folks, both women and men, who served this country, this city, this county, during WWII. I would encourage all of you to go there and listen to some of the letters that are written from the foxholes by the Veterans that were there. My father was there in Okinawa and wrote a letter back to my mother and I am partial of this but I think that it is something that wasn't announced tonight and I know that it's in Mrs. Cornell's district and she would probably make an attempt to do this next time with more information, but it is about all of your fathers and your mothers and their experience in WWII. I would encourage you all if you have the time, to spend a little time there and learn a little bit about that history that we have so proudly to remember. Thank you.

MOVED by Legislator Runkle, SECONDED by Legislator Heenan and duly carried. The meeting was adjourned. (10:08 p.m.)

Special Meeting
Chautauqua County Legislature
Wednesday, July 11, 2012, 6:30 p.m.
Legislative Chamber, GOB, Mayville, N.Y.

Report of Offers for the Chautauqua County Home
By Marcus & Millichap

Chairman Gould called the meeting to order. (6:30p.m.)

Clerk Tampio called the roll announced a quorum present.
(Absent: Coughlin, Duff, Heenan, James, Stewart, Wendel, Whitney)

Legislator Rogers delivered the prayer followed by Pledge of Allegiance.

1st Privilege of the Floor

Mr. Dave Fagerstrom, representing CSEA. I just want to say that I think that it would be great disservice to give up the control of the future of the County Home for the sake of the residence especially but for all of our sakes. It was built here for us when it becomes necessary and that is all that I have to say. Thank you for the opportunity to speak.

I feel this issue is so important that I had to come. I wish to address our County Executive and our County Legislative members. My name is Mary Jane Nordsic, I'm 80 years of age and have been a resident of Jamestown and this County for many years. I am here tonight as a taxpayer to voice my opinion strongly. The Chautauqua County Home should be sold as soon as possible. I am aware of the union's opposition to this sale and the numerous studies and evaluations that have been performed. However, contrary to the signs that I have seen in many places, "Save our County Home", and it's not going anywhere. When sold, there would still be patients and employees, and will possibly be better able to serve the community if not County owned. Privately owned, it will be able to offer assisted living and/or different levels of care and increased revenues for management, neither which is available at this time. In view of the huge financial costs and problems that are facing our County, such as additional Medicaid costs, population decline, lake weed control, poverty, school enrollment changes. Please solve this problem now. Thank you.

My name is Susan Baldwin. I live in Villenova in Chautauqua County. I am here to say, please do not sell the County Home. Please consider that in Dunkirk/Fredonia area, there are not a whole lot of really good jobs that you can get without getting a college education. So, by taking these jobs away, these 300 people that are employed by the County Home, have mortgaged their homes, they bought their cars, they sign their children up for college and dance classes and all the other things that they need to do to keep on living and right now they are sitting on the fence. They are saying, should I buy another home, I have another child coming into this world, should I consider whether or not I should keep that child even – I mean, there are so many things that they are wondering and waiting for this big decision that you guys are making and if you think the cutting of jobs by 40%, benefits by 40% is going to make the County a better place, I am thinking that it might make the County with fewer people, fewer jobs, and fewer people considering staying here that do pay their taxes and do buy their homes and do things. If you put \$10.00 an hour jobs into that nursing home and expect so many people to continue to pay their mortgage, continue to pay their car payments, continue to send their children into college, and continue their dance classes, how would you like to turn your paycheck down 40%? Think about it. It's not just for the idea of the possibility of maybe. The people might be coming from a big city that may want to line their own pockets with nursing home money rather than someone from Chautauqua County earning that money and bringing

that in. It's just a travesty if you don't think about not two years down the road but 10 years down the road, what is going to happen. So many of us are possibly going to need a place like that very, very soon and it's not going to be there and then it's going to be too late because the book is closed. Thank you.

Chairman Gould: I would like to point out to everybody that there will be no voting on this tonight. This is strictly an informational meeting.

My name Kathy Snyder and I am an employee that the Chautauqua County Home and I would like to respond to the statement to close the facility or sell the facility. We have to consider our Medicaid population and all of you that are voting to sell the facility and talk about assisted living, not everybody can afford assisted living. What people are forgetting is that it doesn't take much to have to apply for Medicaid. People that have worked here and that have paid taxes all of their lives have been contributors to this County and then all of a sudden, we have no protection for them after they apply for Medicaid. So, anybody here that is speaking like that either had a huge number of resources to pay for whatever care they need after they need help or when they need help or they have a long term care insurance policy that will cover everything. So, we've seen how easily it is for people to have to apply for Medicaid, people that have been working and been contributing to this County and we need the County Home for protection for these people, for our taxpayers. Now, could we do things differently? Yes. Do we need to possibly change the way we do business? Yes, I think we do but I think we need to look at everything. I don't think that we should just wash our hands and say, o.k., we have to get rid of this. There are too many good things why we need this facility. Thank you.

I will be quite brief because I have laryngitis. My name is Irene R (?) and I am a taxpayer of Chautauqua County and I am from Dunkirk, New York. I am also a former President of AARP Chapter 299 or Northern Chautauqua County. I am 92 years old and I have been a taxpayer for Chautauqua County for a long time. I don't think that it is right for us to give up something good and I would not like to see our County Home being put up for sale. I think that it is a good thing. I think it should stay in Chautauqua County. People are ready to support it and I don't think that it should go down the tubes. Thank you very much for listening.

Chairman Gould: Is there anyone else who would like to speak to the first privilege of the floor? I will close the first privilege of the floor and we'll go forward with the report on offers with the Chautauqua County Home by Marcus & Millichap. The County Executive has a few words to say first.

County Executive Edwards: Thank you Mr. Chairman. I want to also thank you for scheduling this very important meeting and to those of you who were able to attend, I appreciate the extra time you are spending on this very important issue. I am excited that we are here tonight. I am excited because I did a little research and County Executive Glenzer, in 1988, was the first reference that I could find. The beginning of the conversation of what do we do with the County Home? What do we do with this entity that we established as an enterprise status operation when it can no longer pay for itself. That gives you an idea. For 24 years, this has been an issue. After 24 years, all this debate and discussion has always been premised and built upon, what if, maybe this would be true, we're not really sure, but possibly this would be the facts, and as recently as 2007, Legislator Trusso, in conversations right here in this body said, that, and I quote, "an agreement was made and I don't think that you remember it or who was here at the time that as soon as the Home had to get money from the County, that we should start the proceedings of selling that Home because it would be drag on the County". Now, Mr. Trusso is very direct in the way he spoke in expressing his opinions but that gives you an idea in 2007, there were direct conversations taking place about what do we do with the Chautauqua County Home? This body itself in 2009, established a special committee to review the County Home as it existed and the issues and to identify changes or modifications that could be made and we've had lots of conversations about that. But in each and every case, it's always lacked one very critical component. And that is, precisely, what is the County Home by way of an asset, what would the private sector consider the value of the County Home to be, and tonight, not only will those be answered, they will be answered in the context of the concerns that have been raised here by

your, very appropriately, by those here in the audience, very appropriately, these very real concerns about the future of the access to skilled nursing facilities, the concern about the continuation of the very important jobs that currently exist there, and all of the other conditions or concerns that we built into the request for proposals. We went out, as you know and authorized me to do so to retain the services of Marcus and Millichap. With their professional services, we built a very specific request for proposals. I am pleased tonight to introduce Mark Myers, who is a principle with Marcus & Millichap, who is here tonight to walk through how this proposal was created, how it was marketed, the responses to that RFP, and the proposals that have been received that meet the minimum qualifications that were built as conditions into that request for proposal. Tonight, we'll answer many of those, what if questions, and then give this body and the public and the employees, and the residents an opportunity to have answers to the questions we've needed for so long because we're no longer talking about what if. It will be, these are the facts and we can make real solid decisions on those and do them in an informed way so thank you for your willingness to invest even more time in this, this evening and I would like to introduce Mark Myers from the firm of Marcus & Millichap.

Mr. Myers: Good evening. I will try and speak clearly and somewhat quickly so I can cover a lot of material without going so fast that I lose somebody so, first of all, firstly, some of the reasons why counties across the country are considering privatizing the nursing homes that are in their counties. They include such things as have been addressed tonight by some of the folks from your audience. It was mentioned something about assisted living a few minutes ago, please understand that for a facility such as Chautauqua County Nursing Home, which is a bit more of an institutional type setting as opposed to a Sunrise Senior Living or Brookdale Communities, residential type, assisted living facility or unassisted living facility such as the one in Fredonia which is near by Chautauqua, approximate to Chautauqua – by in large, such as the Chautauqua County Home, if they did take assisted living folks and private owners are able to take such people and the County is precluded from doing so, they would more than likely be Medicaid assisted living folks. That program has some limitations to it. There is a moratorium on the issuances of some of those beds. It opens up the times and there may be some chances that the buyers of the facility, if they were private owners, could in the future, take in some of those residences. But they would be Medicaid eligible. So they would be the same type of residents that you have now but just not as medically complex. That would be part of what is called the ALP program in New York. So that would be an additional benefit that your community would have. You would have the ability to – for the seniors who would need less medical care but assistance with activities and daily living, such as bathing, dressing, and so forth, is in the facility with State pay for their care. Another reason why counties are thinking of going this direction is simply that the cost of maintaining. Mr. Edwards mentioned that a few minutes ago. We've estimated the net benefit to Chautauqua upwards of \$50 to \$60 million dollars over the next 10 years. Not just in the sale of the facility and a one-time cash benefit, but the savings of the operating losses, putting in the facility back on the tax rolls, the sales taxes, all of the things that will benefit the County for years to come. Not just for the next 10 years but that is just a snapshot for those 10 years.

One of the things that I would also like to emphasize before going into our marketing process is that everyone has to understand that the owners of the facilities, be they the County or private ownership group, their obligated to meet the needs of and to impress and to satisfy, perhaps more as private owners and perhaps more for coming from outside your community, to work with you and impress you because you are their sole, not just their primary, but you are their sole referral source. It's your social directors and social planners, and placement officers, and doctors, and families that are referring residents to the facility. So, whoever it is that is operating the facility, if they don't satisfy you and your constituency then they are not going to survive let alone thrive. They are spending a lot of money on a very fine facility and the last thing that they want to do is cause them an operating or financial problem. They want it to be a success as you do. So I wanted to make a couple of those things clear.

As far as our marketing process, we sat down with Mr. Edwards and we went through some of the things that are important to the County, the sales process and we came up with some restrictions on the sale. Those restrictions – this is what we did before we even decided to go to market and that was a list of 14 different things and they include, items such as, the sale would be as

is. There would be no guarantees on the condition of the facility by the County. It would be subject to the approval of the Chautauqua County Legislature. Closed by escrow, only proposals that guaranteed the operation of the facility as a nursing home for a period of at least 10 years to be considered. Again, you have to think logically about what the facility highest and best use is. It would not make a good hotel, or a good school, or a good hospital. It's built as – purpose built beautifully as a nursing home. That is what it fits and it makes more sense to figure out for the owner, be it the County or private owner how to make that physical plant, maximize the benefit to the residents, the County, the owner. How to garner the best reputation, the best care so they attract the most number of residents and obviously make the most profit by doing so. If the facility has a low occupancy and bad reputation and a poor physical plant, that is not going to be good for anybody. So the buyer's incentive is to keep it as a nursing home. That is its highest and best use particularly with the dollars that have been spent to improve it and make it the fine facility it is. Number five; current union employees only shall be guaranteed offers of employment provided they file an application and pass a back ground check. Each of the bidders addressed these various restrictions in their bids, by the way. Number six, we asked for what protections the bidder/buyer, (*inaudible*) offer regarding jobs, salary levels and benefits to the employees. We asked them to delineate that in their proposal. What's the proposals experience and what will it offer Chautauqua County concerning issues as far as relationships with the families, activities and so forth and we asked for examples to be worked in their portfolio for how they have done this. We required that a preference for admitting people from Chautauqua County at an 80% or higher threshold be maintained. And we asked for their experience in their other acquisitions in that regard. In one case, one of the bidders has purchased two other county facilities so we asked for his – he actually delineated his experience with actual county acquisitions.

Current residents at the Chautauqua County Home shall have the right to remain in the facility as long as we wish. Again, one of the things that need to be pointed out is that, by Federal law, residents have what is defined as Residents Rights. You are not allowed to move a resident out of a nursing home except for one sole purpose and that is, you have to prove to the Department of Health that you do not have the wherewithal, the staffing, the capability, the physical plant, something of material significant basis for caring for that resident. For example, if someone had head trauma or needed a ventilator and renal dialysis care and you simply didn't have the ability to care for that resident or if the resident posed a physical risk, they were combative and they were a physical risk to other residents, those would be some of the reasons why someone could discuss moving someone out of a facility but you simply cannot move residents out. Again, the residents are the ones paying the bills. Certainly the money is coming, in most cases, from the Federal and State government but without the resident being there, the revenue is not going to be generating. The monies needed to take care of the folks that are there. So, again, the operators are precluded from moving people out by the State and Feds and they are the revenue source. It is lack of incentive to move anybody out.

Number ten; an issue of concern of the County in any potential bidder (*inaudible*) is reduced public accountability for the operations and related issues and we're asking the bidders to show how they have worked with the County in an ongoing basis following the purchases of some of their other facilities. Particularly if they purchased from government entities. Then we asked them to comment on innovations in resident/patient care. What did they do to improve other facilities that they purchased? They delineated that in their bids.

The sale or lease is subject to the County and Purchaser complying with all municipal, County, State and Federal rules, regulations, mandates and so forth. Again, it goes without saying, the operator would be precluded from breaking such regulations anyway. But we wanted them to acknowledge they play by the State, local, Federal rules.

Then, no contingencies to the contract except for securing the appropriate licenses to operate the facility and we wanted to know what their experience had been with obtaining licenses in other acquisitions situations.

The successful proposer, lastly, must be a qualified skilled nursing operator. So those are the fourteen restrictions, qualifications that we required. We prepared a professional marketing flyer that went to approximately 3,000 potential buyers from across the country. From California, Arizona, Florida, forty some states and we received back 35 signed confidentiality agreements, expressions of

interest. Not offers but folks who wanted further information who had at least some preliminary interest level and that interest level came from potential bidders from Chicago, New York, New Jersey, Canada, Indiana, basically from throughout the United States and some from California. So, we also made many, many phone calls. Had meetings, we contacted the folks who have purchased other county nursing homes in New York, New Jersey, Pennsylvania, where we sold other facilities. We contacted folks who we know are active in the industry, who have a good reputation, who the County would find acceptable, who would meet the restrictions of the sale and we made these personal contacts as well. As a result, we had some expressions of interest. Two things happened during – two major things happened of a negative basis that neither nor the County nor anyone else could have controlled outside of our process. That is the State of New York, we all know they are budgetary constraints facing virtually every state in the country, perhaps there are certain exceptions. New York, not being one of them, New York obviously has some budgetary issues with their Medicaid program and they are constrained to find ways to save money and so the State of New York went to a pricing system whereby there were limitations and in most cases reductions in the revenues and through the Medicaid reimbursement for nursing homes. Now, Chautauqua County was actually somewhat unscathed by that legislation. If you look at the projections for Chautauqua County Nursing Home, the rates generating the revenue from the Medicaid side are going to go down slightly. Is projected to go down slightly in the next couple of years but then increase slightly in the years following so it's about a wash for Chautauqua County. So that piece of legislation, that movement within the reimbursement system didn't hurt us as much as the second movement which was, in January of this year, the State of New York announced that it was going to Managed Care. They were going to start in certain burrows in Manhattan, then on Long Island, then in Albany and then by I believe, 2014 or 2015, implement Managed Care throughout the State. Now this has been a fluid process. I don't recall where Governor Cuomo and the Legislature are at this moment. I know that they have postponed some of that implementation of Managed Care but it is coming. The reason it's going to affect nursing homes across the State of New York and by the way, other states including Ohio, Pennsylvania, Illinois, are also going to Managed Care. It is perceived as a way, for states, to limit their exposure to every increasing Medicaid creep in costs, or increase because the free market system, if you will, would take in the (*inaudible*) companies take in the dollars, allocate it in a pool and then be responsible for cost cutting, maintaining controls and so forth in distributing that money amongst the nursing homes. So the nursing homes themselves would therefore have to negotiate contracts with those Managed Care companies. When you get into an environment such as that, one of the things that you want as an owner is to be the owner or operator of a portfolio of nursing facilities and potentially other health care, home health, other therapy, pharmacy, other kinds of systems. Why? Because you are going to be more attractive to Managed Care operations. If you think about it, they would rather have fewer care providers that they have to negotiate with that own more facilities and are more facilities and are more vertically integrated than to have to negotiate with individual nursing homes throughout the State and nursing home operators that don't have the vertical integration. So, they have to negotiate separately with the pharmaceutical company, the therapy company, the nursing home owner, and so forth and so on, the laundry company and so forth, if they are separated. So, there is even a term called Accredited Care Organization, you may have heard of it, ACO's and these are organizations that are thought to be the wave of the future where it's almost like a one stop shopping center for care. The Organization provides care all the way from pretty much independent living all the way through acute care and you are in their system and you're designated to a certain provider and they take care of you, if you will, on the medical side throughout your medical life. So, these are some of the trends that have occurred in the last few months. We initially thought that we would garner a price for the facility, close to \$18 to \$20 million. We had a few tours of the facility during this process and we set a bid deadline and procured as a result of that process, two offers for that facility. One is at \$16 million dollars and it is actually in a form of a lease with an option to purchase the facility at \$16 million and another offer is at \$16,500,000 and that would be a cash purchase, upfront, as soon as the license was obtained. So, I am going to walk through both of these offers as quickly as I can. The first one is from Israel Sherman and he's the CEO of Absolut Care. His company actually operates two nursing homes in Chautauqua County so you may be familiar with Mr. Sherman's company. He is the one that offered a long term

triple net lease with an option, first right to purchase the facility for \$16 million dollars. He has put up \$150,000 of earnest money. We've interviewed him and found him to be qualified in terms of the numbers of facilities he owns, having the financial wherewithal to accomplish the transaction and he has agreed to the 14 stipulations that we laid out in the restrictions that I read off. He did provide examples of how he has implemented some creative solutions in some of his facilities. Israel Sherman is from New York.

The second offer is from Mr. William (*inaudible*) Rothner, Goes by Avi (?) from Altitude Health Services. He's out of Chicago, Illinois. His purchase price is \$16,500,000. He has also put up \$150,000 or earnest money to be increased to a \$1.5 million and that entire deposit would become nonrefundable within 5 days of full execution of the purchase and sale agreement which if he was chosen as the bidder, working with your County Attorney and so forth, would probably take about 45, perhaps 60 days at the outside to negotiate a purchase contract. Mr. Rothner answered the restrictions affirmatively and provided some excellent information concerning what he has accomplished and done in other county situations. Specifically he has said that the purchaser will provide offers of employment to those union employees who file an application and pass a background check. Even where not required by the seller to provide, but we're going to provide you copies, the Legislators, I believe, copies of both these bids at the end here. Even where not required by the seller to provide such employment offers, our philosophy, this is Mr. Rothner speaking, generally philosophy to maintain as much continuity as possible so that the residents and their families see no negative evidence of the change. While staff movement is inevitable, we initially rehire almost 100% of the existing employees with administrators, generally staying or leaving at their choice on a case by case basis. He provides an article or we procured an article that was written one year after Mr. Rothner purchased the Lancaster, Nebraska nursing home and a copy of the article is in the RFP response from Mr. Rothner. So you could read it for yourself. You can see that this was not written by Mr. Rothner, it was written by a local publication and it's said very favorable things. Of course initially there was much concern and apprehension about private owner buying the facility but the jest of the article is that, the facility is better operated and spent millions of dollars to renovate it. He quadrupled the size, double or quadrupled, depending on how you view it, the therapy section and has multiplied the numbers of Medicare residents who are being served by the facility. That is another big movement within our industry is, a move toward getting them well and getting them home is how we say it in the industry. So, yes, there are people who will be on Medicaid or will move from Medicare to Medicaid or private pay to Medicaid but there is also a major focus on nursing homes picking up where many times hospitals picked up in the past. In that, 25 days after a hip replacement, knee replacement, operation of some kind or another, the nursing homes within the health care system have been found to be an excellent source of convalescing during that 25 to 30 day period of time. They are excellent with the therapy department, they work with professional therapy companies and so forth. Mr. Rothner implemented such a program in Lancaster, Nebraska and he plans to do so with the Chautauqua County Home facility. As far as employees, this publication documents, this news article that, about 25 of the Lancaster nursing homes, 330 employees left their jobs a month before he took over and I believe that the staff is, since that point, relatively equivalent to what it was. You can obviously read it all in the article that was printed in the local press. So he answered the question about employees, he answered the question about how he would address the employment situation. In terms of employee benefits, Mr. Rothner said, we're not going to cut salaries or initially change positions and we provide a comprehensive benefit package similar to the current benefit package provided by the seller. We intend to maintain these packages but monitor these over time and may adjust them based on market rates.

I might add that, we have been involved as a firm with the sale of 12 county nursing homes in New York, New Jersey, Pennsylvania, Arizona, Wisconsin, and in every case in the past, the union has represented the employees following the sale. It has not been, I don't believe in any case, the same union that was in place at the time of the sale because the CSEA serves County employees and once the facility is privatized, employees are no longer County employees. Now the CSEA, as far as I understand it, does have a private union and they would certainly be eligible. I see no reason why they wouldn't be eligible, I see no reason why they wouldn't be eligible to also potentially be the union of choice by the employees for the Chautauqua County facility. So, I wanted to make it clear. In our

experience anyway, a unionized County facility does not become a non-union facility and then the wages and benefits would of course need to be negotiated between the union and the new owner. It's well documented that the union that has the largest presence in the northeast is SEIU 1199 and they would more than likely be the union of choice for many owners of nursing homes in the northeast. I don't know the folks of 1199. I am not vouching for them or promoting them, I am just saying that is a matter of fact, is the most prominent union in the northeast that we are aware of and they have become the union of choice for the employees and the new owners in many cases where we sold facilities. That is not to say that there couldn't be another union that in this case, would be in place after the sale.

Mr. Rothner agrees to maintain 80% of the residents from the Chautauqua County residency and so forth and so on. Essentially, he met all of the requirements of the bid. He does not need a financial contingency but he did provide a reference from his banker, private bank just to show that he has the financial wherewithal to complete the sale.

So those are the two bids. We also will be providing you with a summary schedule of 10 transactions both from the public sector and the private sector for the Western New York Region that have occurred since March of 2010. Most of the sales being for 2011 or 2012 or in process right now. We wanted you to note that the purchase price of \$16,500,000, while not quite what we anticipated as far as pricing prior to the announcement of Managed Care coming to New York and the pricing system, the price is still at \$16,500,000 from Rothner. I would be a bit lower, of course, for Mr. Sherman. The \$76,388.89 per licensed bed, you have 216 licensed beds. There were 10 sales that we found, two of which were higher on a per bed basis and the other 8 being – well, the other 7 as Chautauqua is one of the 10, the other 7 being lower than the \$76,000 level. Most of them being much lower. In fact, the only ones that are close and the one that is higher was – those are portfolio sales in the National Investment Center, NIC. You can look them up on line. They are one of, if not the largest trade group, association, for the senior housing industry, NIC. They are out of Washington, DC. They put out some data since yesterday that there is a 34% or there was a 34% premium in 2011 for portfolio sales over the sale of a single asset such as the Chautauqua County Nursing Home. So, if you take the \$90,000 figure range for a couple of the portfolio's that have been sold in 2011 and 2012, a couple of them, then you would be actually much lower than the Chautauqua County figure and most of the sales of single asset fell in the range of 1/2 to 1/3 and in one case 1/4 of the sale price per bed that we achieved. In the cases where there was no representation by an intermediary, the pricing was significantly lower than where we are at on the pricing level. We'll pass this out to you. There are some explanations regarding each of the 10 sales on the right side of the schedule.

That concludes my presentation and I'll turn it back to Mr. Edwards.

County Executive Edwards: Carm has copies of each of those two offers and also the spread sheet that Mark was referring to which I found rather startling in a good way. It's always nice to be looking at an offer that is coming in for your asset that is head and shoulders, price wise, above what the market has shown for other assets. You might recognize the Fulton County Residential Facility in Gloversville, New York. That is on this list, you'll see it coming out to you. That is one, if you have been following along, you have seen in the news, Fulton County is selling theirs. You have Horace Nye, is in Elizabethtown, New York, that has been a hot topic in the media relative to other county's sale. So, you will see those in there and I think that you will find it encouraging, but we have choices to make here that many other counties, when, in their efforts to determine what their facilities are worth, didn't have. So, you are talking about, per bed prices, from \$68,000 at the highest to \$20,000 at the lowest. When the Avi Rothner bid over \$76,000 for the Chautauqua County and thank you George for being so kind to help pass that document. As the Chairman correctly pointed out, obviously there are no votes that are going to be taking here tonight, but I would be glad to answer any questions with the assistance of Mike Myers or others that you might have following this presentation of now the facts. What is the Chautauqua County Home worth as an asset in the private sector? What are private sector owners willing to contractually commitment themselves to in an effort to be in the running for the acquisition of this particular asset? If I may, you can handle the questions.

Chairman Gould: I will handle the questions. Please bring them through me.

Legislator Runkle: I am presuming that we're going to get any and all pertinent written data submitted by the potential buyers, including background data on their operations as well as their qualifications and experience?

County Executive Edwards: You are getting all of the documents that were submitted to us in response to the RFP or the two proposers that were qualified as meeting the minimum qualification. You are getting that as we speak which then opens the door for obviously, further examination, questions, information that the Legislature would want. I'm assuming that Mark and his team at Marcus & Millichap are readily available and all of their other prior transactions of assisted in obtaining whatever information the folks on the Legislature, like yourself, would want.

Legislator Runkle: Is there any other data out here that we should be looking at other than what is right here? Does this give us the complete overview?

County Executive Edwards: Mark could answer that question better than I could. This is something that he does for a living.

Mr. Myers: Yes, one of the things that I would encourage you to do is, in the days of media that we live in, it's very easy to go on-line and check on these companies. I would encourage you to Google, however you want to say it, Altitude's purchase of a Lancaster, Nebraska County Nursing Home, which was a very contentious process politically within the system and has turned out to be a very good result for that county. A similar result occurred for Posada Del Sol and I believe there is an article in the response, the RFP, from Rothner for that transaction as well. One of the things that our clients have found very beneficial in addition to and you can do the same thing for Mr. Sherman, to research his company, but, there is nothing like being there. And there is nothing like seeing for yourself so one of the things that we encourage counties to do is take, when it is time, if you are at the point where you are thinking about choosing one party over another, then I would encourage you to take a representative sampling of your contingency particularly those who are adapt at understanding the operations of long term care facilities and actually go visit a few of the facilities that are owned and operated by these parties. In the case of Posada Del Sol, which is in Pima County, Tuscan, Arizona, the staff was skeptical that anyone could run nursing home as well as they could and it's a high acuity facility. It's right across from Tuscan Medical Center. It's about the same size as Chautauqua and they have 12 (*inaudible*) disease residents' people, they have 28 ventilation patients. They basically take all of the residents that are to complicated for other nursing homes to take and they went to see Mr. Rothner's Nebraska facility and came back and just couldn't say enough good things about it. They were very satisfied with is level of care. Beautiful facility and they documented that in the article that we provide there so that was the public information available. So, yes, we would encourage you to research it on line. The State also has plenty of information about rating systems for their other nursing homes and that sort of thing.

County Executive Edwards: If I might also add, I would anticipate that the Legislature would want to interview the owners who are making these proposals and that is something that I have already advised them to expect. At the appropriate time, they are going to be in a position where they are going to need to respond directly to the people that have to make the decision and that is the Legislators and present their backgrounds, their case, if you want to use that term, so that you would have a chance to see them and ask directly the questions that they need to answer for you directly.

Legislator Runkle: With all due respect, we are paying Mr. Myers to do the goggling. I am just wondering if we are going to get and my question still remains, all the written data that has been given to you from these operations that is what I am asking for.

Mr. Myers: Yes, you already have it. Whatever they provided to us, you have.

Legislator Runkle: Including your investigation of these facilities?

Mr. Myers: Yes.

Legislator Runkle: Thank you.

County Executive Edwards: I believe he's asking you if you have done an investigation, (*inaudible*) grading or that sort of thing.

Mr. Myers: Oh, I thought that you were asking me if we provided you with everything that we received from them. You are asking me if we've conducted an indebt investigation on line and pulled off anything that we could. No –

Legislator Runkle: I'm asking for the details of your investigation. Is there written details on your investigation and as such, can we receive that? What I am looking for is any and all data regarding this so we can make an informed decision.

Mr. Myers: Oh, o.k., we can certainly provide you with a detailed analysis of each company.

Legislator Runkle: That is what I am requesting.

Mr. Myers: We can certainly do that. We would be glad to do that.

Legislator Croscut: I guess I have three questions. One of them are and you eluded to it but the lady in the back at the very beginning, in your experience, I don't see us losing 300 jobs, I don't see the employees losing benefits by 40%, I don't see the employees being offered \$10.00 an hour jobs. I don't see the people not taking their kids to dance classes, buying houses or cars. Do you have any comparison to what they offer for benefits and do you see us losing the 300? You have eluded that there will be offered jobs. I think this is a scare tactic. I am more interested in the residents of that Home being well cared for. You would elaborate on that before I ask the second question?

County Executive Edwards: If I might just correct an assumption. We don't have 300 people working at the County Home. Two hundred and fifty, give or take, is what the Administrator affirms we have. So, just so we don't have any unreasonable expectations that if there isn't 300, if you have a day there had somehow been a reduction of numbers, we have somewhere in the neighborhood of 250 on any given day employed by the County Home.

Mr. Myers: Believe it or not, the benefits packages vary greatly across the State even among the CSEA union employee base. We are selling another County facility in New York that has been publicly documented to have a benefit package that is 40% above any other facility in the State. So more than likely, it's well above where you are at already. All I can tell you is what has happened in the 12 other instances where we have been involved. It's been that another prominent union has been brought into the working – becoming the union after the sale and the wages and benefits would then be to market for that union because that union would then be negotiating the wages and benefits. So, if someone who's making and I'm just using this as an example. By no means is it meant to be an actual example from your facility but if someone is making \$12.00 an hour and they union that takes over pays their people for that position \$14.00, the wage could go up if in fact someone is making \$18.00 and the market is \$14.00 or \$15.00, it might go down. If a union provides certain benefit packages for their employees and they negotiate that for this facility, then that is the package that the employees will have. If the package right now is way over market, then it is going to come down, if it's under market, it may go up. If it's at market, it will likely stay the same.

Legislator Croscut: Second question. Medicaid population that is there from what I am hearing with the 14 criteria, will be taken care of?

Mr. Myers: Yes. You actually have quite a bit higher percentage of private pay residence than is typical in a County nursing home. That is good but over time as people, the trend within America is that seniors are becoming older and more ill as they are entering nursing homes and some of them are going to spend down their money long before they are leaving the facility. So, a lot of people that are now on private pay or Medicare are going to end up on Medicaid. So, the operator is going to have to rely heavily on Medicaid which unfortunately, in terms of the cash flow projected by potential buyers was greatly affected by this threat. It's not really a threat, it's an eventuality of Managed Care.

Legislator Croscut: As we would be too.

Mr. Myers: Exactly.

Legislator Croscut: Do the simple math, it sounds almost to good to be true as a business person. You stated that we could generate \$50 to \$60 million dollars' worth of savings over 10 years and lastly, how long is the proposal good for.

Mr. Myers: The math is real simple. If you take \$16.5 million, and then you take \$3.5 million dollars which is a very conservative figure because that figure is expected to increase potentially even geometrically in the next 10 years. The deficit, the operating deficit. Just leave it at the \$3.5 million, if you multiply that times 10 for 10 years, you get \$35 million and you add that to the \$16.5 you are already at \$51.5 million dollars. Then add to that, you add, I am guessing about \$400,000, maybe \$500,000 a year in taxes, \$350 to \$500 at a minimum, I would think. Sales tax on top of that. All the other taxes that a private business generates for the County would not be paying and it's very easy to get to a \$60-\$65 million dollar figure.

Legislator Croscut: How long is this proposal good for? How long do we have to wait or act before we have to let this individual know that we'll sell it?

Mr. Myers: Well, we've made it real clear to the bidders and they have agreed gladly to subject themselves to whatever process is necessary to bring themselves before the full Legislature to present themselves to you and ask them any questions. Again, to visit their facilities, to research them in any way shape or form you wish to and we'll also, as we just said, we'll do the same thing to assist you with that research.

Legislator Croscut: Lastly, I hope that the CGR report, Mr. Runkle, that will be coming soon so we'll be able to disseminate that information and I don't know what we do with that and not to muddy the waters tonight but, I was hoping that could be brought here tonight so we might have some clarification tonight.

Chairman Gould: It's not done yet Mr. Croscut. I would hope that we would have it in the next month or so or hopefully before that.

Legislator Croscut: Maybe at the next meeting we can have that proposals or at a special meeting so we can start to digest this information.

Chairman Gould: Probably a special meeting as it's quite time consuming.

County Executive Edwards: If I might add, I think it's probably clear from Mark's answer, but both of these facilities are for profit entities. Currently, Chautauqua County has one for profit hospital operating or it's a long term care facility. But these two are both for profit companies that then would be subjected to the obligation to pay property taxes, sales taxes, so as Mark indicated in the calculations of benefit, certainly that has to be something that I would argue we should consider is that rough number, pick 350, \$350,000 a year in taxes.

Legislator Nazzaro: Actually Mr. Edwards answered my question that they are both for profit. The other question and I don't have my calculator here or computer, the one proposal is the least purchase, \$1.6 million over 10 years. What is the present value of that lease? Because you are comparing that to \$16.5 million dollar cash purchase versus \$1.6 million per year over 10 years. Based on what I am –

Mr. Myers: I do think that is the right way to look at it and the only question is, the present value would be determined by the discount rate. I would suggest the discount rate for long term care facility should be in the neighborhood of 11 to 12%. So, that \$1.6 million over 10 years is going to be significantly less than that. I am guessing it's about half of that. Of course, they would pay the \$16 million on top of that so there would be an additional benefit in that regard. But, if the thought is to remove the County from the process entirely, the operations and so forth and any risks and so forth, a sale would extricate the County from that more completely. So, beyond the numbers, it would, I would say a decision about leasing versus selling should be made in terms of how much control oversight and possible risk the County would want to (*inaudible*) there over that 10 year period of time.

Legislator Cornell: I am wondering if the County Executive or the Chairman is suggesting any particular time line for the Legislature's consideration of these proposals. I guess more technically, is there an expiration on the RFP's before us?

Mr. Myers: Again, I believe there are expiration dates in the offers, the answers to the RFP's responses but those would be, if you will, soft deadlines. A typical offer does have a deadline but they would be glad to extend those deadlines if there are deadlines in there. We've already indicated that their willing to meet with you folks and to extend this process as long as it needs to be extended. I believe the Altitude offer has a deadline but I don't think the Absolut Care had a deadline in for a response.

Legislator Cornell: Which are what?

Mr. Myers: The Altitude one is the thicker one.

Legislator Cornell: What is the deadline? I haven't had a chance to read all of this yet.

Mr. Myers: It would be at the very back of the – it is somewhat irrelevant because it's probably long passed and he would be glad to extend it. He's made that clear.

Legislator Cornell: If I could Mr. Chairman, back to my general question whether the County Executive is suggesting a particular time line for the Legislature's consideration including review of the CGR report?

County Executive Edwards: I was, as many were hopeful that CGR would have completed their work and had their report available for the Legislature to look at. I think that everyone in the room is intent on having a proper review of this very important decisions and the people who made proposals recognize that. They are not new to this process. They have expressed their willingness to, as Mark has indicated, to subject themselves to the process. I think we also need to be cognizance of the fact that the market is every changing. As Mark just described, 9 month ago analysis of this asset and the market place, was a very solid analysis, in my opinion, that we'd likely be looking at an offer of \$20 million. Mark described the two important impact that occurred just in that length of time that cut obviously from the offers, \$3.5 million out of our opportunity and added that to this challenge. Like any transaction, the longer it delays the more opportunities there are for people to change their minds, seek modifications, seek changes to their proposals. But, I would hope that CGR is going to have their report in two weeks. That would be my goal. There was some indication that they might have it for tonight so if they were capable of almost having it tonight, I think they met with some of you earlier this week to finish up interviews. My hope would be that they would have that resolved and

delivered in a matter of two weeks or so. Then, in my opinion, you are going to have all the documentation in essence of what their analysis was, what is, as Mark said, the assets worth, and then the process is, do you go forward or not? If you go forward then, as Mark correctly pointed out, that is when you are going to want to do interviews, that is when you are going to want to determine the best way to measure future performance what a person has done in the past and by having a chance to look at how these folks operate existing nursing homes, long skilled nursing facilities, particularly those in the Altitude bid. Those they just acquired in the last 12 to 24 months. I think is going to be very informative. So, there is time built in this but I wouldn't want to be in a situation where you send a signal that a year from now we're going to come back to this analysis. Honestly, we have a budget to develop and as we stated before, this could be a 12 month process from execution of a contract to the final completion of the State's work, the certificate of need. Any delay between decision and beginning that process, is just pushing that back further and further with a guaranteed losses that we've been assured by our auditors.

Legislator Cornell: Just one other question. More curiosity than anything, I am just wondering if the percentage of offers versus interests is typical. I believe you had said there were 35 letters of interest provided and of that 35 only 2 offers. That would seem low to me but is that typical?

Mr. Myers: It's very low, extremely low. It's indicative of the threat of Managed Care. Ten of the other incidences where we have been involved with, the sale of County nursing homes, two of the other twelve being in New York or in the same Managed Care threat period, so, those would be in the same sample set as this one but, prior to the threat of Managed Care in New York, it was not (?) typical to have as many as 8, 10, 12 bids for a facility. It's possible that if we had set the bar even lower, like a minimum bid of \$10, \$12, or \$14 million, perhaps we would have more offers but would we have had offers that were higher than this? I doubt it. I think if you look at the chart, as the \$76,400 per bed level, we're still head and shoulders above the per bed sales price for the other facilities.

Legislator Cornell: Besides the Managed Care issue and our expectation of a certain price, were there any other detractors of our facility?

Mr. Myers: Mr. Edwards just pointed out an excellent point, the 14 conditions were also – in most county sale situations, we have 6 to 8 restrictions. In this case, we had 14. The thought being that, we wanted to protect the continuity of the nursing home as much as possible. You spent a lot of money to renovate the facility, has a high occupancy, has a high private pay census, it also has a high Medicaid/Medicare census, all of those people are important. The physical plant is important. We wanted to make sure that we had enough restrictions to make it a solid restrictive process if you will. So, that definitely was a factor and also just the location in rural, semi-rural tertiary market in Western New York versus had the facility been in Brooklyn, Queens, or Albany, some of the larger more populous markets it would have drawn somewhat more interest too.

Legislator Hoyer: We cannot run the County Home on a break even budget and we lose money. These two offers are adding property taxes and sales taxes, adding also loan payments, and adding the need to make a profit. So what specifically are the plans of these two corporations on what they will do to make a profit on their investment? I need to know specifically what they are going to do to save themselves \$60 million dollars over 10 years.

Mr. Myers: Well, as we all know, there are three ways to grow the bottom line of any business but one is to charge more for the same service you are providing. You can add more customers or more services. Maybe there are three or four ways to add or the fourth is to cut costs. In the words of Jack (*inaudible*), it's always better to raise revenue than it is to cut costs. Why? Because when you cut an expense you can only cut it one time. When you raise revenue, it goes on presumably indefinitely. I think that is applicable here. The way that I would apply that would be to say that, in the case of Mr. Rothner in particular because he had bought two county facilities. Mr.

Sherman has not bought a county facility so it's harder for me to speak to what he has done with County Homes and switching them from publicly owned to privately owned, so it's a little bit easier for me to speak to what Mr. Rothner has done. In specifically in the case of Lancaster, Nebraska and what he is planning to do and is currently implementing in the Pima County in Arizona, is to greatly expand and renovate the higher acuity therapy sections of the facility to better fit the Managed Care. Arizona is on the Managed Care/Medicaid program already. The Managed Care systems that greatly depend on and look for people that are vertically integrated and also fits well into this system of the future of being more and more focused on getting them well and getting them home. Rather than having someone stay for the sake of staying, they don't need to be in the facility to have them on the Medicare reimbursement system to rehab their broken hip or whatever ailment they have and then have them go back to their own home. That is the wave of the future. In the case of Lancaster, if you read the article, it specifically states in the response of the RFP that Rothner plans to do the same thing here. He was able to geometrically increase the number of Medicare residents, I think from 8 to 12 to like 22 to 28 at the Lancaster, Nebraska facility. So, the first thing he is going to look to do is increase revenue. If you take a Medicare resident at \$4 to \$500. a day, and you add 10 or 15 such residents, then you put that in your calculator at 365 days, it's a tremendous amount of revenue. There is a profit center built into Medicare and the Federal government has freely admitted that they understand that nursing home owners are losing money, breaking even at best on Medicaid than they are garnering most of their profit on Medicare. Medicare is frankly their profit center for nursing homes. The Medicaid helps to cover the fixed costs so you have to have the Medicaid residents to cover your base of costs for the facilities and they represent the greatest (*inaudible*) of residents in a nursing home. But the Medicare provides the marginally utility of profits center for the facility. So that would be the first thing to raise revenue. Where are they going to look to cut expenses? Again, they are going to look for the low hanging fruit. The things that are the easiest and that would be, for example, if someone owns 6, 7, 8 facilities perhaps, the Counties' are restricted from being in certain purchasing programs, from what I understand so someone like Mr. Sherman or Mr. Rothner is buying depends for the residents, they might be able to purchase them from a National purchasing group for 40% less and I'm just using a number, maybe its 12% less, for a significantly less than what you are paying for the same product, but they are buying therapy cost. They might hire the same therapy company but at a much reduce cost than the County facility is paying. When they negotiate the union contract, the union and the owner are going to have to decide what market is but if there are people that are over market on their wages or benefits then those would be marked to market. So, they are going to have to look at each of these components. They are not going to run this to lose money. We know that, right? So they are going to find ways to raise revenues and I mentioned this earlier, perhaps add additional services such as assisted living program residents, ALP residents, those can be very profitable revenue generators because if you have two assisted living residents at \$3,700 a month, which is about what ALP pays in a room and your cost of care in assisted living is much lower than for nursing. So, these are some of the things they can do. They might even add independent living or assisted living in a separate facility on the campus. There are different ways that they can address making a profit.

Legislator Hoyer: Just to follow up. Yes, those are generic ways you can make a profit. I don't have specific plans from these two people what they are going to do. Those are just generic ways and two, if these two people can make a profit by increasing Medicare payment, why aren't we doing it?

Mr. Myers: A couple of reasons. Firstly, you have the union contract with CSEA. You don't have union contract with a union that works with private owner so your union contract may not be at market. If it's like most of the other union contract with CSEA, it may or may not be at market. I would have to take a look at your contract and look at every detail. So, that is the first thing. I believe you are precluded from joining certain purchasing groups for some of your products. That is what other counties have told us. I know for sure you are precluded from the ALP program, the Assisted Living Program for New York. So, there are certain things that a private owner can do that you're precluded from doing as a County. If there is a need to, could you right size a staff and renegotiate your union

contract, I suppose you could. But the specific things that these buyers are planning to do is to increase your Medicare census, to put your purchasing on national group purchasing, probably negotiate every single contract from the laundry to the rehab to the pharmacy and by the way, I don't believe that counties are allowed to own pharmacy companies or therapy companies and so forth. Some of these groups can own those private companies and they might even break even on the nursing home and still make a nice profit from owning some of those ancillary companies. So, that would be another way for them to make money that you are precluded from doing.

Legislator Runkle: I just have a response to Legislator Croscut and Legislator Cornell. We had talked previously about the time line and when this would all come to fruition. I did have an occasion just so this body would know, to talk with Don Pryor a couple of weeks ago and he advised that his study would not be done for tonight. I asked him if it would be possible for him to incorporate in his study the results of our findings tonight. That is why I was asking for that specific information. What I would suggest to this body is that that information be sent to him as quickly as possible so that he would be able to analyze it and then of course, put it in his report if he is able to do that. That way we'll have a comprehensive overview of everything and we'll be able to move forth. We'll have all the data that we need.

County Executive Edwards: I will make sure that he has everything that you have in front of you or any other information he seeks about these two offers.

Legislator Runkle: If that is acceptable to this body and I would presume that it is.

Chairman Gould: I can't see why it wouldn't be.

Mr. Myers: We know Don and we'll get him the information tomorrow.

Legislator Runkle: Thank you.

Legislator Nazzaro: I think that everyone knows this. I mean, obviously one of the ways you are going to save costs is in the benefits. Today, the defined benefit plans which are what the State has, they are going on the wayside. I mean today you are talking defined contributions plans. Just to make it clear, nobody is going to lose any benefits that they have earned or vested. New York State protects that but I agree with what Mark is saying and this is in the report that we did. The higher Medicare (*inaudible*) reimbursement is higher under the RUGS scores, more therapy but also on the cost side are the benefits. We have to accept that. You hear about pension reform right from the Governor's office, we cannot afford these lucrative high cost pensions anymore. Whoever is going to purchase that if they do, one thing they are going to look at is the pension. But, employees are not going to lose any of their current benefits. They will be frozen but one of the ways is obviously is going to be through the benefits through having a defined contribution plan. That has to be done.

Legislator Barmore: Couple of questions. First I want to make sure that I have this clear in my mind seeing that I haven't read it yet. But, it is my understanding that the offer from Altitude is for \$16.5 million in cash and the offer from Absolut is for \$1.6 million per year in lease payments for 10 years and then a \$16 million dollar purchase at the end of that ?

Mr. Myers: I believe that – well, there is an option to purchase and he may want to be able to exercise that option at any time during the 10 years.

Legislator Barmore: There is no guarantee at the end of the 10 years that he will want to purchase and we could get it back.

Mr. Myers: That is correct.

Legislator Barmore: Second question. If Absolut was to get a lease from the County, seeing that they don't own the property, would they tend to be inclined to expand operations, perhaps add assisted living or anything like that seeing they do not own the real estate?

Mr. Myers: Well, it would depend on how the lease was structured. If you think about taking it out of the senior housing context, if you think about a retail lease, it would greatly depend on who gets the improvements at the end of the lease or if there is a cancellation of the lease and so forth. The reality is, the tenant walks away from the lease and chooses not to purchase the facility, then it's kind of hard for him or her to own the physical building that he just built. I suppose that you could bifurcate it somehow and *(inaudible)* it would become very complicated. So, I would say that the tenant would typically be discouraged or dissuaded from adding onto the facility until they owned it.

Legislator Barmore: So in essence, I mean, anything can happen. I mean the Absolut company could go bankrupt three years into the lease and we'd be stuck holding the facility. Basically what you are eluding to is an upfront cash purchase, if that is the avenue that we decide to take, would be the most beneficial to Chautauqua County.

Mr. Myers: Again, there are advantages and disadvantages to every type of transaction and CGR, I have seen their reports and they do a very nice job of outlining those kinds of alternatives for counties. One of the advantages of the lease would be that, as you mention taking it back, you could, I suppose and it's been done before, put criteria in the lease agreement such that if the tenant did not meet certain stipulations or criteria or they on the negative side, you could have negative and positive covenants and restrictions and if they *(inaudible)* the covenant like they are supposed to maintain the Medicare *(inaudible)* star rating of "x" stars or above but it can have, let's refer to as *(inaudible)* for their Department of Health surveys that are above a certain level. C, D, E, F, or can't have so many of those in a year. There are a lot of ways that you can do this. But, if they don't meet such criteria, that you have the right to buy back the facility for a dollar or for \$16 million or whatever numbers you set. Or you could cancel the lease and bring in another tenant or sell the building to someone else. You could also effectuate a lease like that of course. Mr. Chairman would have to agree to that but there is not enough delineated terms in his offer to know whether he would agree to such stipulations or not. He would resist those and you would want those so it's negotiated somewhere in between.

Legislator Erlandson: On June 18th, I accepted an invitation to visit the County Home. The invitation was issued by the Resident Council. I was one of two Legislators to accept that invitation. I hadn't been to the County Home in over 20 years and it was an eye opening experience. There are many positive changes and I was very impressed. One of the things that I heard from several of the residents, kind of a common theme was, the words, "this is my home". My question to you may be unfair a bit, putting you on the spot, but how does that concept, "this is my home" square with the idea of, "get them well and get them home"?

Mr. Myer: Well, to get them well and get them home concept has to do with Medicare residents. Typically it relates to folks that have hip replacements, knee replacements and that sort of thing and don't have medically complex needs for long care. So it's meant as a positive statement as opposed to, let's see how long we can keep this resident in our facility and cream the system, if you will. The system now within Medicare and Medicaid frankly, is a better system than it use to be and it *(inaudible)* operators to get them well and get them home as opposed to warehousing someone – warehousing is a bad word but keeping somebody for the sake of keeping them when you could have rehabilitated them and allowed them to live in their own homes which is probably their preference. Nursing homes still do provide an excellent service for the person who needs long term care and has potentially medically complex issues and need 24 hour supervision but there are many cases in which someone simply needs to convalesce for 25 or 30 days. You need excellent rehab services but they don't need to be there for 2 - 2 1/2 years. So, the idea that the Federal and State government and operators have had to change to meet the new standards for is to make sure that those that you can

rehabilitate and send back to their own home setting, were doing so and only those who need the services in nursing home are there. That is what I meant by that. It's known as a positive.

County Executive Edwards: If I might just add a couple observations. The market has changed dramatically. Even within our own County Home operation, if you spend some time talking with Tim Hellwig, he will tell you that the people coming in and the people going out, they call it churn, but it's the idea that people coming into a facility and then staying and leaving have increased dramatically. That is one of the reasons why the opportunity to break even has become harder and harder because people are coming in and going out as a result, you have all those obligations for getting them in, qualifying them, getting the right kind of care, getting the medications all secured and all the therapy all secured and then in a couple of weeks they are out. That does not happen to those folks as Mark correctly pointed out, have conditions that require long term care. I would also highlight that in a recent grant application, Heritage Ministries, indicated to Mark's point on the assisted living that Heritage Ministries indicated that they could save the State \$750,000 by the addition of other levels of care to their operation. So, I think that that also gives the indication there may be residents in other facilities, ours included, that if there was another level of care that they could be moved to, it enhances their quality of life, it manages their care in a better way and cost us money. But, that is a case by case analysis. But, the market place has changed a lot. But for those people who consider and I have met them too. I have been out there and have had those same conversations and they are good to have. For those to consider the County Home, that skilled nursing facility as their home, their residence, it's a very little likelihood that that will change because they have conditions that need that sort of care. I think in the grand scheme of things, those people are very concerned about that. *(Inaudible)* can see a dramatic change in how things are operated.

Mr. Myers: Also, another point in that regard. The person who does consider the facility long term home they are not there to convalesce for 25 days and then go back to their single family home setting, will still benefit from that focus on heavy rehab because at certain times during that person's stay within the nursing home, it's almost inevitable that we'll have some sort of a condition, be it a fall, and hopefully you don't have falls, but it happens once in a while or they have pneumonia or something happens and that may require that they go to the hospital but many times when they come back from the hospital, they have some sort of convalescent period, the more serious nature or rehabilitation period of a more serious nature. So the higher acuity that you can service and provide within your facility, it's better for the resident population as a whole. So very few people beg their adult children to put them in a nursing home. So, this isn't about that. What it is about is, o.k., very few people are jumping at the chance to go into a nursing home but how can you make it the very best environment, healthcare wise, environment wise and level of services wise and that is why assisted living and independent living, high acuity rehab, all of these things, so that it is the most homelike, but most medically complex provider of services possible.

Legislator Horrigan: Just from your experience Mark, is it approximately a 12 month process from the time a County government would approve it till closing? Is that right?

Mr. Myers: Yes, so what we have done is 12-18 months to approve what is called the change of ownership so there are a number of ways to address that interim period and one of the things that can happen is for the County to work with the State and the buyer, if you end up choosing a buying or tenant in the case of the lease situation to become either the manager or what is defined as a friendly receiver. Friendly meaning that there wasn't an adverse situation where you had troubles in the State or the bond company of the lender appointed a receiver of the court appointed a receiver, it's a friendly receivership meaning we want this person in there as the receiver. The State is somewhat adverse or has been adverse to receiverships as opposed to some of these other formats like employment agreements or management agreements. There are different ways and of course, the State has to bless all this. You just can't go and do these thing. They have to be part of the discussions. But in more cases or many cases, the future buyer will take over the facility immediately upon negotiating these contracts with the seller and then start to bear all the losses from day one,

which is important because if they don't do that you're \$16.5 million is really \$13 million if you have to bear the losses for the next year. So the faster the new operator takes on your operation, for your sake, the better. Now, of course, before you do that, you would want a solid purchase contract with a lot of earnest money in the case of Mr. Rothner, we're talking about \$1.5 million. Actually, I think that he is talking about \$1.65 million with \$150,000, plus the \$1.5 million. Ten percent of the purchase price would become nonrefundable and of course, he is not going to want to lose that money. So, at the point where his money is non-refundable, we could possibly get Mr. Sherman to agree to the same thing. You would have a very solid situation for yourself and then you might feel comfortable allowing them to come in and bury your losses and take over the operations.

County Executive Edwards: If I may. One point, Marcus & Millichap is familiar with both these firms' backgrounds. It might be a question in your head, why is somebody willing to take a risk like this and you don't do it unless you have some experience and as Mark had described, how many facilities Avi Rothner has been involved in and what his history is because a good question is, why would somebody take on –

Mr. Myers: The faster the operator can take over the operations the faster to this gentleman's point, they can begin to implement -

County Executive Edwards: How many of these facilities does he own?

Mr. Myers: He has at least 7 facilities now and he's buying one more in Arizona, 360 bed facility in Tuscan from a private owner and he's buying another County Home as well in the east coast.

Legislator Nazzaro: I guess we just don't have enough information on the Absolut one, the conditions of the sale lease. During the leasing period, are they operating that facility under the County's operating certificate or they are operating – because they don't own it yet. They are leasing it. How are they operating it, under who's license?

Mr. Myers: My understanding is it would be their license and the employee would be, in a sense, their employees as opposed to the County's employees. They would be union employees but they would be then private union employees under the direction of Absolut. My understanding is that they would then be responsible for all the benefits including any 401K, pensions and so forth and all the operating costs and revenues.

Legislator Nazzaro: O.K., because under New York State – so they are not operating under a Management contract which would require –

Mr. Myers: No.

Legislator Nazzaro: Would require the Department of Health approval. They are operating it –

Mr. Myers: Well it still would require DOH approval.

Legislator Nazzaro: Correct, so they are going to operate it under their certificate, not under the County's.

Mr. Myers: Correct but they would not only the real estate.

Legislator Hoyer: A bit of confusion here. Mr. Myer described the Medicare program of bringing people in after operations, taking care of them, sending them home as a way to increase revenue. But then Mr. Edwards described the same process of increasing costs because of more

applications getting medications in order, getting therapy in order, etc, is a thing that cost more. So, I am getting two messages here.

Mr. Myers: That does sound confusing but they are totally reconcilable. What I think what Mr. Edwards is trying to say is that, the system of and maybe there is a better phrase than getting well, getting them home, but the system of brining in folks that are simply convalescing from a relatively serious surgery for 25-30, perhaps 35 days, up to 100 days is what Medicare pays for. Now some of those folks will, if the other medically complex issues and they are Medicaid eligible, will go onto Medicaid or if the private insurance will go possibly to become private pay residents of the facility but many of them will go home. The way that you reconcile the two concepts is, what Mr. Edwards is saying is that, while this is the most profitable arm of any nursing home, the fact that you have to continue to replace those residents means that you have to maintain the seller reputation with your referral sources or if you've spent – where you are going to be in trouble is, if you spent millions of dollars to create a high tech therapy room with nautilus equipment and staffing and so forth and you end up with the same number of Medicare residents that you did before you spent all that money and staffed up the Medicare unit, then you are going to lose millions instead of making money from it. So, it is the largest potential profit center but if it is not expanded properly and operated as efficiently and as high a volume as possible in a regularly consistent fashion, then you have a cost base of staffing and floor space that then you're not maximizing the utilization similar to high tech hospital or an MRI center. It's wonderful – an MRI machine can cost millions of dollars but if you don't have enough patients using the MRI machine or being tested by it, you are not amortizing the cost of the machine over enough patients. It's the same concept. Mr. Edwards is saying that if the County has a limited number of Medicare residents, they may have a heavy staffing and floor space dedicated to such a type of care but not enough residents going through that system whereas a private group tends to increase that volume of care through implementing more staffing, more acuity programs, expanding the therapy room and so forth. Maybe better contracts with a therapy company and so forth. Does that answer your question?

Legislator Hoyer: Has there been a study done on whether or not there is a market available in the County for increased Medicare residents?

Mr. Myers: I don't know if there has been a study but we're talking about increasing the numbers of Medicare residents by a fairly slight margin. So, what most operators are hoping to do is whatever Medicare businesses going elsewhere to capture more of that care within their own facility. So, even if there is a finite pool, which there is of Medicare business within the County or the service area now, they are hoping to – if you have the best therapy room, the best therapist, the best staff, and the best program, then the poor guy down the street with a 50 year old facility that has not spent the money on this facility doesn't have the level of services, is going to see a decline in his or her therapy services in Medicare and you are going to benefit from that. And as hospitals put more and more pressures and there has been plenty of studies and I can certainly send you as many of these you want, but there have been plenty of studies nationally to suggest that hospitals continue to have pressures with their DRG systems and so forth to get people out of the hospitals as fast as possible. That pressure is only going to continue to increase. In fact, that is where the ACO's concept has come from is, for hospitals to use these accredited care organizations and Managed Care organizations to push people down the facility continuum from the highest acuity level which is the hospitals down into (*inaudible*), long term acute hospitals and nursing homes. So, what owners are planning to do is, planning to increase their Medicare business and capture more what is already there in the limited pool and then to go to the hospitals and create contacts with the hospitals and say, these folks that you have that are convalescing in your hospital now, they should be in my nursing home and will save you money by having them in there versus you can make more money off our DRG that way.

Legislator DeJoe: I have held off asking questions in hope that they would have been previously answered and some have been broached so I have a few questions here. Let me begin

with the question mark, in this Altitude company, do you have any information or data and comparing apples to apples and the data is, of the wage structure of the employees and the benefit package at the time of the sale of any of the recent facilities? Also a wage structure and benefit package after the final sale to see basically what transpired there?

Mr. Myers: I will ask Mr. Rothner for specific data regarding that but in his response to RFP, I believe that you will see on the second or third page he specifically states that he has analyzed the payroll benefit structure for Chautauqua and he's sees not more much of a significant difference between what he is paying and what Chautauqua is paying. Which is not always the case in County situations.

Legislator DeJoe: True, but I believe in the concept that talk is cheap. Understand what I am saying? I would like to see it in black and white so I can go back to somebody and say, this is what I have the proof of instead of them telling me, well, I didn't say that or I didn't mean that. I just don't like elusions.

Mr. Myer: What we'll have to do though is compare – the data I can ask Mr. Rothner for and I will do so, is where were the wages for Posada del Sol in Pima County, Arizona before and after the purchase by you, Mr. Rothner, and where are the wages today for Lancaster, Nebraska today versus when you took over. Please understand that that data is going to have to be analyzed on the basis of a percentage change or even a dollar change. But you can't compare Lancaster, Nebraska wages to New York wages.

Legislator DeJoe: And it's not what – not what I am looking for.

Mr. Myers: Right, so I wouldn't want to say that he is paying CNA's \$9.50 an hour and I don't know what he is paying in Nebraska, he might be paying \$15.00 an hour here. I don't know.

Legislator DeJoe: And that is not what I am looking at. What I am indicating if you can compare apples to apples, you go that place of employment and you are seeing what they are being paid and the benefit package was on a prior employer and to the new one to see how, I am going to say, reputable they are from my point of view. I believe that this is potentially what they are going to do here. A lot of the questions earlier or responses at the privilege of the floor indicated the deep concern if a sale happens, how it is going to affect the employees, their families, the community, etc., and they are entitled to have that information if they want to be perspective employees as we have indicated as one of the fourteen points of restrictions there. That's a segway to my second question. I asked this question back in December and have not had a response yet. Simple question. We have currently 14 restrictions and back in December we were talking about 8 conditions. How are they enforceable? We do a lot of talk. You can only do this, this, this, etc., etc.

Mr. Myers: They are more enforceable than if we you were selling your landfill or anything like that. I don't know if you own a landfill but I am just saying other businesses in the sense that in comparison – well, landfill may be highly regulated because they are environmental issues and it could be a bad example. Selling some other business, coffee shop or whatever, but selling a highly complex medically related facility is heavily regulated by folks well beyond in of our control of anybody in this room. So, you have several layers of oversight. On the labor side, you have a union. So the union is going to be the watch dog for the employees, I hope, and hopefully they work well with management as well, with the new owner and management. They would be protecting the wages and benefits of the facility. It is my understanding that the employees chose the union so it would be their fault, I guess, for choosing the wrong union if they did so or they could kick that union out if they didn't like it and bring in a new one. So, that would be a watch dog if you will or a check and balance that you don't have to worry about the oversight for. As far as the level of care, the State does that for you. The Department of Health and they perform at least one annual survey and in that regard, what I was going to suggest to your other point, one of the things that I will do for you and I will send it to Mr.

Edwards for him to distribute is to look at Mr. Rothner's experience with Lancaster. I can't do Pima yet because he just purchased that this year but I can look at this cost reports and see what level of staff he had, what level of staff the County has and their cost report and what was last reported for this year and what the average wages were for the CNA's, LPN's, and RN's are broken out in a Medicaid cost report. Anyone can look up that information and compare the two. So, I can validate where he has been able to effectuate change or no change in those areas myself. But the State, through the Department of Health, survey's a facility at least once a year. Most of the time twice a year and sometimes more than that if someone, an Ombudsman or someone who receives a call, there are many things that trigger an entrance by the DOH for another survey of the facility. If a facility is having some care issue, they might be in there quite often and they can even appoint a monitor for the facility sometimes. So you have State oversight. If the State surveys are not satisfactory from the Federal government, they can come in sometimes and they do and do a Federal survey. So you have that oversight on the care side. Again, you have the economic, huge economic incentive to provide excellent care because a referring source, be it a doctor or social planner and so forth, they don't have to send the residents to Chautauqua County Nursing Home. They can send them to other facilities within the serving area. So, if they are not satisfied with the care that is being provided at the nursing home, they will vote with their feet, if you will, the residents, the residents families, the doctors, and at the direction of the families, they will send the residents elsewhere. So the doctors themselves, the Social workers are check and balance system. The lenders are check and balance system for the buyers. The lender is going to have certain coverage ratios and survey potentially certain obligation for the facility to meet certain tera (?) standards and survey standards. The lender doesn't want to have a loan on a facility that has a bad reputation either. So you have the private sector overseeing the nursing home. Other than perhaps a nuclear power plant or hospital, I can't imagine the type of asset that has more oversight than a nursing home.

Legislator DeJoe: My biggest concern along (*inaudible*) is that we are not making widgets. We are dealing with people here and we are assuring them as a Legislature that we're going to make sure that the residents are well taken care of, the employees are going to get proper employees etc.. We're putting basically an obligation out there, I feel, a moral obligation. I want to be assured that if we can't enforce it, then why are we enacting it. I'm strongly – if I was (*inaudible*) that attitude is, how are we going to be assured that these people or you gave the indications that everything is going to work out alright. We gave them obligations, where does it fall upon our shoulders to make sure they are being cared (*inaudible*) because we're making a guarantee here.

Mr. Myers: Of course, there is no guarantee, 100% because you may visit Mr. Rothner's or Mr. Sherman's facilities and be fully satisfied with one or both of them and one of them could exist the business or pass away or sell their business or something in the future. So again these various levels of oversight become very critical at that point no matter who operates the facility. But, you can certainly do your homework and do the things in terms of investing these companies on the front end to make sure they are quality companies and see what they have done with other similar purchases.

Legislator DeJoe: I can tell you first hand, my wife was in Absolut for 3 months after her first stroke and a week after her second stroke, so I know firsthand of that as well as another facility for three months after three in Erie. So, I have been in (*inaudible*) and other places for a long period of time, for three years. My father passed away at the County Home, so for two years, I have been involved with them and definitely will tell you, I will be visiting their often. The last question I have is, last year, let me rephrase. This past Spring, a question that I posed was that, we are hooking up the gas well, the indication from the County Home was said that it would save us \$300 plus thousand dollars a year. I asked would this enhance as an asset the sale of the County Home above what we were figuring we were going to get. I believe that some of your staff, whatever the source stated bluntly no. They could care less about having that gas well. Based on that information, that they could care less about that gas well. It is not going to add or subtract a penny, why or how can we cut out the gas well with approximately one acre of land and use that as an asset for our County?

Mr. Myers: If it is at all possible and I would have to look at the plant map again, if at all possible to bifurcate the from the facility then I would certainly encourage you to do so. If the offers were made not based on having that as a benefit, then if they chose that as an additional benefit, they would have to negotiate separately with the County to utilize that gas well.

County Executive Edwards: If I may answer Mr. DeJoe, we also have to be careful. They have the opportunity knowing that there is a gas well there, if they made their bid of \$16 or \$16.5 with the knowledge that that was a potential asset, should we move to change that, they also could then say, and they could put their own price on it and say, we'll, and I am just going to pick a number, a million dollars of my offer was based on the fact that my anticipation I was going to get a gas well. Everything is subject to negotiation but that does have the ability to significantly impact on the purchase price or offer that we have before us.

Mr. Myers: Transactionally the best way to handle something like that is to clear the air on the front end so we could even this week, obtain verification from both bidders as to whether their bids were predicated upon the ability to own or utilize that gas well and one may say yes or one may say no and they both may say no, I don't believe that either of them were planning to use the gas well. But, we need to clear the air now.

Legislator DeJoe: Obviously because, I was lead to believe that it wouldn't matter. Based on that and if it would be over \$300,000 to the County Home and in ten years, that is \$3 million dollars in our coffers rather than their coffers. But that was the exact statement is that they could care less one way or another. It's not going to enhance the sale of it. It's not going to raise the price. With that information, we'd be pretty stupid not to grab that.

County Executive Edwards: Just as a point of reference. I have no idea where the \$300,000 number came from. I don't believe that was in any of our analysis as a revenue source or that much of a decrease in costs at the County Home. So, for the record, I am not aware of where the \$300,000 comes from but certainly, whatever dollar it is, it's worthy of analysis.

Legislator DeJoe: I will tell you, we asked Mr. Hellwig about it and he said it would be approximately \$330,000 and I just used the figure of \$300,000.

Legislator Cornell: I thought Mr. Hoyer made some excellent points and wondered if possibly as part of the interviewing of these two companies, if we might request that they provide us with some ways they plan to consider in increase revenues sources as well as some possibilities to cut costs.

Mr. Myers: Yes, I would be willing to do that and possibly even to provide such specific figures and projections on what they plan to do with whether it's assisted living or adding additional outpatient therapy wings and so forth. How they plan to make this a profitable facility. The Department of Health is going to want to know that as well because the Department of Health does not want to approve a change of ownership unless they know that they operator is going to be financial viable. They don't want a problem facility on their hands either.

Chairman Gould: Is there any other questions? If not, we'll close the report on offers for the Chautauqua County Home. We'll go onto the rest of our business. Laid on the desks for action at the July 25, 2012 legislature meeting there are a couple of Local Laws.

Laid on Desks for Action at the 7/25/12 Legislature Meeting

LL Intro. 1-12 – A Local Law Amending Local Law 2-08 of the County of Chautauqua Imposing a Tax on the Occupancy of Hotel or Motel Rooms

LL Intro. 2-12 – A Local Law Amending the Chautauqua County Charter

2nd Privilege of the Floor

Ms. Kathy Snyder, I'm a physical therapist at the Chautauqua County Home. And what I heard tonight was a profound lack of understanding of what really happens at a County facility. I heard a lot of things that just made no sense at all. Before I get into that, I just want to say for the record, most of the employees at the County Home are willing to make concessions over and above. I am not representing them, I am just telling you what I have heard in discussions with the staff. So, I wanted to get that out in the open.

The second thing is, we were talking about how the private facility was going to keep the jobs yet my job in physical therapy would probably be outsourced to save money. So that is one thing that would probably happen because that was mentioned by Mr. Myers. We were talking about raising revenue. There is nothing magical here. To raise revenue, you cut staffing, you cut benefits, you increase the private pay residents, you increase Medicare, you increase HMO payments and you decrease Medicaid. That is what they do to increase revenue. It's as simple as that. It's not some magic formula. The question that I would have to ask to Mr. Myers is, these ventilation patients at this one facility, how many of those are on Medicaid. Usually the vent cases bring in the highest amount of revenue for a facility. So, my question would be, how many of those people that are on these very, very dependent type of medical requirements are on Medicaid? We send people home. We don't milk the system. We send people home as quickly as possible. We have always done that. We treat people in the facility that always need assistance. Most of those people don't have the functional capacity to go home. It's as simple as that. Most of our people are Medicaid and they are physically compromised. Sure, there are some people that may be could go to assisted living if they can afford it. So, we do try and send people home and I don't know where this idea came that we try and hold onto people. Private pay people. I know people that work for private facilities in different states and in this state. The Medicaid are considered last. The only time that you get a Medicaid person that you want in there is when your beds are empty and you can't fill them with the higher paying people. That is the reality of it. ALP, the Medicaid for the assisted living, from what I understand, that is a short term program. The Medicaid people are not allowed to stay in assisted living long term. It's used more like a short term rehab stay and maybe I am misunderstanding that but I would suggest you look into that and find out exactly how that works. But, I was of the understanding that it was short term. Once they are done with that, they leave.

I am going to give you an example of things that just happened recently with people that I have spoken to. Ninety four year old woman with onstage colon cancer went into one of the private chains, invest their own chains, because of the CMS changes and reimbursement changes, both therapies are mandated to provide 75 to 90 minutes of treatment a day on this patient who cannot tolerate that. So what do they do? They sit there and they take up the time, they don't really provide the service, just to get money enough so they can keep their profits. And when questioned about that, the Supervisor said, it's not what the patient needs, it's what the company needs to make money. So that is what your – to me, I'm sorry, that is abusive and fraudulent. So, you talk about milking the system. This is what is happening now in a lot of the private facilities.

The other thing, a lot of the facilities limit Medicaid people to 30 minutes of rehab a day because they want to spend the additional time with the private pay. That is how you get more money. You get people in that are Medicare, you get them out. So I don't understand what was being said earlier. That is what happens. If you keep people longer, we have consulting companies say,

well you really should keep people here longer. Well we try and keep people here longer but if they are well and they want to go home, isn't that the point that we were just discussing?

Chairman Gould: Wind it up please. That's five minutes.

Ms. Kathy Snyder: O.k., one more. A lot of facilities are refusing Medicaid people. We had a patient recently, young woman, 51 years old, she allowed me to tell her story. She ended up having a severe brain bleed, wanted rehab, couldn't find another facility because she was Medicaid. The facility actually turned her down. We took her, she was rehabbed and she went home. A lot of times the Medicaid people leave the facility, it's difficult for them to get back in to spite what the regulations say. Thank you.

Ms. Susan Baldwin: I did want to point out a few things that the real estate man was pointing out. Horace Nye was one of the nursing homes that was up for sale and was a County Nursing Home. The Legislators literally went to the nursing homes that the buyers already owned and chose, not the highest bidder, but a lower bidder, because the nursing homes that the big money had were not as nice and that I got right out of the newspaper. You can look up under Horace Nye in Elizabethtown and that is there. There are a few other things that I have looked up but I won't take any more of your time. You guys can try and look them up yourself and be truly informed before you make an impactful decision on so many people's lives. It may not have been 300 Mr. Croscut, but it was 250 and that is a lot of jobs and that is an awful lot of people in Dunkirk that are affected. If you affect 3 people for every job that is working there and you know very well it's more than that. That is a lot of people in Dunkirk and Fredonia that are affected. It might not affect Jamestown but it does affect Silver Creek, Dunkirk, Fredonia, Forestville, all kinds of people I know from that area that work there. So please consider that. Thank you so much. Maybe some little girls will be able to dance if they get to have their jobs.

Chairman Gould: Anybody else to speak to the 2nd privilege of the floor? Seeing none –

MOVED by Legislator Barmore, SECONDED by Legislator Runkle and duly carried the meeting was adjourned. (8:34 p.m.)

Chautauqua County Legislature
Wednesday, July 25, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Tampio announced a quorum present. (Absent: Ahlstrom, Tarbrake)

Legislator Scudder delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Barmore, SECONDED by Legislator Croscut the minutes were approved.

1st Privilege of the Floor

Mr. Michael J. Jabcyynski, Jamestown, N.Y. On Saturday, June 16th, we in good faith went to purchase a home for our son and grandson at 130 Martin Road so our grandson could attend the same schools as his father had. We deposited a total of \$6,946. With a balance of \$29,113 to be paid by Monday, July 16th. The County claimed they had a right to sell this property free and clear of all liens and encumbrances such as mortgages, judgments, etc... Definition of encumbrances; one that encumbers a burden or impediment or obstacle. On Monday, June 18th, we became aware of a law suit against the County filed on 6/15/12 before the auction by attorney out of Buffalo, New York by the name of Matthew Lazroe. He is claiming that the County did not have the right to sell this property because of fraud and misleading information provided to his client Julianne Regner. In addition, his client filed Chapter 13 bankruptcy before the auction. According to bankruptcy law, all activity must be stopped on a foreclosure sale and she cannot be evicted unless the proper steps are taken in bankruptcy court. We forward this letter to the County as they asked us to. We feel that in light of these legal filings before the auction that the County should have pulled these properties from the auction until all these legal issues were resolved. On Monday, July 16th at 9:56 a.m. Kurt Gustafson emailed a letter to our son's attorney, retained for legal assistance on this matter. The email stated that ourselves and an additional bidders are being given additional time to evaluate whether they desire to finalize the purchase of the respective auction parcels. Mr. Caffisch also stated to us that if we wanted to back out they would offer the parcels to the runner up bidders or back bidders. In light of all these legal issues we are asking that the Legislature vacate our sale on this property and adjacent lots and return our deposit. Our cashier's check made out to the Chautauqua County Department of Finance obtained on 6/25/12, has been held by Mr. Robinson since July 5th and the County was sent a copy of said check on July 12th. So far this has cost us almost a \$1,000.00 above and beyond the purchase price and our son can not afford these other fees regarding the purchase of this home and property and we ask that you vacate the sale, this lot and return the deposit for our son. Thank you.

Ms. Jeannie Polisoto, Bradigan Rd, Forestville, N.Y. Good evening everyone. I am not very happy at this time so if I get a little bit upset it's due. My father, this is for my father. Thirty years ago he had had trouble with the property that is now in resolution 147-12. I find this unconscionable that as an American who served in the Peace Corp, who served in the Peace Corp, put his life on the line for 3 years for the good of this country, and has to be treated in such a despicable manner. There is no way that I find that this resolution is acceptable and will benefit me. Thirty years ago, my father had to deal with the people in Forestville and all of the regulations that go along with having property in downtown Forestville. It made for a very sad situation. A farmer that is struggling thirty years ago. After that, he had to deal with what was given to him. He had no real say and the fact as I grew up in that family about what was being done was very difficult to believe that people would do this. In 1982, there was something about zoning. Also, there was something about a trailer. Mr. Duff can respond to any questions you have because I was not around at that time but it made for wonderful gossip. In 1990, we had encroachment issues and my father had to go to court. He was promised a lot of things

and he had to put out extra money as a farmer which is unbelievable in those times to try and put out money and people lied to him. He is a good man. Mr. Duff can speak to that also. But the fact is, in 2007, when I bought that property, it has been nothing but trouble. Because there are certain people that would love that property and would be willing to do whatever it takes. Resolution 147-12, takes away my free will, takes away my free will which is a tenant of my principals of religion and it seems to be the will of the Planning Committee and the will of Mr. Gould here to do what they want to do with this property. I am requesting for the sake of decency and integrity which I have seen very little of during the time that I have attended some of these meetings and I do not mean everybody. But those people that vote in favor are saying as much. They want to see massacre on Cedar Street. I have already had ZBA meeting in 2008 where literally I was relegated to the meat chopper and that is what the public hearing is going to be about. The public hearing is supposed to be represented to the public. I don't see that as coming. There have been a lot of encroachments going on there; I have 15 neighbors and some of them highly aggressive. This is just a farce and a put up job in order to show me where my place begins. I want this resolution to be withdrawn or whatever and everybody vote no and that will make me a happy camper. Mr. Croscut said that I have the right to farm, I will continue under the State direction of right to farm. I use what I farm on that property as a donation. Plain and simple. Mrs. Cornell has a letter that makes a record of that meeting, that there are no minutes and I was told that they didn't have enough money to record that meeting. So it will turn into he or they said versus she said. I don't agree with any of this. I am a grown up and I find this totally unconscionable. I don't have to come here a second time and make some additional comments. This should have been made a long time ago on behalf of the farmer. I do not like this kind of government and it says that you have contempt for the public. We have contempt of court, contempt of the holder of Congress and now we can just add contempt of the public. I think Scudder said something about having the will of the people be known. Well, my will here has been trampled on. You have violated my freedom of religion because I don't have free will and I want that to be known. I am just a simple person trying to do my best in my later years. That is all that I am asking and it would be nice to have that type of support and don't get it. I get all of this static and these undercurrents. I can read the messages and I don't like what the messages say. Thank you.

Chairman Gould: I will respond a little bit. The State of New York Ag. and Markets Law requires us to have a public hearing anytime there is a decision made on an ag property in an ag district. So, it's not this Legislature that is doing it. It's the State of New York.

Legislator Nazzaro: For the record, could we have her state her name and address. I don't believe that she did.

My name is Jeannie Polisoto, Bradigan Rd, Forestville, N.Y. My property that I want to have withdrawn from this vote or everybody vote no. I think that we can accomplish that very easily. As far as I am concerned, I don't need to say anything more. I have the Village of Forestville plus I live in the Town of Hanover. So, I have rules from the Town of Hanover and I have rules from the Village of Forestville and I have abided by those rules from whatever reason they have that has concerned farming. I have been totally compliant with what they have requested.

Chairman Gould: I have been here for 11 years now and I have never seen anybody speak at a public hearing yet. We've had maybe 20 of them in that time and I have yet to see anybody speak to one. Anybody else to speak to the first privilege of the floor?

Mr. David Foley, I am the Chautauqua County District Attorney, 1 North Erie Street, Mayville, New York. I am here to support the pilot program. It's a resolution that is on tonight. I would be open to respond to any questions that anyone would have. Mr. Barone and myself appear before the Public Safety Committee last week and we supplied some numbers to them showing that the pilot program in deed was keeping the population of those people going from the Jamestown City Court over to the Chautauqua County Jail. It is reducing those numbers. I think that this is a very important program. I don't think that the program is an affective program without all the parties present that

need to be present in order to handle arraignments. That being the Public Defender's office, my office and the court. The Court is going to look to my office to give input, react to people's criminal histories and make recommendations as to whether or not people can be released on their own recognize, released under the supervision of probation or have some sort of a bail set. Speaking to my ADA that is present at the court, speaking to Mr. Barone, I know that we work very, very hard at trying to get people released that don't need to be coming over to the Chautauqua County Jail. I have spoken to the court staff. Just to give you an idea of what happens upon arraignment. If someone gets arraigned on anything upon a violation above a misdemeanor or above, they are going to be going over to the Chautauqua County Jail. Their return date is typically set out at least 60 days. They will return at a calendar call. If it is not resolved at that time, a trial date will be set and they can go over and sit back in the Chautauqua County Jail for an additional 4 to 6 months. So, you are talking about housing someone in the Chautauqua County Jail up to 8 months with potentially no resolution occurring on the case. That is going to cost, variable cost for the County. Per person is \$63 per day. So, what we are trying to do, Jamestown City Court being the largest court that we have in the County, last year my office opened up 2,800 cases just for the City of Jamestown. What we're trying to do is have a presence there in order to meet the need of keeping those people that don't need to go over to the jail, out of the jail. Without my office being present at those arraignments which occur every single day, that program will become ineffective. The court will be unlikely to listen just to a defense attorney and remember folks; a defense attorney's job is to zealously represent their clients' interests. So, a defense attorney, rightly so is going to argue for release. It's the people's responsibility to give input as to why release may not be the appropriate step and the court is going to take our guidance and we're going to make a decision cooperatively. There is nothing under the law right now that requires my office, either statutorily or through case law to attend arraignments. Without the funding, I hired an individual when we initially received this funding and without this funding continued, I am going to have to let that person go. Which means, I am going to have to make a decision as to where my ADA's go and where my ADA's don't go in order to meet the needs of the residents of Chautauqua County. Now, there are things that I am mandated to attend so obviously those things are going to come first and there are certain areas that aren't mandated and those things are going to have to go by the wayside. This is one of those. Just to give you an idea, I have 11 prosecutors in my office. Five of them are part time. Last year we opened up 7,100 cases. I did my stats for this year and this year we are at 3,800 for half the year which if it equates to the whole year, it will be a record year for me at the end of 2012 which will be 7,600 cases that we're going to open up at the end of this year. So, I need these people. I need them to be able to effectively handle the criminal justice system in Chautauqua County on behalf of the residents. Thank you.

Chairman Gould: Anyone else to speak at the first privilege of the floor? Seeing none, we'll now close the first privilege of the floor.

COMMENDATION:

STEVE AND HELEN BARAN
BY
LEGISLATOR HEMMER

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 6/27/12

COMMUNICATIONS:

1. Thank you Card – Janet Jankowski
2. Resignation – Legstr. Heenan – Chaut. County Visitors Bureau Bd.
3. Fax – Jabczynski – Re: J. Regner Tax Foreclosure Property(In boxes)
4. Report – Budget Dir. Crow – 2012 Monthly Budget Performance (Emailed)
5. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motions 6 & 7-12

6. Minutes – Fire Advisory Board/June 2012 (In boxes)
7. Letter – Co. Exec. – Re: Amend Chaut. Co. Administrative Code (On desks)

RENEW RES. NO. 130-12 – Authorize Pilot Project for Intake and Arraignment of Criminal Defendants (See page 137 for text)

MOVED by Legislator Whitney, SECONDED by Legislator Borrello to renew.
Unanimously Carried

MOVED by Legislator Whitney, SECONDED by Legislator Borrello to amend back to its original state.

Carried w/ Legislator Coughlin and DeJoe voting “no”

RENEW RES. NO. 130-12 – as amended – Adopted w/ Legislators Coughlin, DeJoe, Heenan, Hemmer, Runkle voting “no” – July 25, 2012

TABLED RES. NO. 137-12 – Chautauqua Lake Investment Act (See page 145 for text)

MOVED by Legislator Barmore, SECONDED by Legislator Whitney to move off of table.

Unanimously Carried

RES. NO. 137-12 – Withdrawn by Sponsor – Unanimously Carried

LAI D ON DESKS FOR ACTION AT THE 8/22/12 LEGISLATURE MEETING

LL INTRO. 3-12 – A Local Law to Provide a County Real Property Tax Exemption For First-Time Homebuyers of Newly Constructed Home

MOTIONS: (On file w/ 7/25/12 Leg. Data)

- 8-12 In Support of Power Up WNY and NRG Proposal – Unanimously Adopted
- 9-12 Motion in Support of NYS Senate Bill S.7391-2011 Adopted w/ Legislators Hoyer , Rogers voting “no”
- 10-12 Motion in Support of Senate Bill S-7671 & Assembly Bill A-10758 – a/k/a The Public Assistance Integrity Act – Unanimously Adopted

RES. NO. 140-12

Authorizing Contract for 2013 Administration of Chautauqua County Self-Insurance Plan

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

BE IT HEREBY RESOLVED, That the Administrative Services Committee of the Chautauqua County Legislature be authorized and empowered to contract with the County of Chautauqua for the administration of the Self-Insurance Plan to be accomplished by the Chautauqua County Department of Finance during the year 2013,; and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Thirty-Four Thousand One Hundred Eighty Seven Dollars (\$134,187) for the 2013 year, and to include personnel services and office expenses; and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua; be and hereby are authorized to execute such contract.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, DeJoe, Wendel, Borrello, Heenan, Himelein

Unanimously Adopted – July 25, 2012

RES. NO. 141-12

Participant's Share of 2013 Chautauqua County Self-Insurance Plan Costs

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

RESOLVED, That pursuant to the Workers' Compensation Law and Local Law No. 4, Chautauqua County, New York 1984, as amended, the following amounts shall be apportioned, in 2013 to each participant based on forty percent (40%) of the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and sixty percent (60%) on the loss percentile experience of the participants as provided in said plan and by the Workers' Compensation Law; and be it further

RESOLVED, That the amount set forth against the county be levied in the next tax levy and that the Self-Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2013.

| Towns | | | |
|-------------------|----------------|------------------|--------------|
| Arkwright | \$42,998.44 | Harmony | \$26,419.81 |
| Busti | \$63,047.28 | Kiantone | \$22,332.62 |
| Carroll | \$19,549.70 | Mina | \$38,828.89 |
| Charlotte | \$7,778.41 | N Harmony | \$51,837.04 |
| Chautauqua | \$139,350.06 | Poland | \$73,645.32 |
| Cherry Creek | \$18,316.04 | Pomfret | \$57,457.75 |
| Clymer | \$9,241.46 | Portland | \$40,370.86 |
| Dunkirk | \$24,302.77 | Ripley | \$22,846.41 |
| Ellery | \$93,352.56 | Sheridan | \$46,441.47 |
| Ellicott | \$118,046.73 | Sherman | \$6,917.65 |
| Ellington | \$8,613.94 | Stockton | \$28,575.87 |
| French Creek | \$15,167.82 | Villanova | \$10,823.42 |
| Gery | \$9,848.52 | Westfield | \$20,803.27 |
| Hanover | \$61,548.13 | | |
| Villages / Cities | | | |
| Bemus Point | \$9,043.51 | Mayville | \$18,424.81 |
| Brocton | \$10,705.26 | Panama | \$1,822.15 |
| Cassadaga | \$5,832.59 | Sherman | \$4,520.19 |
| Celoron | \$4,698.28 | Silver Creek | \$54,431.18 |
| Cherry Creek | \$1,855.69 | Sinclairville | \$2,308.78 |
| Falconer | \$18,579.58 | Westfield | \$83,246.73 |
| Forestville | \$2,804.51 | | |
| Fredonia | \$195,357.71 | Dunkirk (City) | \$260,389.44 |
| Lakewood | \$32,375.26 | Jamestown (City) | \$835,010.04 |
| Chautauqua County | \$1,980,132.01 | | |

Signed: Barmore, Scudder, Tarbrake, Cornell, DeJoy, Runkle, Nazzaro, DeJoe, Wendel, Borrello, Heenan, Himelein

Unanimously Adopted – July 25, 2012

RES. NO. 142-12

Authorize Lease Agreement Extension with New Cingular Wireless PCS, LLC for Space on the Tower and Building at Dunkirk Tower

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, New Cingular Wireless PCS, LLC (successor in interest to Dobson Cellular) desires to extend the lease of tower and building space on the Dunkirk tower in the City of Dunkirk; and

WHEREAS, the County of Chautauqua is willing to extend such lease upon certain terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into a lease extension agreement with New Cingular Wireless PCS, LLC for their use upon the following terms and conditions:

1. Term. Five (5) years commencing December 1, 2015 plus one (1) additional five (5)-year renewal term;
2. Rent. Two thousand five hundred dollars (\$2,500.00) per month for the first five (5) years commencing December 1, 2015, with an additional annual increase of four percent (4%) per year for each of the following years;
3. Other. As negotiated by the County Executive.

Signed: Duff, Whitney, Wendel, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – July 25, 2012

RES. NO. 143-12

Authorize Execution and Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant – Bomb Detection

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has been awarded grant funding from the State of New York Office of Homeland Security for the further implementation of bomb detection; and

WHEREAS, the grant award is \$81,250.00 with no local funds for a contract period from March 22, 2012 to July 31, 2013; and

WHEREAS, the 2012 Chautauqua County budget does not include any funding for these expenditures since the grant became available after the budget was released; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--|---------------|
| A.3110.----.1 | Personal Services - Sheriff Operations | \$ 6,000 |
| A.3110.----.3 | Depreciable Equipment - Sheriff Operations | 59,100 |
| A.3110.----.4 | Contractual - Sheriff Operations | <u>16,150</u> |
| | | 81,250 |

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB Federal Aid – Bomb Detection \$ 81,250

Signed: Duff, Whitney, Wendel, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – July 25, 2012

RES. NO. 144-12

Authorize Acceptance of Operation Impact Funds 2012-2013

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the office of the District Attorney has successfully applied for and received a grant from the New York State Division of Criminal Justice Services in the amount of \$226,100.00 for the Operation IMPACT Partnership Program for the term from July 1, 2012 to June 30, 2013; and

WHEREAS, the IMPACT VIII grant is a multi-agency award funded to reduce violent crimes in the primary IMPACT jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the County of Chautauqua will be required to share a portion of the grant funds with the City of Jamestown to the extent of \$82,400.00 in support of its Police Department to reduce violent crime through intelligence-led enforcement strategies; and

WHEREAS, the office of the District Attorney (\$88,000.00), the office of the Chautauqua County Sheriff (\$46,900.00), and the office of Probation (\$8,800.00) will share the balance of such funds; and

WHEREAS, the offices of the District Attorney, Sheriff, and Probation have included a portion of these grant funds in the 2012 budget with the balance to be included in the 2013 budget; therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Impact VI Grant contract with the New York State Division of Criminal Justice Services in the amount of \$226,100.00 for the term from July 1, 2012 to June 30, 2013; and be it further

RESOLVED, That the County Executive is hereby authorized to execute an appropriate agreement with the City of Jamestown consistent with the grant requirements and project goals.

Signed: Duff, Whitney, Wendel, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – July 25, 2012

RES. NO. 145-12

Authorizing County Executive to Execute the Resource Allocation Package

By Human Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Youth Board recommends how Youth Bureau funding from the New York State Office of Children and Family Services is dispersed through a Resource Allocation Plan; and

WHEREAS, signing the Resource Allocation Plan will qualify the County of Chautauqua for State reimbursement for the 2012 program year; and

WHEREAS, the amount approved for allocation to the County is \$106,056; and

WHEREAS, the County is authorizing the State Office of Children and Family Services (OCFS) to reimburse its municipalities directly for expenditures relating to this Resource Allocation Package unless the County has notified OCFS in writing otherwise; and

WHEREAS, OCFS will reimburse the County or municipality for expenditures made in accordance with the approved Program Applications and Budgets for the agencies listed on the program summary; and

WHEREAS, the County Resource Allocation Plan shall be deemed executory to the extent of monies made available to OCFS from the State of New York for a Local Assistance program; therefore, be it

RESOLVED, That the Resource Allocation Plan is approved to be executed by the County Executive; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements with the State of New York and other municipalities as necessary to draw down the State Aid reimbursement for youth programs included in the Allocation Plan.

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James, Runkle, Nazzaro, DeJoe, Wendel, Borrello, Heenan, Himelein

Unanimously Adopted – July 25, 2012

RES. NO. 146-12

Establish Budget for Community Development Block Grant

By Planning & Economic Development Committee and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County has been awarded a Community Development Block Grant (CDBG) through the Office of Community Renewal for economic development programs in Chautauqua County; and

WHEREAS, the Office of Community Renewal (OCR) has awarded economic development grant funds to finance the operations of Jamestown MVP, LLC; and

WHEREAS, Resolution 134-11 amended the 2011 budget for this grant however the funds were not received or expended until 2012 and it is necessary to amend the 2012 budget for this grant; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2012 budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.6420.JMVP.4 Contractual – Jamestown Community Dev. Blk. Grant \$516,000

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.6420.JMVP.R491.0000 Federal Aid – Community Development \$516,000

Signed: Croscut, Ahlstrom, Rogers, Heenan, Borrello, Runkle, Nazzaro, DeJoe, Wendel, Himelein

Unanimously Adopted – July 25, 2012

RES. NO. 147-12

Authorize Public Hearing for the Inclusion of Property in Chautauqua County Agricultural District #2

By Planning & Economic Development:
At the Request of Chairman Jay Gould:

WHEREAS, pursuant to Article 25AA of the New York State Agriculture and Markets Law, the Chautauqua County Legislature may on an annual basis consider adding properties to certified Agricultural Districts; and

WHEREAS, there has been a request made by a landowner for inclusion of tax parcels 100.09-1-1 & 99.12-1-37 in the Town of Hanover into Agricultural District #2; and
WHEREAS, the County's Agricultural and Farmland Protection Board has made recommendations regarding the landowner's request, and pursuant to Section 303-b of New York State Agriculture and Markets Law, the County Legislature is required to hold a public hearing to consider the landowner's request and the recommendations of the County's Agricultural and Farmland Protection Board regarding the request; therefore be it

RESOLVED, That pursuant to Section 303-b of the New York State Agriculture & Market Law, a public hearing shall be held for the aforementioned purposes before this County Legislature on August 22, 2012 at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757; and be it further

RESOLVED, That the Clerk of the County Legislature is authorized and directed to publish notice of the public hearing and provide such other notice as required by Section 303-b of the New State Agriculture & Markets Law.

Signed: Croscut, Ahlstrom, Rogers, Heenan, Borrello

Ruled Out of Order – July 25, 2012

RES. NO. 148-12

Adjust Appropriations – Coroner's Department

At the Request of Chairman Jay Gould:

WHEREAS, it is necessary to adjust the Chautauqua County Coroner's budget appropriations to cover future autopsies and related charges; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following budgetary changes; and be it further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

| | | |
|------------|--|----------|
| A.-----909 | Fund Balance, Unreserved Fund Balance – Fund Balance | \$50,000 |
|------------|--|----------|

INCREASE APPROPRIATION ACCOUNT:

| | | |
|----------|---|-----------|
| A.1185.4 | Contractual- Medical Examiners & Coroners | \$ 50,000 |
|----------|---|-----------|

Signed: Gould

Unanimously Adopted – July 25, 2012

RES. NO. 149-12

Authorize Transfer of Tax Foreclosure Properties to Chautauqua County Land Bank Corporation

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards and Legislator Lori Cornell:

WHEREAS, New York State Governor Andrew Cuomo has announced that Chautauqua County's application to create a land bank corporation (Land Bank) was one of five applications in the State to be approved by Empire State Development (ESD) in the first round of applications reviewed under the State's land bank legislation; and

WHEREAS, the first year plan for the Land Bank included provision for the County transferring up to six (6) tax foreclosure properties to the Land Bank; and

WHEREAS, pursuant to Resolution 135-12, one (1) tax foreclosure property at 648 East Sixth Street in the City of Jamestown was initially identified for transfer to the Land Bank but was conveyed directly to CODE, Inc. in order to facilitate grant funding for a demolition, and three (3) other tax foreclosure properties have been initially identified as suitable for conveyance to the Land Bank; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties to the Chautauqua County Land Bank Corporation for the purchase price of \$1.00 and upon such other terms and conditions negotiated by the County Executive:

1. 84 Risley Street, Fredonia, New York – Tax ID # 113.14-2-58
2. 768 Eagle Street, Dunkirk, New York – Tax ID # 96.06-2-39
3. 412 Dove Street, Dunkirk, New York – Tax ID # 79.14-8-30

Signed: Barmore, Tarbrake, DeJoy, Cornell, Nazzaro, DeJoe, Wendel, Borrello, Heenan, Himelein (A.S – Scudder voting "no")(A.C. – Runkle voting "no")

Adopted – R/C Vote: 21 Yes; 2 No; 2 Absent (No's: Runkle, Scudder) – July 25, 2012

RES. NO. 150-12
Authorize Transfer of Tax Foreclosure Property to Town of Ellery

By Administrative Services and Audit & Control Committees:
At the Request of Legislators Horrigan and County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 171-11, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Town of Ellery has requested that the County convey to the Town a tax delinquent property at 2953 Route 430 (SBL # 369.01-1-2) that contains the former Vullo's Restaurant in order to allow for the expansion of parking for the Town of Ellery Park which is used by substantial numbers of County residents including many who reside outside the Town; and

WHEREAS, the shortage of parking for the Town of Ellery Park has presented a public safety concern for adjoining roads and residents due to the potential for congestion and insufficient space for emergency vehicles to pass; and

WHEREAS, the Town will incur substantial expense in the demolition of the condemned abandoned restaurant that has been cited for various code violations, and will thereby remove a deteriorating eyesore while at the same time improving the Town's adjacent public park facilities; and

WHEREAS, the Town's purchase offer exceeds the highest bid received at the County's recent auction sale in addition to the public benefits described above; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the sale or assignment of the County's property interest in tax parcel # 369.01-1-2 to the Town of Ellery for a purchase price of \$17,500.00; and be it further

RESOLVED, That the County Executive is hereby authorized to negotiate additional terms and conditions, enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transaction.

Signed: Tarbrake, Cornell (A.S. – FAILED w/ Barmore, Scudder, DeJoy voting "no") (A.C.- Passed on w/o recommendation)

MOVED by Legislator Horrigan, SECONDED by Legislator Croscut to TABLE –
Unanimously Carried – July 25, 2012

RES. NO. 151-12
Quit Claim Deeds

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-11; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

| Municip | S/B/L | Property Location | Purchaser | Bid Amount | Taxes Owning |
|---------|-------------------|--------------------|--|--------------|--------------|
| C/Dnk | 060300-79.11-1-76 | 46 E Second St | James White | \$ 200.00 | \$ 11,593.07 |
| C/Dnk | 060300-79.11-2-52 | 9 N Beaver St | Joseph & Jana Reynolds | \$ 4,600.00 | \$ 9,956.50 |
| C/Dnk | 060300-79.11-6-40 | 123 E Second St | Kimberly A Thompson | \$ 3,500.00 | \$ 3,425.36 |
| C/Dnk | 060300-79.11-6-41 | 127 E Second St | Kimberly A Thompson | \$ 500.00 | \$ 1,548.82 |
| C/Dnk | 060300-79.11-6-51 | E Second St | Eddie Lee Marshall | \$ 250.00 | \$ 274.55 |
| C/Dnk | 060300-79.11-7-35 | 204 S Beaver St | Joel A Hamlet | \$ 3,000.00 | \$ 3,991.01 |
| C/Dnk | 060300-79.12-5-75 | 48 Front St | Francisco Ramirez | \$ 20,500.00 | \$ 5,213.23 |
| C/Dnk | 060300-79.13-2-31 | 219 Temple St | Giovany Carmona | \$ 14,250.00 | \$ 1,246.41 |
| C/Dnk | 060300-79.14-1-57 | 209 Woodrow Ave | David J Pagan & Rafael Burgos | \$ 17,000.00 | \$ 7,790.84 |
| C/Dnk | 060300-79.14-2-61 | Robin St | Debra A Mancuso | \$ 500.00 | \$ 363.00 |
| C/Dnk | 060300-79.14-2-63 | 210 Robin St | Debra A Mancuso | \$ 19,500.00 | \$ 8,081.70 |
| C/Dnk | 060300-79.14-4-65 | 209 Swan St | Gary R Anson | \$ 900.00 | \$ 10,730.23 |
| C/Dnk | 060300-79.15-3-38 | 70-72 Lincoln Ave | Paul Salvatore Tabone | \$ 25,000.00 | \$ 6,439.51 |
| C/Dnk | 060300-79.15-4-56 | 420 Deer St | Cambria Custom Furniture & Real Estate | \$ 11,000.00 | \$ 5,084.88 |
| C/Dnk | 060300-79.17-1-6 | W Fifth St | Lucian Buchanan | \$ 450.00 | \$ 332.66 |
| C/Dnk | 060300-79.19-1-16 | 535 Deer St | Anthony D Dlaniak | \$ 7,500.00 | \$ 3,999.88 |
| C/Dnk | 060300-79.19-2-14 | 91 King St | Ismael Alvira | \$ 500.00 | \$ 8,231.97 |
| C/Dnk | 060300-79.19-3-8 | 15 W Talcott St | Savitri C Washington | \$ 16,500.00 | \$ 4,332.86 |
| C/Dnk | 060300-79.19-5-85 | 606 Main St | Joseph Reynolds & Trevor J Carney | \$ 9,000.00 | \$ 19,831.55 |
| C/Dnk | 060300-79.19-6-12 | Leopard St | Savitri C Washington | \$ 100.00 | \$ 214.89 |
| C/Dnk | 060300-79.19-6-23 | Leopard St | Savitri C Washington | \$ 1,000.00 | \$ 916.64 |
| C/Dnk | 060300-79.19-6-6 | 77 E Sixth St | James T Gearin | \$ 10,500.00 | \$ 6,185.62 |
| C/Dnk | 060300-79.20-1-43 | Ruggle St (Closed) | Andrew Woloszyn | \$ 700.00 | \$ 630.99 |
| C/Dnk | 060300-79.20-1-58 | King St | Robert S Gee | \$ 125.00 | \$ 877.84 |
| C/Dnk | 060300-79.20-7-21 | Ruggle St | Gerald W Carr | \$ 100.00 | \$ 291.97 |

| | | | | | |
|---------|----------------------|-------------------|--------------------------------|--------------|--------------|
| C/Dnk | 060300-79.57-1-68 | 204 Park Ave | Joseph & Jana Reynolds | \$ 6,500.00 | \$ 3,067.08 |
| C/Jmst. | 060800-370.19-11-36 | 121 Bush St | Richard R Tonkin | \$ 100.00 | \$ 2,515.96 |
| C/Jmst. | 060800-370.19-11-57 | 90 Bowen St | TKO Properties LLC | \$ 7,500.00 | \$ 5,906.37 |
| C/Jmst. | 060800-370.19-3-60 | 115 Crossman St | Mahendra Basdeo | \$ 6,250.00 | \$ 2,647.68 |
| C/Jmst. | 060800-370.20-2-16 | 157 Stowe St | Laurie V & Gale F Dulaney | \$ 38,500.00 | \$ 6,191.23 |
| C/Jmst. | 060800-370.20-2-17 | Stowe St | Laurie V & Gale F Dulaney | \$ 500.00 | \$ 516.65 |
| C/Jmst. | 060800-370.20-6-5 | 846 E 2Nd St | Lucian Buchanan | \$ 9,000.00 | \$ 11,300.70 |
| C/Jmst. | 060800-371.17-1-15 | 1028 Allen St | Steven D Shelters | \$ 4,750.00 | \$ 2,274.18 |
| C/Jmst. | 060800-371.17-3-11 | Willow Ave | Michael Carcione | \$ 50.00 | \$ 170.33 |
| C/Jmst. | 060800-387.05-3-49 | Hallock St | Adam M. Johnson | \$ 175.00 | \$ 669.82 |
| C/Jmst. | 060800-387.06-4-7 | 901 Washington St | Savitri C Washington | \$ 250.00 | \$ 3,476.01 |
| C/Jmst. | 060800-387.06-5-31 | 22 W 9th St | Edward C Latta | \$ 150.00 | \$ 4,557.06 |
| C/Jmst. | 060800-387.06-5-38 | 44 W 9Th St | Walter L Houser Jr | \$ 6,250.00 | \$ 2,659.05 |
| C/Jmst. | 060800-387.06-6-6 | 43 W 9th St | Salvatore R Liuzzo | \$ 7,250.00 | \$ 1,888.66 |
| C/Jmst. | 060800-387.06-7-20 | 829 Spring St | Kellie Hultin | \$ 200.00 | \$ 6,114.30 |
| C/Jmst. | 060800-387.08-4-22 | Barrows St | Terry B Jones | \$ 100.00 | \$ 342.17 |
| C/Jmst. | 060800-387.08-4-23 | Barrows St | Terry B Jones | \$ 100.00 | \$ 342.17 |
| C/Jmst. | 060800-387.08-6-30 | Scioto St | Angelo Giuffre | \$ 2,250.00 | \$ 592.48 |
| C/Jmst. | 060800-387.08-6-42 | Hedges Ave | Gioachino G Donisi | \$ 500.00 | \$ 329.59 |
| C/Jmst. | 060800-387.08-6-43 | 108 Hedges Ave | Gioachino G Donisi | \$ 11,000.00 | \$ 2,836.64 |
| C/Jmst. | 060800-387.08-8-46 | Hedges Ave | Clifford W Rosier & Stacy Rugg | \$ 100.00 | \$ 633.09 |
| C/Jmst. | 060800-387.12-2-15 | 145 Barrows St | Ronald L. Pigman | \$ 50.00 | \$ 1,758.16 |
| C/Jmst. | 060800-387.12-4-71 | 35 Tower St | Christopher E Kuhn | \$ 7,000.00 | \$ 1,990.12 |
| C/Jmst. | 060800-387.12-8-38 | King St | Connlith B Keogh | \$ 25.00 | \$ 749.03 |
| C/Jmst. | 060800-387.13-5-18 | 70 Highland Ave | Sharyl Ann Solsbee | \$ 23,000.00 | \$ 24,494.09 |
| C/Jmst. | 060800-387.14-3-55 | 16 Chautauqua Ave | Jesus Figueroa-Cruz | \$ 8,000.00 | \$ 3,685.31 |
| C/Jmst. | 060800-387.14-3-59 | 32 Chautauqua Ave | Terence R Bloom | \$ 23,000.00 | \$ 3,769.81 |
| C/Jmst. | 060800-387.14-3-60 | 36 Chautauqua Ave | Mercedes Carrasquillo | \$ 5,500.00 | \$ 4,903.97 |
| C/Jmst. | 060800-387.14-3-82 | Delaware Ave | Terence R Bloom | \$ 950.00 | \$ 279.92 |
| C/Jmst. | 060800-387.14-6-5 | 45 Baker St | Kaitlyn A Covell | \$ 12,000.00 | \$ 8,493.64 |
| C/Jmst. | 060800-387.15-2-11 | 76 Victoria Ave | David A Whitehill | \$ 11,500.00 | \$ 4,818.80 |
| C/Jmst. | 060800-387.15-6-17 | 144 Maple St | TKO Properties LLC | \$ 20,500.00 | \$ 4,630.14 |
| C/Jmst. | 060800-387.15-7-40.1 | 349.5 Foote Ave | Ryan Joel Rivera | \$ 6,000.00 | \$ 1,971.32 |
| C/Jmst. | 060800-387.15-8-33 | 111 Hazzard St | Frances Denise King | \$ 11,500.00 | \$ 3,803.66 |
| C/Jmst. | 060800-387.16-1-21 | Ellicott St | Connlith B Keogh | \$ 25.00 | \$ 241.75 |
| C/Jmst. | 060800-387.16-1-22 | Ellicott St | Connlith B Keogh | \$ 25.00 | \$ 487.35 |
| C/Jmst. | 060800-387.16-6-73 | Elm St | Connlith B Keogh | \$ 25.00 | \$ 594.18 |

| | | | | | |
|-----------|----------------------|--------------------------|------------------------------------|--------------|--------------|
| C/Jmst. | 060800-387.19-4-29 | 368.5 S Main St | James L Magee | \$ 18,000.00 | \$ 5,906.37 |
| C/Jmst. | 060800-387.25-4-53 | 635 Prendergast Ave | Randale H Rivera | \$ 5,500.00 | \$ 5,739.60 |
| C/Jmst. | 060800-387.26-4-14 | 31 Bowen St | Gendry Davila | \$ 7,000.00 | \$ 5,946.99 |
| C/Jmst. | 060800-387.31-2-48 | 406 W 6Th St | Stephen D Reed | \$ 20,000.00 | \$ 7,670.96 |
| C/Jmst. | 060800-387.32-2-18 | 14 W 7Th St | Kaitlyn A Covell | \$ 1,200.00 | \$ 5,060.27 |
| C/Jmst. | 060800-387.32-2-51 | 9 Cleveland Pl | Kaitlyn A Covell | \$ 400.00 | \$ 1,045.05 |
| C/Jmst. | 060800-387.32-3-6 | 623 Spring St | Joseph A Ferino | \$ 50.00 | \$ 2,119.16 |
| C/Jmst. | 060800-387.42-2-50 | 23 Center St | First Lutheran Church | \$ 175.00 | \$ 7,408.54 |
| C/Jmst. | 060800-388.05-4-48 | 44 Vega St | Penny A Smith-Nixon & Cleo Nixon | \$ 17,500.00 | \$ 3,190.59 |
| C/Jmst. | 060800-404.06-3-44 | Colfax St | Ted Henry | \$ 475.00 | \$ 306.71 |
| C/Jmst. | 060800-404.06-8-10 | Chambers St | Joshua Henderson Stahlman | \$ 25.00 | \$ 230.63 |
| C/Jmst. | 060800-404.08-2-24 | Violet Ave | Richard M Jabczynski | \$ 25.00 | \$ 217.49 |
| C/Jmst. | 060800-404.08-2-25 | Violet Ave | Richard M Jabczynski | \$ 25.00 | \$ 217.49 |
| C/Jmst. | 060800-404.08-2-6 | 130 Martin Rd | Richard M Jabczynski | \$ 32,000.00 | \$ 3,323.44 |
| C/Jmst. | 060800-404.08-2-7 | Martin Rd | Richard M Jabczynski | \$ 500.00 | \$ 230.14 |
| V/Lkwd. | 062201-385.06-3-21 | Laurel St | Beatrice A. Solomonson | \$ 375.00 | \$ 804.78 |
| V/Lkwd. | 062201-385.12-1-21 | Hillcrest Ave | Debra R Lindell | \$ 50.00 | \$ 241.01 |
| V/Lkwd. | 062201-385.12-1-25 | Hillcrest Ave | Connlith B Keogh | \$ 25.00 | \$ 658.67 |
| V/Lkwd. | 062201-385.12-1-26 | Hillcrest Ave | Connlith B Keogh | \$ 25.00 | \$ 658.67 |
| Busti | 062289-384.12-4-19 | 2199 First Ave | Rebecca Jean Anderson | \$ 25.00 | \$ 5,103.65 |
| Busti | 062289-384.18-1-31.1 | 1873 Hoag Rd | Daniel R Johnson | \$103,000.00 | \$ 13,079.75 |
| Busti | 062289-385.05-4-50 | Fairmount Ave | Kimberly C Hedman | \$ 1,100.00 | \$ 398.10 |
| Busti | 062289-385.05-4-61 | Fairmount Ave | Kimberly C Hedman | \$ 1,100.00 | \$ 322.16 |
| Busti | 062289-435.00-2-4 | Wellman Rd | Benjamin M. Yoder | \$ 450.00 | \$ 523.16 |
| Busti | 062289-436.00-2-3 | Nutt Rd | Noah Schmucker | \$ 3,200.00 | \$ 5,139.41 |
| Carroll | 062400-423.00-2-23 | Water St | John A Dietrick III | \$ 6,000.00 | \$ 5,610.88 |
| Carroll | 062400-440.00-2-34 | Warren Rd | Terry Duane & Constance M Caldwell | \$ 2,550.00 | \$ 2,317.62 |
| Carroll | 062400-440.00-2-66 | Warren Rd | Terry Duane & Constance M Caldwell | \$ 2,550.00 | \$ 864.73 |
| Charlotte | 062689-216.00-3-25.2 | 3220 Ames Rd | Daniel Baling | \$ 15,500.00 | \$ 8,908.28 |
| Charlotte | 062689-234.00-1-27 | 6497 Charlotte Center Rd | Angelo J & Stacy Rivera | \$ 3,000.00 | \$ 4,130.82 |
| V/Mayv. | 062801-262.07-1-21 | 20 Jackson St | Julie & Jason Dudley | \$ 12,500.00 | \$ 7,625.61 |
| Chaut. | 062889-246.00-2-5 | 6153 Wright Rd | Gary Henry | \$ 23,500.00 | \$ 7,304.86 |
| Chaut. | 062889-246.14-1-26 | Elmwood Rd | Connlith B Keogh | \$ 25.00 | \$ 213.57 |
| Chaut. | 062889-312.00-1-25 | 4212 Sherman- | Giovany Carmona | \$ 4,750.00 | \$ 2,433.76 |

| Mayville Rd | | | | | |
|-------------|----------------------|-------------------------|----------------------------------|--------------|--------------|
| V/Chr. Crk. | 063001-237.11-2-25 | South Side Ave West | Michelle M Hawkins | \$ 19,500.00 | \$ 7,260.60 |
| V/Chr. Crk. | 063001-237.11-2-27 | S.side Of Southside Ave | Michelle M Hawkins | \$ 500.00 | \$ 202.47 |
| V/Chr. Crk. | 063001-237.11-2-32 | S Main St | James Campbell | \$ 9,000.00 | \$ 6,309.18 |
| V/Chr. Crk. | 063001-237.12-1-10 | 523 Railroad Ave | Cecil R & Bonita Jayne Snyder | \$ 600.00 | \$ 2,628.71 |
| Chry Crk. | 063089-236.00-1-36 | Boutwell Hill Rd | Sean Lavelle | \$ 50.00 | \$ 194.65 |
| Ellery | 063689-317.00-1-56.1 | Johnson Rd | David L Conroe | \$ 47,000.00 | \$ 5,147.05 |
| Ellery | 063689-369.01-1-2 | 2953 Route 430 | John J Zmuda Inc | \$ 15,000.00 | \$ 33,950.54 |
| Ellery | 063689-369.09-2-13 | Lake St | Marcus Caceres | \$ 300.00 | \$ 240.54 |
| Ellery | 063689-369.09-3-71 | Brooks St | Steven W Darling | \$ 75.00 | \$ 218.19 |
| Ellery | 063689-369.09-3-73 | Brooks St | Steven W Darling | \$ 50.00 | \$ 272.84 |
| V/Celoron | 063801-369.15-2-36 | East Ave | Walter J Greathouse | \$ 100.00 | \$ 258.47 |
| V/Celoron | 063801-369.15-3-41 | Boulevard | Holiday Marina LLC | \$ 5,900.00 | \$ 259.33 |
| V/Celoron | 063801-369.18-3-56 | W Tenth St | Timothy M Nocero | \$ 400.00 | \$ 344.74 |
| V/Celoron | 063801-369.19-1-52 | E Burtis St | Charles Pringle | \$ 200.00 | \$ 383.01 |
| V/Celoron | 063801-386.06-3-32 | 47 W Fifth St | Benjamin J Osman | \$ 17,500.00 | \$ 5,744.55 |
| V/Celoron | 063801-386.06-3-33 | W Fifth St | Benjamin J Osman | \$ 500.00 | \$ 314.51 |
| V/Falconer | 063803-371.06-1-5 | 17 Mason St | David A Whitehill | \$ 22,000.00 | \$ 4,287.40 |
| V/Falconer | 063803-371.07-2-22 | 113 Merriam St | Brian W Smith & Michelle M Olson | \$ 16,000.00 | \$ 5,488.32 |
| V/Falconer | 063803-371.07-3-26 | Arthur Ave | Connliith B Keogh | \$ 25.00 | \$ 852.82 |
| Ellicott | 063889-369.07-1-37 | Ivystone Dr | Mark L Bargar & Mark Lockwood | \$ 25.00 | \$ 440.38 |
| Ellicott | 063889-371.12-2-66 | 1870 Delaware Ave | Larry E. Dupere III | \$ 25.00 | \$ 2,549.04 |
| Ellicott | 063889-386.10-1-9 | Southwestern Dr (Rear) | John A Dietrick III | \$ 650.00 | \$ 606.41 |
| Ellicott | 063889-386.12-2-7 | 477 Fairmount Ave | Duncan E Oleshak | \$ 19,000.00 | \$ 18,791.69 |
| Ellicott | 063889-388.06-1-40 | Fairfax Rd | Crystal A Becker | \$ 25.00 | \$ 612.26 |
| Ellicott | 063889-388.06-1-41 | Fairfax Rd | Crystal A Becker | \$ 25.00 | \$ 612.26 |
| Ellicott | 063889-388.06-1-42 | Fairfax Rd | Crystal A Becker | \$ 25.00 | \$ 612.26 |
| Ellicott | 063889-388.06-1-43 | Fairfax Rd | Crystal A Becker | \$ 25.00 | \$ 642.29 |
| Ellicott | 063889-388.06-1-44 | Fairfax Rd | Crystal A Becker | \$ 25.00 | \$ 642.29 |
| Ellicott | 063889-388.06-1-45 | Marlow Rd | Crystal A Becker | \$ 25.00 | \$ 642.29 |
| Ellicott | 063889-388.06-1-46 | Marlow Rd | Crystal A Becker | \$ 25.00 | \$ 642.29 |
| Ellicott | 063889-388.06-1-47 | Marlow Rd | Crystal A Becker | \$ 25.00 | \$ 581.43 |
| Ellicott | 063889-388.06-1-59 | Marlow Rd | Gary W & Cheryl Lawson | \$ 25.00 | \$ 642.29 |
| Ellicott | 063889-388.06-1-60 | Marlow Rd | Gary W & Cheryl Lawson | \$ 25.00 | \$ 642.29 |

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|-------------|---------------------|----------------------------|--|--------------|--------------|
| Ellicott | 063889-388.06-1-61 | Marlow Rd | Gary W & Cheryl Lawson | \$ 25.00 | \$ 642.29 |
| Ellicott | 063889-388.06-2-47 | 2238 Summit Blvd | Ryan P Seeley | \$ 25,500.00 | \$ 7,027.57 |
| Ellicott | 063889-388.06-2-48 | Summit Blvd | Ryan P Seeley | \$ 500.00 | \$ 241.18 |
| Ellicott | 063889-388.06-2-49 | Summit Blvd | Ryan P Seeley | \$ 500.00 | \$ 241.18 |
| Ellicott | 063889-388.06-2-50 | Summit Blvd | Ryan P Seeley | \$ 500.00 | \$ 241.18 |
| Ellington | 064000-288.18-2-22 | 4929 South Hill Rd | Randale H Rivera | \$ 3,000.00 | \$ 5,320.09 |
| Ellington | 064000-321.00-1-18 | 1414 Waterman Rd | Mosey M Yoder & Leah E Yoder | \$130,000.00 | \$134,760.87 |
| Fr. Creek | 064200-393.00-1-30 | 1437 Redding Rd | Andrew J Feyas | \$ 54,000.00 | \$ 37,753.51 |
| Gerry | 064489-302.18-1-28 | 2907 Gerry-Ellington Rd | Penny A Smith-Nixon & Cleo Nixon | \$ 16,500.00 | \$ 31,060.20 |
| Gerry | 064489-302.00-1-26 | 4787 Damon Hill Rd | Scott M Brown | \$ 24,000.00 | \$ 2,897.51 |
| Gerry | 064489-320.00-2-6 | Hanson Rd | Lester A Wilson | \$ 25.00 | \$ 62.23 |
| V/Frstville | 064601-100.05-1-19 | 0 Swan St | Kimberly Lee Stott & Sherman Bailey | \$ 25.00 | \$ 230.08 |
| V/S. Crk. | 064603-32.14-2-40 | 37 Tew St | Connliith B Keogh | \$ 100.00 | \$ 1,598.99 |
| V/S. Crk. | 064603-32.17-5-15 | 215 Central Ave | Steven Edmund Barnes & Carl Roth | \$ 33,000.00 | \$ 18,504.49 |
| V/S. Crk. | 064603-49.05-5-57 | 19 Glenwood Ave | Joseph D Brown | \$ 4,500.00 | \$ 7,937.16 |
| V/S. Crk. | 064603-49.06-5-4 | 21 Robinson St | Donald Nash Jr. | \$ 24,000.00 | \$ 8,726.15 |
| V/S. Crk. | 064603-49.09-2-29 | 0 Main St | Joel A Hamlet | \$ 25.00 | \$ 498.98 |
| Hanover | 064689-101.00-2-30 | 660 Fredonia Rd (Rt 39) | Randy C Carias | \$ 25,000.00 | \$ 19,574.21 |
| Hanover | 064689-119.00-1-12 | 159 Rt 39 | Giovany Carmona | \$ 5,000.00 | \$ 5,191.89 |
| Hanover | 064689-119.00-1-28 | 10180 Alleghany Rd | Wm Equity Holding Corp. | \$ 29,500.00 | \$ 5,731.93 |
| Harmony | 064889-399.00-1-17 | 6161 Hwy 474 | Shafawn Lee & Randall A Goodwill | \$ 10,000.00 | \$ 4,837.53 |
| Harmony | 064889-418.00-1-5.8 | Hoag Rd | Michael S Maloy | \$ 5,250.00 | \$ 638.89 |
| Kiantone | 065000-404.12-3-21 | W J Blvd | Daniel A Porter | \$ 25.00 | \$ 176.76 |
| Kiantone | 065000-404.12-3-23 | W J Blvd | Daniel A Porter | \$ 25.00 | \$ 176.76 |
| Kiantone | 065000-404.12-3-25 | W J Blvd | Daniel A Porter | \$ 25.00 | \$ 186.48 |
| Kiantone | 065000-440.00-1-6 | Riverside Rd | Robert Krudys | \$ 1,500.00 | \$ 854.10 |
| Poland | 065600-373.00-1-3 | 2773 S US Rt 62 | Nadine Pascatore | \$ 15,000.00 | \$ 3,042.48 |
| Pomfret | 065889-111.08-4-28 | 5284 Van Buren Rd | Brandon M & Kara L Schieber | \$ 2,600.00 | \$ 54,300.21 |
| Pomfret | 065889-111.08-4-29 | Fifth St (VBB) | Brandon M & Kara L Schieber | \$ 2,600.00 | \$ 1,438.19 |
| Pomfret | 065889-111.08-4-30 | Fifth St (VBB) | Brandon M & Kara L Schieber | \$ 2,600.00 | \$ 1,438.19 |
| Pomfret | 065889-111.08-4-31 | Fifth St (VBB) | Brandon M & Kara L Schieber | \$ 2,600.00 | \$ 1,438.19 |
| Pomfret | 065889-130.00-3-61 | Webster Rd | Carl Cain | \$ 175.00 | \$ 473.45 |
| Pomfret | 065889-163.00-1-36 | 8696 Harmon Hill Rd | James B Schroeder Jr | \$ 23,000.00 | \$ 48,269.42 |

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|-----------|----------------------|--------------------------|--------------------------------------|--------------|--------------|
| Pomfret | 065889-163.00-1-7 | 8756 Harmon Hill Rd | Edward Nickerson | \$ 18,000.00 | \$ 17,698.70 |
| V/Brctn. | 066001-144.20-2-3 | 74 Kinney St | James F Rizzo Jr | \$ 8,500.00 | \$ 5,256.34 |
| V/Brctn. | 066001-145.17-2-45 | 10 E Main St | Scott M Endress | \$ 500.00 | \$ 20,226.78 |
| V/Brctn. | 066001-161.08-1-46.1 | 54 W Main St | James F Rizzo | \$ 2,250.00 | \$ 934.82 |
| Portland | 066089-145.00-1-37 | 9355 S Swede Rd | William R Hollman | \$ 25,500.00 | \$ 15,099.08 |
| Ripley | 066200-208.10-2-25 | Third Ave | Ernest J Rammelt | \$ 100.00 | \$ 402.53 |
| Ripley | 066200-208.10-2-27 | Third Ave | Ernest J Rammelt | \$ 100.00 | \$ 284.19 |
| Ripley | 066200-239.00-1-19 | 10550 W Main Rd | Gary Robert Miles & Claire Cevatoski | \$ 10,000.00 | \$ 13,132.24 |
| Ripley | 066200-240.11-1-12 | Barnes Rd | Gale S Earle | \$ 10,500.00 | \$ 32,086.38 |
| Ripley | 066200-240.11-1-13 | W Main Rd | Lee R & Sharon E Fischer | \$ 250.00 | \$ 4,098.98 |
| Ripley | 066200-240.11-1-14 | 10180 W Main Rd | Lee R & Sharon E Fischer | \$ 3,000.00 | \$ 54,883.43 |
| Ripley | 066200-240.12-2-47 | 25 W Main St | Scott M Endress | \$ 800.00 | \$ 42,328.81 |
| Ripley | 066200-240.12-2-48 | Rt 20 | Scott M Endress | \$ 100.00 | \$ 2,183.78 |
| Ripley | 066200-240.12-2-49 | W Main St | Scott M Endress | \$ 100.00 | \$ 1,976.17 |
| Ripley | 066200-240.12-3-12 | 36 W Main St | Jean P Storey | \$ 2,500.00 | \$ 12,590.30 |
| Ripley | 066200-240.16-2-37.1 | Maple Ave | Eric & Robin Estes | \$ 25.00 | \$ 2,490.08 |
| Ripley | 066200-256.12-1-25 | 10799 W Main Rd | Lawrence D Giles | \$ 9,500.00 | \$ 9,927.35 |
| Ripley | 066200-259.00-1-3 | Noble Rd | Jack A & Cindy R Pierce | \$ 15,000.00 | \$ 1,979.31 |
| Ripley | 066200-259.00-1-5 | 5880 Noble Rd | Jack A & Cindy R Pierce | \$ 42,000.00 | \$ 5,248.76 |
| Villanova | 067000-151.00-1-2 | Zahm Rd | Brock V Tweedie | \$ 4,800.00 | \$ 1,280.72 |
| Villanova | 067000-185.00-1-28 | Cassadaga-Hamlet Rd | Russell J Zink | \$ 17,000.00 | \$ 5,001.76 |
| Westfield | 067289-208.10-4-26 | Seventh Ave (Shorehaven) | Ben & Cecilia Rechlin | \$ 50.00 | \$ 582.17 |
| Westfield | 067289-208.10-4-27 | Seventh Ave (Shorehaven) | Ben & Cecilia Rechlin | \$ 50.00 | \$ 582.17 |

\$ 1,466,725.00 \$ 1,121,045.95

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

MOVED by Legislator Horrigan, SECONDED by Legislator Runkle to amend by restoring PA 158-2012 and substitute Town of Ellery for John J. Zmuda – Carried w/ Legislators DeJoe and Nazzaro voting “no”.

MOVED by Legislator Barmore, SECONDED by Legislator Runkle to removed parcels; PA 109, 110, 111, and 112-12 – Unanimously Carried

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent – July 25, 2012

EMERGENCY RES. NO. 152-12
 Resolution Declaring the Intent of the County of Chautauqua to Act as Lead Agency Pursuant to the State Environmental Quality Review (“SEQR”) Act

WHEREAS, Chautauqua County ("County") has proposed a project to develop and implement a Submerged Aquatic Vegetation ("SAV") Management Plan for Chautauqua Lake, as described below;

SEQR Project Name: Development and Implementation of a Submerged Aquatic Vegetation Management Plan for Chautauqua Lake

SEQR Project Description: The development and implementation of the SAV Management Plan will be a multi-phased project that will consist of (1) identifying the problems to be addressed through an SAV Management Plan for Chautauqua Lake; (2) collecting technical baseline information to define the existing condition of the water quality and biological resources; (3) mapping the watershed and the littoral zone and collecting data through a bathymetric survey; (4) completing a beneficial use study; (5) mapping and identifying submergent and emergent aquatic plants; (6) identifying possible management alternatives and assessing feasibility; (7) developing an implementation plan with monitoring controls; (8) completing community outreach activities including organizing and holding public meetings throughout the process to collect information and community opinions (collectively the "the Project"),

SEQR Status: Type I

Location: Chautauqua Lake, County of Chautauqua, New York; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County must satisfy the requirements contained in SEQRA for the Project; therefore be it

RESOLVED, That the County proposes to conduct a coordinated review of this Project, which as a comprehensive resource management plan, is designated a Type I Action, and believes, as the entity with primary responsibility for the Project, that it is in the best position to investigate all impacts associated with the Project, and has the authority to impose any and all appropriate mitigation measures, and thus declares its intent to have the County act as Lead Agency for the Project; and be it further

RESOLVED, That the County requests that all involved agencies have the appropriate personnel within each agency review the Environmental Assessment Form ("EAF") and provide the County with any comments the County should consider concerning Lead Agency status for this Project; and be it further

RESOLVED, That the County Executive, Chairman of the Legislature, and Clerk of the Legislature are hereby authorized and directed to distribute appropriate notice of this Resolution to all potential interested and/or involved agencies and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Unanimously Carried – July 25, 2012

LOCAL LAW INTRO. 1-12
A Local Law Amending Local Law 2-08 of the County of Chautauqua
Imposing a Tax on the Occupancy of Hotel or Motel Rooms

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. Legislative History. This local law further amends Local Law 2-08 of the County of Chautauqua, as previously amended by Local Law 6-09 of the County of Chautauqua.

Section 2. Amendment. Section 3 of Local Law 2-08 of the County of Chautauqua, as amended by Local Law 6-09 of the County of Chautauqua, is hereby amended to add a new subsection 22-a, as follows:

22-a. 2012 Amnesty Period.

For the period commencing upon the effective date of this local law and ending on December 31, 2012, any person registering as an operator pursuant to this local law for a facility that is not subject to New York State Sales Tax pursuant to the "bungalow exemption" set forth in § 527.9(e)(5) of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York, shall not be subject to liability, penalties, interest, or enforcement proceedings for failure to have previously registered and collected the tax imposed by this local law on such facility.

Section 3. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Mailed: 7/13/12

Adopted by Legislature: 7/25/12

R/C Vote: 23 Yes; 2 Absent

Public Hearing by County Executive: 8/7/12

Adopted as Local Law 2-12

LOCAL LAW INTRO. 2-12

A Local Law Amending the Chautauqua County Charter

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section I. Amendment to County Charter.

Section 2.05(b) of the Chautauqua County Charter governing the County Legislature's appropriating authority is hereby amended as follows:

(b) To make appropriations, incur indebtedness, adopt the budget and six (6) year capital plan, and levy taxes. In the event the Legislature fails to finally adopt a budget for an Insuing fiscal year on or before December 1, the tentative budget shall constitute the budget for such ensuing fiscal year. The appropriation resolution and the resolution authorizing the levy of taxes shall be deemed to have been passed by the Legislature as of such date. Excepting resolutions to adopt the annual budget, any resolution to appropriate the unappropriated unreserved fund balance within a particular fund shall require the affirmative vote of two-thirds of the total membership of the Legislature.

Section II. Effective Date.

This Local Law shall take effect sixty (60) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with Municipal Home Rule Law.

Underline Indicates New Language

Mailed: 7/13/12

Defeated in Legislature: 7/25/12 - R/C Vote: 11 Yes; 12 No; 2 Absent - (No's: Cornell, Coughlin, Croscut, DeJoy, Duff, Erlandson, Himelein, Hoyer, James, Rogers, Whitney, Gould)

2nd Privilege of the Floor

Ms. Polisoto: One person who is a resident of Forestville wanted to have his thoughts out in the open here but anonymously. There is a certain kind of influence down in Forestville that I find highly negative and destructive. This is what he had to say about my place down in Forestville. The right as a taxpayer to use your land the way that you want to within reason is part of our right of a citizen of this country. To be bullied or coerced he said constantly and that was his opinion by neighbors or organizations is unacceptable. It is sort of like owning property and it is part of the American dream. When you have it which I had never in my thought imagined that I would own these 12 acres. It was like wow isn't this great. Ever since that moment that I thought that in my mind carrying on the legacy of my father that greatness has been tarnished to the point of saying what is this all about. As an American, I believe that people should have the right to own things and within reason by the people that make the rules that govern these lands should be fair and just. To just throw them out there for anyone to make comments that could be deleterious to that person is unacceptable. The people that are my neighbors, which are 15 of them three, have exclusively targeted me in a very unpleasant way. I have 25 police reports indicating a variety of tactics in order to make it more likely that I didn't want to stay there. I don't agree with any of that type of action. Second, I won 6 blue ribbons at the Chautauqua County Fair. Thank god for farming to at least have an outlet for some of the things that they do in a positive way. Finally, having to do with this discussion about prisoners, prisoners are people too and I have worked on their behalf. I worked in a pilot program down in Maryland and let's get this fact right. It takes \$20,000 to educate a student in Chautauqua County and that is an average. It takes \$60,000 to incarcerate them. I think Mr. Wendel here made a point that \$1,300 for a period of 7 days I will say this is ridiculous and a waste of taxpayer's money to have three times the amount to keep them incarcerated than educate them in a way that they can provide for a useful input into our society.

Ms. Downey: I just wanted to invite all of you over to Celeron Park on Saturday. Tara and the Southern tier Tea Party Patriots will be having our freedom rally. It will be from 1:00 p.m. until 6:00 p.m. We have several speakers coming and will have several Tea Party organizations from around the state. New York State and Pennsylvania will be in attendance. So, if you would like to come by, we would certainly appreciate it. I will be there also so come by and say hello to me. Thank you very much and have a good weekend.

Mr. Foley: I would like to apologize to Mr. Whitney and this body. If anyone perceived me as attacking anyone, it wasn't meant that way. I get upset when I hear misinformation being provided to this body and it upsets me when someone in pews the integrity of my office and the hard working Assistant District Attorneys that I have in my employ. If that comes out as anger I don't mean it to be and I am an emotional person. I hold it close to my heart. That is the way that I responded. So, I apologize if anyone took it that way.

Chairman Gould: Is there anyone else?

MOVED by Legislator Barmore, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. (9:49 p.m.)

Special Meeting
Chautauqua County Legislature
Tuesday, August 21, 2012, 6:30 p.m.
Gerace Office Building, Mayville, N.Y.

Chairman Gould called the special meeting to order. 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Duff)

Legislator Tarbrake delivered the prayer followed by the pledge of allegiance.

Report on Chautauqua County Home
By Center for Governmental Research
Mr. Don Pryor

1st Privilege of the Floor

Bonnie Peters, 8237 Glassglow Rd., Cassadaga, N.Y. Most of you know me. Tonight I stand before you tonight to remind you that it is in the best interest of our community to keep our County Home a County run facility. I ask you to consider a couple of different things. One being a qualified bidder doesn't mean that they are the right choice for our residents. I ask you to go out and research these people and find out what is actually being said about them, what their reputation is. The other is, we the community, are responsible for safe guarding our elderly. For years they worked to make Chautauqua County a great place to live and now we are the ones that are reaping the rewards of what they put into this beautiful place that we call Chautauqua County. We will show that our community cares for our own. No one can do it better than we can. I am proud of the residents of the County Home. I was at the rally that they had in Dunkirk, I was there at Christmas and sang carols with them, I have been to their home many times to speak to them. Have you? I urge you not to sell our County Home.

David Fagerstrom, Cherry Creek, N.Y. I just want to reiterate that we need to keep the County Home a public facility to preserve its integrity. I don't know what the report is going to say but I hope that we keep in mind that selling the County Home out from under our elderly is not the way to balance the budget.

Paul Bitus, Arkwright, N.Y. I am a taxpayer, I am a worker and I have family members in the Home. I am here to represent my family and as a taxpayer to not sell the Home. Let's keep the dignity where it belongs right here in Chautauqua County.

Karen McClain, I work at the Home. I live in Fredonia, N.Y. My mother is there and we don't want this Home to be sold. It would be too much everything for our people and they do deserve the best possible care they could have.

Rebecca Byzynski, I'm one of the ward clerks at the County Home. Until I started working at the County Home about two years ago, I really wasn't sure what it was all about. I know that it's been around a lot longer than I have been there. The County Home isn't just for the elderly who need care, it is for anyone who needs care from short term rehab that my Mom needed recently, to long term care that my great Aunt needed for many, many years. Those that are fortunate enough to require only short term care may not see how the County Home provides a sense of community. I have seen firsthand the bond of friendship not only between the residents but also between the staff and the residents. We are a family. We are a family for those who may not have other family and I hope that this family continues to flourish.

Mindy Kaufman, 26 N. Jerboa, Dunkirk. I would just like everyone to consider where Mr. Edwards stood on this issue in 2009 when he published this in the Observer. My opponent can attack me all day long with this half-truth and misrepresentations. But when he stoops to threatening our Seniors, their families and my co-workers, he has gone too far. Our County Home is fully funded through the end of 2012 because of my commitment to the dedicated employees and residents. Only a desperate politician would try to scare Seniors, their families, and my co-workers just to try and get a vote. Not for sale. This is where he stood in 2009.

Sue Swanson, Fredonia. I do not work at the County Home. I feel number one; too bad that we don't have a room that is big enough to accommodate all the people that are in the hall. I am sorry about that. They have a right to listen too. Number two; I know the reimbursement rates have changed drastically, health care is a big concern to everybody. I hate the idea of giving up the County Home. I have members of my family there, I have taken care of people there as a nurse, and you can't get better care. I think that – I am sure in the budget there are ways to figure out these things to keep the pride that everybody has in the Home. The workforce, everybody who cares. I mean, we can subsidize restaurants, like the one at the airport. I just wonder, maybe we could find some money to help those taxpayers who have spent their lives in Chautauqua County.

Chairman Gould: Anyone else to speak to the first privilege of the floor. I want to thank all of the speakers that spoke. They kept it very brief. I will now close the first privilege of the floor and we'll get on with the report by the Center for Governmental Research by Don Pryor.

Mr. Pryor: Thank you Mr. Gould. Let me first introduce Jamie Saunders who is my partner in crime here tonight. Jamie and I have been the two principal people who have worked on the report that you will be hearing about tonight and Jamie will also be available to respond to any questions when we get into the question and answer period. But for the presentation, we wanted to keep it simple and not have sort of a dog and pony show with both of us getting up and doing parts of it. So you are stuck with me for the presentation but we'll both be available to respond to your questions following the presentation.

I want to thank you all for the opportunity to be here. I want to thank the Legislature for your sponsorship of this study in the first place. Not because you hired us but because I think you made a wise decision like many other counties in really kind of doing due diligence in terms of looking at the various issues effecting the nursing home before you make a decision one way or the other in terms of whether to stay in the business or to sell. We appreciate the opportunity that we have had to work with you. I also want to thank Mr. Edwards. I know that he has a strong position on this but I want to say for the record that he has been very cooperative during the study. He had not tried to bias us in any way. Has given us access to anybody that we needed to talk to and has not tried to influence our findings. Obviously, I am sure that he knows – he hopes that we'll come out in a particular position here but I do want to acknowledge that to spite his strong position on this, he has not tried to influence our thinking at all. I also want to thank Tim Hellwig and his staff. Tim has been incredibly helpful, also Coleen Wright, his financial person. We've had a huge support from the two of them, from Mark, from pretty much many of you sitting out in the audience. You all have been great in terms of your cooperation. Anybody that we have asked to talk to or had opportunity to talk to has been very helpful in terms of sharing perspectives and insights and I think some very valuable points of view that have been helpful to us in shaping our views of what we are presenting here tonight. We've also have a couple of productive meetings with representatives of the Union. Those have been helpful so I just want to acknowledge before we get started, as well as individual members of the Legislature and small groups of Legislators. So, whoever we have talked to throughout this study has been helpful and I just want to acknowledge that. That is not always necessarily the case when we do these kinds of studies. I know that it is painful to have somebody from the outside come in and kind of look over your shoulder but you all have been very generous with your time, your insights and your cooperation and we very much appreciate that.

We have a lot to cover. As Mr. Gould said, it's a 130 some page report. Obviously, we're not going to cover all of that tonight but what we want to try and do is to hit the highlights. Give you

some talking points or issues that we think frame the bigger picture that hopefully will generate some questions and discussion after we're finished talking that will further illuminate things where you all will have a chance to raise questions with us and hopefully talk to each other in sharing some of your thoughts about what we present tonight and then obviously, the real hard work comes with wading through all of this as Mr. Gould said. So, we'll try and give you at least enough of a flavor of where we wound up on this study and some of the insights that we believe we learned so that you at least have a perspective, hopefully a shared perspective, because our real goal in this was to try and provide common ground. Regardless what side of this issue you are on, regardless of where you start out around this issue, we believe that any decision that gets made here will be a better decision based on objective factual information. That is what we tried to provide here. We didn't come into this with any bias, with any preconceived notion about what should happen and we believe that we have maintained the integrity of that position throughout the study. We really just tried to look at where the facts took us without any preconceived notion. It's in that spirit that we make the presentation tonight. Not with a particular outcome in mind but to try and lay as many facts and as much of a broad comprehensive and unbiased perspective in front of everybody so that at least everybody can start with a factual basis for the discussions that follow from here.

Let me just say a couple of things about CGR. Just so you know kind of who we are. We are a non-for-profit, non-partisan, non-political organization. We are an objective, independent organization based in Rochester. It was originally founded by George Eastman, almost a 100 years ago to be kind of a watch dog over governmental agencies. Since then, we have expanded our reach. We work with counties and governmental bodies, and not-for-profits all over the State and in the northeast region of the country. What we try and do is from an objective perspective look at a variety of issues facing governmental units and tries and helps provide perspective to those so that people can make the most informed decisions as possible. In particular, I think our credentials and the reason presumably that you contacted us about this study, is that we have done a quite a bit of work around the nursing home issues. We have done a couple of statewide studies, we've also worked with 8 or 9 separate counties in various stages of kind of the process that you all are going through in terms of trying to decide what the decision, what the future of your nursing home should look like or should be as you go forward. I can tell you that out of those 8, the conclusions have been very different. There is no one size that fits all, there is no one solution that works best for all 8. The solutions have ranged from selling to staying in the business and it really depends on the unique circumstances of each county. Which again, is how we've approached this to say, you all are a unique county with your own set of needs, and interest, and history and commitments and we tried and factor that all in to the process so that again, when you hired us as a Legislature, you were hiring people who don't have a particular ax to grind on this. We get no benefit out of this one way or the other, whatever the ultimate decision is. I think if you look at our track record in the other counties that we have worked with, you will see that we do not have any one particular characteristic in terms of how these studies have come out. Why this study? You all really can answer that better than we can but basically we were asked to come in, I believe, because obviously partly in response to the fact that there was already a process underway in terms of the potential to sell the nursing home but also feeling that you were looking for some kind of a unbiased perspective before any final decision was made. I want to emphasize that everything we have heard and the people that we have talked to throughout this study, there is no issue in terms of the management or the quality of care or any concerns about that as for the reason for this study. It seems to be strictly financial. We haven't heard anybody say, well we have to put the Home up for grabs because of the poor quality of care or any of that. We haven't heard any of that and so we have approached this as sort of a financial issue but have also tried to overlay on that the quality of care issue and making sure that there is an affective balance here and that we're not looking at this just as a dollar and cents issue but also as an issue that really balances the fiscal realities along with the County's historic perspective in terms of its commitment to Seniors in this community.

One of the things that we talk a lot about in the report is the context in which this study is done and the context in which you all find yourselves in Chautauqua County. You are obviously not unique. Counties all over the State that have county nursing homes are facing many of the same kinds of questions that you all are in terms of the uncertainty of funding going forward. Increasing

costs, particularly on the benefit side, questionable future revenues, the revenue streams. Whether those will stay in place going forward so all of these are issues that we have tried to look at and we've tried to put our thinking and the analysis that we did into the context of those that sort of broader context, the environment within which you all operate. Leading up to the study, obviously the concern on the part of the County for increasing the perception that there is a need for increasing financial support for the County Home going forward. Obviously, you all had made a decision to test the market in terms of seeing what was out there, in terms of potential buyers and then as that process was underway, you came to us and asked us to kind of provide a broader perspective before you made any final decision including to take at least an initial look at the two proposals that you have before you and we'll talk a little bit about that tonight as well. So that is kind of the immediate context that lead up to our being hired.

The goal of the study then as we see it is to provide you all with as much consistent factual information as possible. We see our job as essentially educating and trying to put facts on the table so that everybody has an informed basis for making whatever decisions you all make ultimately. We have looked at a variety of options. We'll talk about some of those tonight and kind of begin to lay out what some of those options look like and what some of the implications of those options are.

Just briefly in terms of the study methodology. We talked to probably 75 or 80 different people, mostly in the County Home. Staff within the County Home but also a wide range of other people within the County administration, other key County officials who have interactions with the nursing home. We had occasion to meet with not just individual members of the staff but also focus group discussions with staff. We also had focus group discussions with residences and family members at the Home as well as a wide range of data that we looked at. So we believe it was a very comprehensive approach. I just want to emphasize that anything that shows up in the report is based on a composite of a lot of information that we gathered. No information in our report or that shaped our recommendations would only have come from say one person. If we just heard isolated things and we did, we heard a lot of isolated comments, complaints, positive things, whatever, but if you were just hearing isolated things, essentially if we could not cooperate those separately or we weren't hearing them from multi sources, we tended to discount them. We did not give credence to things that we only heard from a single individual. So to frame kind of the debate there are two core questions that we think sort of frame the analysis that we did. It's certainly more complicated. You can't boil anything down to just two questions but there seemed to be two core issues that were at the heart of our deliberations. The first one; what is and what should be the County's role in providing elder care for its residents going forward? That can be a continuation of what you are doing now. Providing direct quality care at the nursing home but that is not the only way. There may be other ways that the County can provide comprehensive services or help make it possible without necessarily only being operating in a nursing home environment. One of the threshold question is, what is that role, what is the County's role in providing care for its Seniors and is there a tipping point from a dollar and cent standpoint in terms of where the County essentially draws the line and says, it's too costly to afford to continue in this business. Where do you reach the line? Where is that line and if you come up to that point, what do you do? And, are there other options that should be considered. So those kinds of critical questions in our mind framed much of the discussion and much of the way we framed our report.

Two basic choices that we put on the table and we'll come back to this during the discussion tonight and they are spelled out in more detail in the report. We looked at a whole lot of options and each option had a bunch of sub-options and those are all in much more detail in the report itself. But, by in large, it boils down to the two issues that you are kind of already aware of but they all have a lot more complexity to them than just stating it this way. One; to sell or to lease the Home. Obviously you have proposals in front of you to do that and the second choice is; to find a way to retain County ownership and to maintain some level of County support and subsidy because we don't believe that you can do this without some level of County support going forward. There is no free ride here. But, we'll look at also that choice that possibility of retaining ownership and what that might mean. In order to do that, we believe that there would have to be a number of cost saving and revenue enhancement options put on the table and we'll talk about those both in the report briefly

tonight. So those are kind of the two core boil it all down issues or options on the table. We'll come back to those in more detail after I walk you through come further context.

So in terms of further background here, most of you know this but just for those who may not be aware, the nursing home has been around a long time, going back to 1830's in Dewittville and then moving to Dunkirk about 50 years ago. It's located on 30 acres. It has a reputation of offering good quality care. It is obviously, as you know, a 216 bed facility that has roughly 280 staff members. A combination of part time and full time. Current budget of about \$21 million dollars and as you know, significant expansion and renovation about 8 or 9 years ago in the Dunkirk facility which still has a remaining debt service on it of about \$9.5 million dollars. Part of the context in which we did the study is what I'm sure most of you are aware of which is the potential growing demand for nursing home services and for long term care services in general. Not just institutional care. As you look at the demographic projections that have been done for this County and around the State, the projections that we have looked at suggests that the Senior population, the 65 and older population in the County will be growing between now and 2030 by about 25% which means by 2030 there will be about 28,000 people living in the County who are 65 and older. That will represent almost one out of every four County residence by the year 2030. So you can see the trend line going up very substantially for the 65+. The second line is 75+ that is pretty stable now but beginning in about 10 years, that number is going to spike upward and will continue to go upward and that is your primary population that will be most interested in and in need of long term care services. The bottom line here is the 85+ population which, as you can see, has been fairly stable over the last few years and will continue to be until about 2030 but then not shown on here but between 2030 and 2040, that number will spike up very significantly. The 85+ population. The other thing that is not shown on this graph, some studies that have been done separately show that a large proportion of that older population, particularly the older, older, 75+ and 85+, are very low income population. So, many may have difficulty in accessing long term care programs. Not just nursing homes which presumably will be covered by Medicaid or Medicare but in terms of any community based services, may have trouble affording those unless cost effective services can be put in place. So one of the things that we'll talk a little bit about tonight in our report is the need to look at this as not just a nursing home issue but also as a broader long term care issue. A number of outside pressures that are facing County nursing homes, I won't go through these in great details. There is more in the report but, the fact that you have very significant increases in employee benefit costs, the property tax cap that all of you are very aware of, the uncertainty of State and Federal funding. This is one of the great difficulties here. It's difficult enough to budget for a nursing home in the best circumstances even if you sort of know what to expect but in this case with State and Federal funding being iffy at best, it makes it even more difficult to make wise and thoughtful future oriented decisions in terms of trying to anticipate the revenues likely to be available as you go forward. One of the things that you have actually benefited from, at least so far is statewide pricing methodology. For once something done at the State level actually seems to be benefitting several counties, Chautauqua being one of those over the long haul. Over the next three or four years, you will actually benefit in terms of Medicaid reimbursement from that new methodology. It's not a lot but anything that goes up is better than what most of the trends have been in recent years.

Managed care is one of the huge unknowns here. I know that is one of the issues in terms of whether the County, one of the issues prompting the County to at least consider the possible sale of the facility to try and get a head of managed care. Most people think that if managed care becomes fully implemented in this part of the State that it will certainly not be advantageous for nursing homes in terms of the revenues coming in. Some people think that it will be a wash, a revenue neutral, most people tend to think that it will drive down the revenue available to nursing homes. So part of the question becomes when does this happen? There are people who think that – it's beginning to happen in down state New York but it seems to be taking its time winding its way up this way and there are various pilot projects underway in the New York City and down state area so the question is, how quickly that gets here. Most people that we have talked to think that it probably won't happen for another three to four years. Some say four to five years but others are worried that it could happen much sooner than that. Either way, it becomes an issue that nursing homes and counties are going to need to face sooner than later. It's clearly on the horizon and you need to be thinking about what the

implications of that will be. Then the Affordable Care Act, many of the unknowns related to that. So the bottom line here, it's a murky area that nursing homes exists in at this point because of many of these uncertainties. Those certainly shape what some of the options are affecting the County going forward.

Just to put into perspective. You probably can't see this very well although it's clear in the report, this is a map that shows New York State and the number of counties that currently have nursing homes operating in them. As of last count and this is changing almost monthly, 33 counties remain in the nursing home business. You can see that there is a big concentration of them in Western and Central New York and over on the eastern part of the State and lot of gaps in between. Some of those that currently have nursing homes in place are doing what you all are doing. Going through the issue, the process of determining whether they want to sell or stay in the nursing home business. You are all hardly alone in terms of raising these kind of issues. My guess is that if we could forecast what that map will look like a year or two years from now, there will be fewer shaded areas. Just from the discussions that are going on around the State. I think there are a number of counties that want to stay in the nursing home business but a number of them who have said they want to stay are certainly raising the question as you all are. So again, you are not alone in this regard.

Let's get into some of the meat of this. The fiscal questions about the nursing home. One of the issues that is critical and you all have dealt with this earlier this year and you know about it, the whole notion of Intergovernmental Transfers, IGT, and their essential nature to the survival of public nursing homes. The way this operates as I think most of you certainly in the Legislature know because you have had to deal with this, is that, in order to draw down – let's say that you are eligible as a County for \$2 million dollars in IGT payments. Again, only public nursing homes are eligible for this source of funding. In order to attract that \$2 million dollars, to be eligible for it, the County out of its general fund, not out of the nursing home budget, but out of the County's general fund, needs to come up with a million dollars. Essentially 50% of the total. That in turn gets matched by another million dollars at the State and Federal level to bring back the full \$2 million dollars that goes directly to the nursing home. So the County has in effect, invested a million dollars to draw down two at the County nursing home level. That becomes very important in terms of the kinds of decisions that you make because the County has to upfront that money in order to bring down the IGT money. The 50% is what the numbers will be pretty much going forward. The decision that you all made earlier this year, you actually had a favorable rate as a carryover from Federal stimulus package money were you actually only had to put up about 38% of the cost in order for you to bring down I think about \$3.6 or \$3.5 million dollars in IGT payments. You only had to put up about \$1.3 million instead of 50% so that saved you a lot of money over the last couple of years. That will no longer be the case going forward. You will have to put forward the full 50%. This gives you a little bit of an indication of what the impact of that money, that IGT matching money has been over the last five years going back to 2008. With the County match investment of about \$6.6 million dollars, you have been able to draw down close to \$15 million in IGT payments. So clearly it's a resource that you all have made good use of over the last few years.

Three basic components that we'll talk about that you need to understand if you're really going to understand the County Home fiscal picture. One, the one that you are most familiar with is the enterprise fund. That is what you get back every year in terms of an audited financial statement that shows the actual costs and revenues associated with the nursing home as in enterprise fund. As a sort of a integrated nursing home unit. That is the numbers that you are most familiar with. The County IGT match that we just talked about is really not part of the either the nursing home budget or the financial audited reports that you get at the end of each year. So that comes out, that is really money that is technically covered out of the DSS budget for but all intense and purpose, it should be thought of as County general fund money that does not show up in this enterprise fund account. We will talk about the implications of that in a minute when I get into some specific numbers and then there is sort of a third component which is what we have called sort of in-direct costs or cost allocations which are basically services that various units of County government provide to the nursing home as happens in nursing homes all over the State. One of the differences here and some counties do it but I think certainly not all of them and you all are maybe ahead of the curve here is

that, you all, as a County, have in effect billed the nursing home for some of the costs of those services. Rather than give it as a donation, probably the wrong word, but essentially is a donation or contribution from the County to the nursing home for all intense and purposes the County has charged the nursing home so the nursing home actually pays money back. Transfers the funds back to the general fund to partly offset some of these IGT costs and other contributions from the County. So that becomes an important issue because to really understand the financial picture of the nursing home, you really need to look at all three of these together as we do. This is just another way of saying the same thing. The enterprise fund, the general fund, and the indirect cost allocations. So, what does that mean? What it means first I want to put in context. We looked at the financial issues over a five year period. We felt that it was important to kind of smooth out the ebbs and flows of individual years. We know that it's possible for a supporter of the nursing home for example, to take a year when the nursing home has done very well financially and say, wow, see we're doing well, there is no reason why we need to sell, let's continue to find a way to stay in the nursing home business because we are doing so well this year. The flip side of that is, somebody on the other side who is a proponent of selling, who says, wow, we had a terrible year, we lost \$3 million dollars last year or whatever, we need to get out of the business. Our thought is that both of those are the inappropriate way to look at this. That you really need to look at a multi-year perspective because particularly with the way funds flow, particularly the IGT funds that sometimes comes today and then there may be a two year gap before the next round comes, if you just look on an individual year basis, you are going to probably make some bad or at least, incomplete decisions. So, what we have tried to do is to look at this as a five year period. Looking at the most recent five year audited financial reports and then supplement those with other data in terms of the IGT matches and so on and see what that looks like. What it looks like is very interesting. If you look without the IGT payments, in four of the last five years going back from 2007 to 2011, the nursing home experienced a deficit on basic operating costs alone. An \$8 million accumulative deficit over those five years averaging about \$1.6 million dollars a year. A \$1.6 million dollar deficit without IGT payments. You've move the IGT into the equation and suddenly you're looking at not a \$8 million dollar accumulative deficit over that period, but a \$3.3 million surplus. So you have gone from an average \$1.6 million dollar deficit per year without considering IGT to a net average over the five years, roughly \$650,000 surplus per year. Very different than what I think some of the perspectives that you sometimes here in the media and other places have suggested. That is important to keep that in mind and that is only part of the equation. I am going to flush this out in a minute but remember, this is just the enterprise fund. The enterprise alone is not the full picture as I just said. So what you got in order to really find out the true net cost of County support, you need to factor in the matching money that we talked about and this indirect costs offset for some of that and apply that to the earlier numbers that we just looked at here in terms of the enterprise fund. Again, these are the numbers that you should be familiar with from your review of the audited financial reports. What we've done is go beyond this and this I know is going to be a hard – this should be easy to read in your report but not from the screen here probably but basically what this indicates that when you put all of these together, the enterprise fund numbers, the IGT numbers and the matching or indirect costs numbers, instead of a significant deficit from year to year, over the five year period, you actually have, the nursing home, all things considered, with a small roughly \$650,000 surplus an average of about \$110,000 a year so again, I am sorry the numbers are so small on here. So the bottom line here is, in terms of what does that mean if you look at this as a cost per day figure, again, I know that this is complicated because you are bringing various different funding sources into this but it's the only way to look at this. If you are looking only at the enterprise fund, you are looking at it in a too limited way, if you are only looking at any one component of this, you are not seeing the whole picture. So, what we have tried to do is to bring all of these revenue sources and streams together to say, when you put it all together what does it add up to? What it adds up to is this five year overall, roughly, I think I said \$560,000 of net plus surplus for the nursing home over the last five years. Which actually comes out to not a cost per day but an actual quote "surplus", modest, but none the less a positive number.

Now again though this is never quite as simple as it seems. Because again, remember that surplus only comes about at a price for the taxpayer. You all have had the County as an entity and the taxpayers have had to contribute to that because of the IGT match which has averaged about a

million dollars for each of the last five years. Just an example to kind of show you what this means. You will see this in red here. For you to draw – for the County to draw down as it did earlier this year, a \$3.5 million dollar IGT payment, assume that that is next year because as I said, you have a special break this year because of the Federal stimulus package money but if that same opportunity were available to you next year, that would cost a \$1.75 million dollar match, which in turn, would be offset in part by the indirect cost revenues that we've talked about. What that would boil down to just so you have a perspective on this, the average homeowner, it would cost about \$15.00 a year for that level of subsidy. So, in other words, for the County to do the matching funds to draw down a \$3.5 million IGT payment, it would cost the average taxpayer about \$15.00 per year to access that money. So, the last five years have looked pretty good by comparison to what the media has typically reported, what most of you have heard. There is a lot more sanguine view of the economics, the financial picture of the nursing home over the last five years. But the reality is, that is going to change. If nothing is done, if no changes are made in either the way the home operates or in terms of the opportunity to bring in revenue streams or reduce costs, here is what you are probably looking at. Three different scenarios' here that will give you a bit of a range. If there are no IGT payments in a given year, you are looking at projected \$3.5 million dollars net cost to the County out of the enterprise fund balance that will be lost essentially each year. So, if that were to happen, you are looking at depleting the nursing home fund balance probably at some point during 2014. Again, this is the worst case scenario. This is if you do nothing and we're suggesting that there are things that you can do but if you do nothing that is the reality you are probably looking at, a budget deficit over the next three years or so averaging about \$3.5 million dollars per year if you get no IGT payments. Let's assume that you get a \$3.5 million IGT payment. Again, with the various matching money and the cost allocation adjustments, that would mean that the County would be facing about a \$1.8 million dollar deficit but, by drawing down the IGT money, you would have money kind of replenishing the fund balance and you would be able to continue to have a fund balance by the end of 2015 of probably \$3.7 million dollars. So, from a financial standpoint, you would be replenishing essentially the financial wherewithal of the Home during that period. A third kind of middle scenario where you would get a \$2 million dollar annual IGT payment, the cost of that to the taxpayers would be about \$2.5 million dollars when you factor all these other issues in. That would mean that you would probably deplete the fund balance at some point during 2015. So, these are kind of the worst case scenarios that you could be facing as much as a \$3.5 million dollar annual budget gap if you do nothing else to control costs or expand revenues. With that in mind and we'll come back to that because in one of the scenarios that we look at, we talk about ways to reduce those deficits but before doing that let me move from this point to say, it's those kinds of numbers that I think – the fear of those kinds of numbers that has sparked much of the concern for the possibility of needing to sell the Home. So let's move to the choice of selling or leasing the County Home and talk a little bit about what that means.

First, if you sell the Home, you are looking at roughly a \$15 million dollars in what we call is legacy costs. Those are costs that you are going to have to pay, as a County, one way or the other. Whether you stay in the business or whether you sell. Now, most of that, about two thirds of that is essentially \$9.5 million dollars that you still owe in costs to the County, in debt service for the expansion of the Home back 8 or 9 years ago. Assuming you sell, then presumably go away. That would be covered by the cost of the sale. But, over and above that, you probably have another \$5 million dollars of ongoing costs that are made up of a combination of things. Unemployment insurance which would be probably a one-time thing, unused vacation which would be a one-time payment at the time of the sale but then you have other costs. Employee retirement costs, worker compensation costs that will continue regardless. Those are obligations that the County already has to pay retired workers or workers with workers compensation issues that the County will need to pay out over some period of time, well into the future. So those will be costs that will continue regardless as well as this issue that we keep talking about the payment out of the general fund, about a half a million dollars in indirect costs allocations. So those are costs that you are going to have regardless of what you are going to do so even if you sell, you are still going to have to use that sale price to figure out some way to help offset or reduce some of these legacy costs.

Quickly, there is a whole list of things here as possible reasons why you might want to consider selling the Home. I am not going to go through them all in detail but you know pretty much the list, I assume from many of your discussions already but, you'd essentially be out from the responsibility of owning the Home. Out from the annual costs of subsidizing the Home or paying the IGT payments. All of those go away. Avoid future capital investment costs, you get obviously a quick influx of cash, at least on the option that has the quick sale as opposed to the lease where you could use that to pay off the facility debt as well as to probably reduce some of these legacy costs payments. So there is a whole series of positive things. There is also the possibility of you sell that it would open up the option for an outsider to come in and begin to think about how to provide assisted living care which the County cannot do by itself because of some arcane Federal legislation that prevents counties from offering assisted living to people on Medicaid. So, potentially you would open up the possibility of an outsider coming in and offering that level of care which could help to expand the long term care possibilities within the County.

On the other hand, there are some definite concerns that if you sell you would lose total control of what goes on in the nursing home. Maybe that is a good thing, but once it's gone, it's gone. You may have questions in the future with the new owner, with quality of care, or who they are admitting or not admitting, what they do with employees, and what they do in terms of either continuing to make employees – offer current employees jobs or what would happen with their benefits or salaries. All of that you lose control over unless you can negotiate some deal with them as part of the terms of sale. The point is, it's not a blank slate here if you sell. There are some downsides and you need to be aware of those certainly as I am sure you all are taking into consideration as you make this decision.

Let's move to the more specific situation in terms of the current selling process. Our concern, we have been asked to look at the process and we've been asked to look at the two bids that you have in front of you. We are not making any recommendation or suggesting that you should do one thing or the other but we are pointing out from our review of the proposals as we have seen them and the discussion that you all had as a legislative body with Marcus & Millichap folks here last month, we think there are some serious issues here in terms of the process itself that I assume before you all make any decision if the decision is to sell, that you all will be very careful about vetting and going forward. What certainly you have heard so far is mostly a predominately pro sell approach from Marcus & Millichap. That is how they make their money and that is fine. It is absolutely understandable. Our view is that they and nobody else at this point has really thoroughly vetted either of the proposals that nobody has really looked, at least what we've seen and we've asked and we've talked with Marcus & Millichap people and they verified the same thing. They have not attempted to do any kind of formal review which lays the two proposals against each other in comparison to each other or compares them in any hard and fast way to the specifics of the RFP or to any set of standards or criteria. That just hasn't been done. Nor has there been any detailed review of the financial background of the two firms. There is a lot of antidotal information but to our knowledge and again, the Marcus & Millichap people that we talked to directly have confirmed this, they have not really done or presented to you all any kind of detailed financial review of the two firms in terms of what their ongoing capability to sustain, not only to purchase, but to sustain operations going forward should they wind up being the new owners. Nor has there been any real attempt other than antidotal to say, what happened to those firms that purchased - to either of those companies that purchased existing nursing homes. What was the situation before they took over, what was the situation after and over the next few years? There has been some antidotal limited stuff on that but at least if I were in your shoes I would want to raise a whole series of those kinds of questions. Not to say that they don't have answers for those questions but just to say that there is a lot of due diligence here that if you decide to go down that road that I think that you all owe it to those in this rooms, to yourselves, and to the County as a whole before you make any decision, if you do decide to sell, make sure that you are very, very comfortable with one or the other of those potential purchasers. I would say at this point, there are enough questions that I would say the answer to that issue is not yet clear.

In the interest of time, I am going to kind of skip through this unless you want to come back to this. I know that you heard from Mark Myers at Marcus last month and he went through some of this but I think clearly what we tried to do is point out for both of the proposals what we believe are

some strengths of each one and also limitations of each. Rather than going through that in detail now, I will just skip through this except to say that in the report there are several pages on this that sort of go through what we believe to be the strengths and limitations and the concerns and some of the follow up questions that we think need to be addressed as part of your review process before you make any final decisions about either of those proposals.

Finally in terms of the sale option, just to put this into perspective. The impact of returning the property to the tax roll. I know that is has been one of the important issues that have been raised. Not only do you get the upfront payment for the sale of the facility that would allow you to pay off the debt but also there would be some implications for the tax rolls. Simply removing the cost that the County has had to pay in the past, the IGT matches and so on, removing that from the tax levy is obviously is a plus from a taxpayer perspective and there is also is a small additional value of just adding it to the tax roll itself which helps to kind of displace the overall tax levy and reduce the individual levy, or the actual payment that an individual homeowner would owe. That is relatively a small amount, a \$1.76 a year but \$1.76 is a \$1.76 and if you look at the total tax impact as we have calculated it is for the sale of the property of combining the tax impact and the removal of County contributions from the equation, this would add up to, the average taxpayer would save about \$17 a year if the sale went through assuming the \$16.5 million that represents one of the purchases prices before you. So, that is a quick summary. There is a lot more detail of that choice in the report but in the interest of time, we're trying to highlight some things.

Go back to the second choice then that I mentioned back at the beginning, is retaining the ownership of the County Home and the implications of that. Basically, the only way this would work is if the County and the nursing home were willing to implement a series of cost savings or revenue enhancement opportunities. We spend – a number of pages in the report going through a wide range of possible options of things that could be done to reduce costs. They are sort of boiled down in summary fashion here and I won't go through them except to say, there are some hard choices here. We're not saying these are easy to do but we are saying that we believe that if people are serious about wanting to maintain the County Home as a County owned home that there are things that you can do that we believe conservatively could save about two and a quarter million dollars per year on an annual basis going forward. This is looking essentially at the next three years from 2013 through 2015. Remember I said that is nothing else is done, you are looking at up to a \$3.5 million dollar deficit over each of the next three years. On an average basis, that is the deficit that the County Home would be facing under a no IGT scenario which is probably- again, there is no guarantee that the IGT will continue. We think that it will but we think that you need to plan for the worst case scenario. That is what you would be looking at. Roughly a \$3.5 million dollar deficit. If you are serious about keeping the Home in operation, you probably could save about two and a quarter million dollars off of that if there is the political will and the administrative ability to manage to these kinds of savings and revenue enhancements over the next couple of years. We believe these are all things that are potentially doable and potentially doable as early as sometimes during 2013. I will just hit them very quickly, they are spelled out in more detail in the report and we can talk about them if you have questions but they range from what we believe can be significant enhancements in the revenue stream. We estimate a half a million dollars. We believe perhaps even more than that if the County is willing to make an investment as it would have to do to stay if it stays in the business of an EMR system. An electronic medical records system and building on the small computer tablets that are already in place but need to be fully implemented. Taking things that are already are partly in place, expanding those and having a fully blown electronic medical record in system. We believe once that is fully implemented in terms of just what that would make possible, in terms of better recording of the activities that nurses and aids perform every day that is critical, it's at the heart of how the nursing home earns its money. Brings in its fees. You have to be able to do that on an careful thoughtful complete basis and frankly it is not happening now. Many of those activities are falling through the cracks. Not because of bad judgement or because of malpractice or anything it's just that how do you remember when a nurse is filling out his or her forms at the end of the day, at the end of a 7 or 8 hour shift, what happened 7 or 8 hours ago and do that in an effective way. If you have electronic medical records and computers right in front of you so you can do that as you are doing it, you have a much better chance of capturing those revenues in a way that if fully done, we believe can generate at least

a half a million dollars a year in currently untapped revenues. We believe there are also opportunities, we estimate about \$225,000 in terms of some planned attrition staffing decisions that are already in the process – they are underway over the next year or so. We believe those could be implemented. Some restructuring of staff that we believe could lead to about \$225,000 again, annual ongoing savings. There are issues in terms of the payer mix. You guys have done a great job as a facility in terms of keeping high occupancy rates of about 98% a year, consistently. Higher than any of your competitors within the County on an annual basis but as you know, it's not just how many are there but what their makeup is. Who is paying and the more that you can have either Medicare or to a lesser extent private pay, people paying for at least a portion of that stay before they may convert to Medicaid, the better the revenue generation and we point out some opportunities that we believe can be implemented, that will enhance those revenues. We estimate \$425,000 a year. We believe that there are things that can be done within the therapy unit. There are different points of view in terms of whether you scale back the therapy unit or grow it, we believe, at least initially, you don't have to do either one. We believe just making better use of the staff that are there now providing the kinds of support resources in terms of some clerical support and all. We've talked with people both in the therapy unit and with Mr. Hellwig about what we believe are doable and we estimate that on an annual basis just making better use of existing staff and supporting that with some clerical support and generate, we estimate, \$175,000 a year. We believe that may be a conservative estimate but we believe that is a real opportunity for some revenue enhancement there.

Then perhaps the two toughest ones, we don't know where you are in your discussions about the contract at this point. So, what we have suggested here is completely our own suggestions. We have no idea of where those are going in terms of contract negotiations but we wanted to put some issues on the table and we believe we have laid out some options in the report that we believe if the County is serious about continuing to operate the Home, we believe that there are ways that compared to the projected cost that lead to that \$3.5 million dollar deficit that I talked about at the beginning, that could shave an average of about \$280,000 a year off of salaries. Not a reduction so much in current salaries but a reduction in the rate of growth going forward and similarly in terms of the benefit package. We believe that there are opportunities to put some limits on that. Not that it would cut it back so much from where it is now but limit the growth opportunity there that again, compared to that \$3.5 million dollar deficit, we believe that that could be shaved back considerable. We estimate annual cost savings on the benefit side there of about \$650,000. That is going to take some tough decision making. We don't minimize that. But, we believe that there are opportunities and frankly we heard from some of them among some of you in this room suggesting things that could be done to reduce the salary and particularly the benefit side of things as it related to holiday time and a whole variety of things that we talk about in more detail in the report. We believe there is some real opportunities here to save money and at the same time save jobs. But, they are tough decisions but we believe they are ones that could be made if there is a will to do it.

So, just real quickly, I want to wrap this up and open it up for questions. With these changes again remembering that the outlier is the \$3.5 million dollar budget deficit that you are likely to be facing if nothing happens, if you don't do anything. We believe that if you make these kinds of changes and by the way, again, we think that the \$225,000 is on the conservative side because there are a number of things that we didn't include in there that we could have but we just didn't feel comfortable enough putting a number value around it, so we think possibly the savings are even greater. But, if you do those kinds of things we believe that you can get, going forward, a net County contribution down to somewhere in the \$550,000 per year to \$1.3 million dollars per year. That is still a lot of money but it's less than what – significantly less than what has been projected going forward and again, depending on people's interpretation of is that reasonable or not, could make it potentially feasible to stay in the nursing home business if you chose to do that. What would that mean? Those kinds of numbers, if you are able to reduce the annual payment or the annual County contribution to that range of \$550,000 to \$1.3 million that would add up to, per average taxpayer, your average homeowner in the County, that would be a hit of \$6.50 at the low end to \$15.50 at the high end to cover the County's projected cost if you do all of these other things that we have suggested.

So, bottom line, ultimately this is a choice. We have not tried to make a recommendation. We have said that you have these two viable choices. We believe they are viable but it really

depends, we can't make the judgement for you about essentially the value judgements and your guess about the future. In the end, this really comes down to your collective wisdom in terms of what are the values most important to you. Is it more financial, if so, you probably sell. Is it continuing the legacy or continuing the historical commitment to this Home, then you may go in a different direction. Do you believe that you can build in these levels of savings that we have talked about? If you do, then potentially staying in the nursing home business at least in the short run is probably viable. If you don't, if you are not willing to make that commitment or if you feel like what you really need to do is sell and pay off your debt and move on, then you go in a different direction. These are all viable choices and there is no right or wrong answer here. That is why your job is so difficult. We've had the easy job. We've tried to lay all this out and try to provide some perspective on this but the tough job is making these choices. I don't think necessarily there is a right or wrong choice but we believe that it is a value driven one and there are good values, important values on both sides of this issue and believe ultimately it comes down to how you come on these values. Not just the financial issue but various other issues in terms of protections for employees, protection for existing residences and what you see as what you want this facility to look like in the future and what control you want to continue to have over it and whether you believe that any potential buyers can continue the high level of service that you have had in the facility in the past and whether you trust that process. So, all of these are things that I think need to be taken into consideration and again, just sort of a reminder that in our view it comes down to the choices of selling and you see some of the implications of that spelled out here in much more detailed in the report or retaining ownership. Each of those comes with consequences. We list 8, or 10, or 12 things in the report that says, if you go down this road, you better be sure that you have considered these other factors. You need to be sure that if you decide to sell, that you have taken into consideration x,y, and z. If on the other hand if you decide at least in the short run you have to stay in the nursing home business, you better make sure that you have made some commitments to these kinds of things in terms of understanding there will be a cost to the County and there will need to be costs savings and revenue enhancements. So those are the choices. We have tried to lay out the choices for you, we tried to help frame the issues in a way that hopefully allows you all to make an informed decision and I believe you all will make an informed decision now that everybody has kind of the same information. But, at this point, let me shut up and let you all start firing questions at Jamie or me. (Applause). Thank you.

Chairman Gould: We'll open the floor up to the Legislators questions first and they will come through me because Mr. Pryor probably does not know all of you. I know most of you. I have a question. I want to know if in the report its says some place how long the IGT payments will last or will they be done in a few years?

Mr. Pryor: That is a very good question and it goes back to one of the things that we talked about at the beginning in terms of the uncertainty of all of this and that is really one of the unknowns. We believe and we are told my most of the so called experts that we talked to in Albany and at the Federal level, we believe that probably the IGT payments will probably still be in place at least through 2014. No guarantees and there are decisions that have to still be made at the Federal and State level but the way it's looking, we believe that probably at least into 2014. Now, keep in mind the IGT has been up and down, people have said it's going to disappear many times in the past. It's been around for more than 20 years at different levels and it doesn't always come through every year. Sometimes there is a delay in the actual payments as you all know better than anybody but historically there have been threats to can it and its still survived. So, who knows. A lot will depend on what happens in the election presumably in November and what happens with the health care plans as they roll out. But, our best information at this point suggests that it will probably be around at least into 2014. We think from what we are hearing probably beyond that but it gets pretty risky. God only knows that and God probably doesn't know actually. If you can forecast Albany, you are better people than I am but that is our best judgement at this point. You are probably o.k. through 2014 and gets a little iffier after that. That is important question because that clearly goes to the heart of the uncertainty of all this.

Legislator Borrello: In your analysis, you gave some very specific numbers when it comes to possible potential savings for salaries and benefits. I am just curious as to how you came about with those numbers and did you ever receive any of your requested information from CSEA for potential concessions.

Mr. Pryor: We had discussions with CSEA members about, I don't even know if I would call them concessions, about issues that were on the table, about possible things that they would be open to. We also had, as I said before, a number of suggestions coming from members of the Union, not speaking on behalf of the Union but speaking as individual employees saying that they would hope that the Union would be willing to consider certain kinds of things so, yes, a number of suggestions that we talk about in the report did come out of some of those kinds of discussions. The numbers in terms of potential salary and benefit reductions came about – we had discussions with members of the Union, we had discussions with members of the administration in very hypothetical ways. Nobody put any numbers on the table, we put the numbers on the table, we made some assumptions and they are spelled out in the report that said we believe that it is realistic to think that x percent salary increase in 2013, y increase in 2014 and 2015, those numbers we put into the report and based our projections on that and then we also said, if you place a ceiling on the increase in benefits or the percentage of benefits as a percent of salaries, that that could lead to the savings that we talked about in there. Again, I don't want to get into the details of it but those are spelled out in the report. I think that you can follow our logic and you may disagree with it. Again, this was based on no inside information. We don't know where things are with the negotiations. These were an attempt by us based on experience that we have had with other counties to come up with what we think were reasonable numbers that we think are potentially doable and could be done without any catastrophic negative implications on employees. We tried to find a balance that was fair both to employees and also to say what is it going to take realistically to have a viable option to keep the Home alive for those who want to do that and we believe there is some tradeoffs there that would help to make that possible and yet not be cataclysmic in terms of the effects on individual employees. Does that help? I know that it's a little vague. I don't want to get into the specifics in this meeting but they are in the report and certainly if you have questions about it please feel free to get back to us.

Legislator Borrello: Just a follow up. Given what you have put in the report, these could be used as a model for a potential negotiation or compromise on those, based on specific numbers.

Mr. Pryor: I certainly don't pretend to tell the County how to do its negotiation business or the Union but, are there numbers in the report that potentially could be used in those discussions? Sure. Again, they are our ideas, they may be good ones or they may be bad ones. You all can make those decisions but yes, there are numbers there that certainly both sides could look at and say, we like this or we think that is a possibility or maybe somewhere in between or whatever so I would hope – I mean that is partly what we were trying to do is at least put some numbers on the table, put some ideas out there and see where they go.

Legislator Stewart: Looking at this 78% Medicaid contribution, what is the annual dollar figure and if we were to sell the Home, would that have a significant impact on our property taxes in the County? In savings?

Mr. Pryor: Would it have a significant impact on the property taxes?

Legislator Stewart: Yes, if the Medicaid contribution were to go away, would that lead back to a savings in property taxes?

Mr. Pryor: The Medicaid – maybe I am not understanding the question correctly but let me try and respond. The County is not going to lose its Medicaid contribution if you sell the County Home. You are going to have people – let's say that I need to go to a nursing home and let's say that I am on Medicaid. I am going to go to some other facility let's assume in the County and the County is

going to be paying my Medicaid bill. It's just not going to go to the County nursing home. It's going to go to whoever the new owner is or I may chose to go to some other facility in the County. The County is still going to have the obligation for that portion of my cost of care at that facility wherever it is. The County is still going to be obligated for that Medicaid contribution. Is that what you are asking?

Legislator Stewart: Perfect. Thank you.

Legislator Hoyer: I for one never think that good salaries and benefits are a burden, they are a good thing. Did you consider in your report any revenue stream from having out-patient therapy? I think the Home has in-home patient therapy but could it do out-patient therapy, what is the turnover rate of the CNA's and what is the call in rate compared to other nursing homes or businesses of the same size?

Mr. Pryor: Let me try and take those in order. Do you want to run back through them in terms of – let me do it in reverse order. The CNA turnover rate, we tried to get that and I don't think that we have it. I don't know Tim whether that gets tracked. We tried to look at that and I don't think we have good numbers on it. We believe that it is reasonably high but how it compares to other counties, nursing homes, or other non-county homes, I don't know and Tim, I don't know whether you have looked at that more recently. I know at one point you were tracking some things a few years ago that you don't have the data on anymore and we couldn't get good comparative data on that because it is an important question and we tried to get it but we can't unless Mr. Hellwig has something more. It's an important question, we don't know the answer to it.

Legislator Hoyer: How is the call in rate?

Mr. Pryor: The call in rate is very substantial. Again, most counties don't track that information in a way that is comparable so we don't have any way – we tried to get comparable data. We believe that the call in rates here are significant, but frankly, it's an industry wide problem. It is not germane just to this facility but we do believe that it is fairly high here and it clearly has implications. By the time you factor in over time or other people covering those costs or in some cases, that shift is just not covered so, even though this may not be a cost, there is a cost in terms of stress for the remaining staff who are having to cover that shift on a short staffed basis. So they're clearly are costs. It is an important issue. I can't tell you how it compares with other facilities.

Legislator Hoyer: So is out-patient therapy considered as a source of revenue?

Mr. Pryor: We looked at this but frankly we did not talk about it in the report and we didn't because we felt that from what we had been lead to believe and from the conversations we had and from our understanding of the layout of the facility that number one; there would be significant costs associated with renovating the facility in a way that would make it more feasible to do an out-patient and frankly from our conversations with others, some of the competitors in the County, a couple of quick conversations that we had, not in depth, to be honest, but, we didn't come away with a sense that that was a particularly viable revenue generating option. Could it potentially? If you decide to stay as a County operated home, I think that it is worth further pursuit but frankly, the bigger issues for us where just what happens with the current existing therapy unit? There is enough questions there on how to make that more economically feasible so that is where we put our primary emphasis. I don't believe that out-patient is a panacea. It's worth another look but the look that we gave it didn't take us very far. It didn't take us far enough to even include it in the report itself.

Legislator DeJoy: My question is in regard to table 30 on page 101, with the summary of option 2 potential savings. It's in regards to enhanced revenues from implementation from of EMR and computer tablets. So I have two questions. At this time, does the facility use EMR and computer tablets?

Mr. Pryor: It has pilot tested, I guess, is that the right word Tim? The use of the computer tablets, they have been used and tested to some extent. They have not been fully tested but a lot of investment has been made in terms of the tablets. I would say the test has not been fully completed but basically our understanding is that those could be fully implemented without a lot of additional capital expense. They already exists and it's a matter of deploying those effectively and completing sort of the pilot test on that. So, we don't believe there is a big new investment related to that and we believe that it could have significant impact.

Legislator DeJoy: I guess that was my second question. What type of investment if they are not already using that would there have to be in order for them to start to use those? Training ..

Mr. Pryor: Not so much from the standpoint of the tablets themselves, but certainly more training. There is orientation, you have to get staff use to using them and comfortable with it so clearly there would be some upfront staff development and training that would need to be done for both that and the EMR thing. EMR, there has not been an investment yet. There are proposals floating around in terms of what software and hardware would be necessary there. It ranges. There is some fairly significant upfront costs as much as a quarter of a million or so but then we believe there are some other options at much less than that. Even factoring those in, we believe that the quick return on the investment would more than justify that. I understand why nobody has wanted to make those formal commitments now while the Home is an uncertain world but if you decide to go forward, you should only go forward as a County operated Home if you are willing to go that direction. If you are not willing to go the EMR direction or full implementation of the tablets, you probably shouldn't do it because that's an essential part of the investment that would need to be made to make this a viable option going forward, in our judgement.

Legislator DeJoy: So the initial investment of the tablets is already taken care of, it would just be the training, the software, all of that that would have to come into play. Correct?

Mr. Pryor: Plus the EMR software. That is different. But we believe those are both manageable numbers and that are more than recouped in terms of the investment, in terms of the revenues down the line. Again, assuming that you decide that is the direction that you want to go.

Legislator Heenan: Mrs. DeJoy got to page 101 and I got to page 74. Looking at the debt services, we have a \$9.5 debt service and it looks like it would be paid off by 2020. Is there any possibility of restructuring that debt service? I know that there would be a cost of course with the extended interest and all.

Mr. Pryor: I don't know. That may be a question more for Mr. Edwards or Mr. Hellwig or the finance people of the County. I can tell you because we have been sort of working recently also in your neighboring Cattaraugus County. They did do some restructuring of their debt and I don't recall the exact savings but it has and it is saving them money going forward. So they found a way for that to be financially feasible and a cost savings opportunity for them. I can't say whether that would work here or not. We didn't look at that.

Legislator Heenan: I imagined that because coincidently, its \$1.3 to \$1.5 million would be the deficit that we're looking to in the future.

Mr. Pryor: That is a testable proposition. It's worth looking at.

Legislator Horrigan: Some have talked a little bit about a public/private operation. Have you looked at all or considered or seen an operation where possibly the County could maybe lease some land in assisted living to where we could kind of do something in between. Did you think about that?

Mr. Pryor: We in fact talked as one option. We didn't talk about it here tonight and its further down the road option. But we – two things. One; that potentially could happen if you sell to an outsider. They could develop some type of a partnership to make that happen but even if you stay in the business, one of the options that we laid out in the proposals and even did some preliminary costing of it is to say, you might want to think about shutting down one wing of the current facility as a skilled nursing facility and consider downsizing those beds to assisted living but you would have to do it in partnership with somebody. Because they County can't do that. as I said before because of the Medicaid restrictions, the County can't do it as implied by your question. But, could you do it as a partnership, could you do it with a not-for-profit or even a for profit. We believe the answer is yes and that has been explored in some other counties. I don't know where any of those possibilities are. I do know at least one county is in the middle of some discussions about that possibility. I just don't know where they stand. But, yes, we believe that is a viable option. We didn't put it on the list here tonight but we talk about it in the report as a potentially longer term thing. You would need to do some background work to see who might be out there but absolutely, it's possible to do that and we believe particularly in an area that is relatively under served as far as assisted living. We believe that may be an option worth exploring.

Legislator Barnmore: Two questions from table 30, the same one Mrs. DeJoy was talking about on page 101. First question, you have \$225,000 in anticipated savings from planned attrition and reduction of positions. I guess my question would be, if we have such a high number of call ins that we have to cover with over time, how could we reduce positions further and save any money? It would seem like we would have shorter staff than would have higher expenses.

Mr. Pryor: It's a very good question and I think it goes to the issue of where those positions are. Where they are in the hierarchy, whether they are on the floor providing direct services or not. It's not just a matter of the position but what the current allocation of responsibilities are and how those potentially could be reallocated. We believe that what we are talking about here, through attrition, without anybody losing their job, but through attrition, would be, we believe those are positions that would not affect directly what happens on the floor. These would not be nurse's aids for example or LPN's. They are at a different level and we believe that from the analysis that we have done that those are positions that are potentially, that could be reduced without impacting the quality of care.

Legislator Barnmore Thank you. The second question is, the next column down, enhanced revenues from improved payer mixed. Pretty much what we have been hearing for 6 months or so now is that the beauty of our Home is the fact that we do have a high percentage of Medicaid pay there and that is where the indigent can go. How would we improve our pay mix without reducing the number of that type of person that could go there and taking others instead?

Mr. Pryor: The numbers that we're talking about would not be of the magnitude that would reduce the number of Medicaid people. Frankly, we think that this could happen without any significant change in the Medicaid population. It's a matter of, if you can bring more people in at the Medicare and private pay levels, remember, you are already at about 98% occupancy so you have a little wiggle room in there but without turning anybody away on the Medicaid side, if you can bring people in, if you can bring more people in and even if they are there for Medicare for 20 or 30 days if you can do it a better job of marketing or do a better job of bringing folks in at that level for even 20 or 30 days at the significantly higher rates that they are paid per day and even if they shift over to Medicaid and still fall into that 78 or 80% overall resident pay days that are paid by Medicaid, you've picked up that additional 20 days, say front end on the Medicare side at more than a \$100 differential per day. So, we're not talking about in any way disenfranchising this – it's probably the wrong word but keeping people at the low income level out, we're just saying that we believe for a relatively small number of people magnified over a course of a year and with the added per day reimbursement for those, by shifting those numbers by relatively modest amounts, you can increase the payer mix and still remain absolutely faithful to your commitment to the low income and Medicaid population.

Legislator Nazzaro: I just have to commend both of you. This seems to be a very thorough report. A lot to read, a lot of good information and a lot of my questions have been answered. I just maybe have one observation and then a question. The observation when you look at table 31 on page 102, basically what you are saying here is, it's up to us to decide whether or not and I think that we have been saying this right along, do we want to remain in the business, the County, of operating a County Home and if we do, we need to implement every possible cost saving that is reasonable but under any of the scenarios even whether we maximize the IGT and if we even implemented all of the savings that you are proposing, there will be somewhat of a cost still to this County under any of the scenarios.

Mr. Pryor: That is a very good point and if I didn't mentioned it earlier, I should have and it's clearly said in the report. There is virtually no scenario that we could come up with that, in going forward would enable in any realistic way the nursing home to survive without some level of contribution from the County and/or IGT and of course, if it's IGT also the County match for the IGT. Maybe one exception. Possibly, possibly, if you were able to fully implement the assisted living proposal that we talked about before, again, there is a lot of work that has to be done to cost that out. We provided some preliminary analysis in the report but it is possible that that could allow you to potential create enough savings that maybe you could move into the black in some of these scenarios. But short of that and I think even that isn't likely. I think that your observation is right. We can't come up with what we consider to be a viable scenario that would allow the County going forward to never have to put some of its money into the facility. You might be able to do it for a short period of time, it's possible with no IGT drawn down and therefore no match because of the fund balance that is in there now, about \$5.3 million, you probably could get by for maybe three to four years even at a \$1.3 million deficit, the numbers you are referring to here per year. You might be able to do that drawing against the fund balance without any hit to the County taxpayer, the tax levy. But that would be limited. Three to four years at most and then it would be depleted and then you would have to go back to presumably drawing down IGT money again and you are back into the match thing. So there might be a brief reprieve there but on an ongoing basis, you are right. There would have to be in any scenario that we can come up with some County contribution going forward.

Legislator Nazzaro: O.k., and I have a couple of questions too. Thank you for that. Going back to the EMR. You've already said that they have made an investment in the tablets but the software, they have not made the investment in the EMR software yet or have they?

Mr. Pryor: That is correct unless something has happened, Tim, since our last conversation. Again, I think a lot of that is on hold for understandable reasons until a decision has been made about the future. So you are right, that is an investment waiting to happen.

Legislator Nazzaro: I know for hospitals, they have to be in full use next year or there is punitive measurements in the reimbursement rates for Medicare. Are there any punitive reimbursement consequences if the EMR is not implemented? I know there are for hospitals, I don't know if there is for nursing homes. That is my question.

Mr. Pryor: I don't want to put Tim on the spot but I don't believe that there are at this point but I believe there may be under the new Affordable Health Care Act. I know the whole notion of medical records and so on is an important part of that so there may be consequences going forward. I don't think there are any punitive things right now.

Legislator Nazzaro: Last question. On page 75, table 26, where you are talking about the legacy costs. Obviously what you are saying here even if we were to sell the County Home, there is certain costs that we are going to be obligated to pay. I guess this is a question/observation. Even if we kept the County Home except for the unemployment and the loss of the cost allocation on the bottom, these costs will still be the responsibility of the County however, have you been able to quantify if we kept the County Home – unfortunately we're located in New York State where we're tied

to the New York State pension system and everyone in this room knows and we hear the County Executive on the radio all the time that our contribution goes up by several million dollars every year, if we were to keep the County Home, have you quantified what increase because those benefits keep accruing and that burden is just going to get bigger and bigger on the County.

Mr. Pryor: The short answer is no. We have not quantified that. We actually talked to folks in the administration about that and they said pretty much what you said in general terms which we also agree with. If you sell, at least you put a cap on that. You know that there will be nobody further coming into the system. You'll still have these obligations but no new ones coming on. You are right though. As long as you stay in the system, as long as you continue to work, there will be new people becoming eligible whether because they become eligible for workers compensation or they have some illness or some accident or something or because as subsequent people retire and become eligible for the retiree health insurance costs, those numbers - added people will come on to the system, you are right. We weren't able to quantify it and as we talked to people in the administration, they were a little dubious about it. There is a lot of assumptions you would have to make and I think all of us jointly decided that it would be a figment of the imagination number and one that maybe we could have made some rough judgements about. We didn't feel comfortable putting those numbers out there. I think perhaps that may be something that if you all decided you wanted to pursue, you might talk with Joe Porpiglia or somebody within HR or within the County administration and they might - if you said look, give us your best case or worst case scenario or something or you put some parameters around it, somebody probably could come up with some at least best guess estimates. But we didn't feel we had a good way to put numbers out there that meant anything. But your basic premise is correct.

Chairman Gould: We'll have a couple more and then we'll get on with the rest of the evening's agenda.

Legislator Erlandson: I have a couple of questions about long term health care insurance coverage. Where does that fit into the payer mix? Would that be considered, for example, private pay and number two, is long term health care becoming - to what extent is long term health care becoming a factor in publically operated nursing homes these days?

Mr. Pryor: The first question I believe that when you answered your own question, I believe you are correct. That that would show up under private insurance pay or maybe that is covered under Managed Care - I don't know if you would technically consider that Managed Care but certainly, it's not Medicare or Medicaid. So it's either in private pay or private insurance I believe is where that would show up. Is that a factor? You are saying, is that becoming a significant source of revenues?

Legislator Erlandson: Yes.

Mr. Pryor: Long term care insurance. I don't know the answer to that. My guess is not a lot yet but that it will be a growing issue going forward. I don't know if anybody wants to comment on that. I don't have any inside information on that. My speculation would be that it will be to some extent, an increased factor but I don't know that long term care insurance has taken a hold on people enough that it's rampant in the elderly population at this point so that it's that much of a factor. But I don't know. I suspect there are folks at the State level who could answer that question better than I can and it may be worth exploring that. Somebody could follow up on that. We did not look at it.

Legislator Cornell: Given the financial timeliness of our decision moving forward, I am wondering if you could give us some sense of an appropriate timeline for consideration. In other words, when would be most appropriate to take such a vote and in consideration of this question I am thinking of the facts you have laid out and my understanding that on one hand if we are to move forward with the sale, we have much homework left to do to fully vet the potential bidders who have thus far given us superficial information according to what you have laid out. But also, if we are to not

sell then we need to in consideration to upcoming and very soon upcoming future budgets then we need to get busy implementing cost saving measures and revenue producing measures for the County Home as soon as possible.

Mr. Pryor: I think that is a really critical point and you've sort of said as you talked it through kind of what I was going to say. I think there is a couple of things that you've already referenced that really need to happen right away. One of them is the vetting. Whatever label you want to put on that. Making sure that you all are comfortable and that if you do decide to sell that you are comfortable with one or the other or both of the perspective buyers at this point. If I were in your shoes, there is a lot of questions that I would be wanting to raise. Again, don't take that as a negative. It's just says that there are a lot of unresolved questions and I think if I were going to cast a vote for one or the other of them or for neither of them, I would sure want to have answers to a lot of questions that I don't think that you have at this point. At least, not that we've seen. Doesn't mean they are not out there but I think there is some homework to be done. So that is the first part of the answer. How long that would take? I don't know. I would guess that it may take you - I don't know. Could you do that in a month, two months? I but I would think that you would want to explore or visit some other facilities if you haven't already done that owned by one or the other or both of the perspective buyers. Obviously, one of them has some right nearby but I don't think that I would just want to look nearby. Maybe go a little further afield and just kind of see what is out there. I think I would want to do some reference checks. Neither one of them gave you a lot of references. There were some things from newspaper articles, antidotal things and that is important but I would want to go a little bit beyond those and talk to some folks that maybe they didn't suggest you talk to. Then on the other side of the equation in terms of do you consider staying in the business or not, I think you really need to sit down and start looking at the reality of some of some of the options that we have laid out in here and say, man, this stuff really looks good or wow, that's impossible. There is no way that we are going to get to that. I think that probably means sitting down with - I don't know how you all do that. I don't who needs to be at the table but I would think the folks from the Union, employees, administration, or whatever if you are serious about this and say, are these feasible? What are the practicable implications of those, how long would it take to do these things, are we serious about EMR and if so, how quickly can we get something in place and then how quickly can we do the training, etc., to make that a viable option so that we can start generating revenues from it, not just the front end costs. All of that, I know you all are under some pressure to try and make a decision quickly and I know you have two buyers out there that who knows how long they are going to stay on the line. I understand there is an urgency there but I think - this is me speaking. You want to be careful that you don't take shortcuts that you would later regret. If it means that you need to take two, three, four months to vets some of these things and develop these options and see if in fact they are feasible or not before you make a decision, my bias is, take that time and get it right. I know that fly's in the face of the desire and need to make a quick decision. So I understand that. I am saying what I would want to do if I were a Legislator in terms of making sure that I was making a wise decision. But I realize there are pressures on the other side to move quickly so can't tell you except I think you don't want to be short cutting this process because you may make some bad decisions if you do.

Legislator Cornell: Just in follow up. Let me make sure I am asking this very clearly then. At this same time however, it's absolutely critical, correct, that if we are going to keep the County Home that we move forward with the cost savings and revenue producing suggestions for the 2013 budget. It has to happen next year.

Mr. Pryor: Well, that is our feeling because otherwise you are back into that \$3.5 million dollar deficit that we started out with. Projecting forward. So, yea, I think there is very clearly some urgency about that for the reasons you have mentioned and clearly you have budget development that is going on, I assume right now for next year.

Chairman Gould: After this meeting there is going to be an Ad Hoc Committee meeting in Rm# 331. We've now come to the second privilege of the floor. I would appreciate it people keeping it brief because we're almost at 2 hours and we have another meeting after this.

2nd Privilege of the Floor

Rose Conti, 50 Lake Ave., Brocton, N.Y. Just three quick things that I wanted to bring up. Number one, thank everybody. This has been very informative. In keeping with that, I am wondering if this study is going to be available in some form to all the taxpayers because they are all stake holders and we would hope that they would have an educated understanding so that when they have conversations with their Legislators as individuals, they would have something to base that on. So, I hope there is a way that this is going to be available to all of us that are no longer or not on the ad hoc committee. The second question is, because I don't have an understanding of this, what happens to the IGT money if unfortunately you decide to sell the County Home now that that money is coming to the County? That was an investment for the County Home and for the residence there so I am just wondering where that goes at that time? Lastly, just to reiterate. I know that those who want to sell will only look at the positive things about the buyers and those who don't want to sell will look at all the negative things about the buyers but I guess that I would hope that everyone takes a chance to look at all of that and not just the narrow information that we have been given so far or just looking at just the one corporation that they are involved in because there is more to it than that. I hope that we take time to take a look at who we're going to entrust the care of our elderly to if in deed we unfortunately decide to sell because some of us who have been doing that have some real concerns and I think we still have a responsibility to them.

Chairman Gould: I believe the report will be on-line to answer that question.

My name is Dave Wilkinson, 7499 Putman Road, Cassadaga, N.Y. My question is, when we were talking about concessionary things made by the Union if the administration employees at will, if you might, were also considered for benefits for managerial positions and supervisory positions, non-bargaining unit positions currently employed at the County Home?

Mr. Pryor: I'm sorry, there is a question there?

Mr. Wilkinson: There is bargaining unit employees.

Mr. Pryor: The different units?

Mr. Wilkinson: No, there would be managerial positions that are employees at will in New York State that are non-collective bargaining unit employees. Are their benefits and concessions considered in that report also?

Mr. Pryor: Yes.

Ms. Saunders: Yes, it's on the total benefit line. All employees.

Mr. Wilkinson: All employees?

Mr. Pryor: Yes.

Mr. Wilkinson: Thank you.

My name is Matt Furman, Brocton, N.Y. and I'm Vice-President of CSEA Local 627. Gentleman before you tonight is basically two options. Sell the Home or cut wages and benefits. The reason is because we don't have enough money. You need to ask yourselves a question, what is money? Where does it come from, how do we get it, how is it created? Our money comes from

private banking. The *(inaudible)* rate, the Barclays, the big scandal that was in the news last week. Why can't we take that money back for ourselves. Why can't we issue our own money? Why can't the County create its own bank? Why can't we put our deposits, our revenues that we're not willing to spend, that we're not willing to borrow from, put it in a County bank because banks are allowed to practice fractional reserve lending. Where they are allowed to loan out at least 10 times the amount that they have on asset. Why can't we use that for the public benefit? Why should we fatten the *(inaudible)* wallet when we can fatten our own wallets. We don't need an IGT, we don't need to borrow money, we can make our own, we have that right. And through proper taxation, we can keep inflation down. We can do this. We don't need to borrow money. We don't need to borrow money from international banking. Thank you.

(Inaudible) Harvey, 4935 Allegheny, Mayville, N.Y. As a fourth generation Chautauqua citizen, I would hope that the historic tradition that we've had in keeping this County Home will be maintained. We have gone to two other counties who have a similar predicament and talked to them, their Legislators, their administrators and they all face the thrust of what the State and Federal government are doing to them, to you, and to all of us. They are trying to look back to the State to say as representatives of County residence, we have to ask the State to please do the right thing and fund what our communities need, what our citizens need, what our public institutions need, to continue to exist. I think as representatives, the County, and thus us as well as citizens, must go to the State representatives and to the Federal government to tell them to remedy this situation that is continuing as we decline, as our society continues to decline. We can't allow this to continue, we have to continue to fight back by talking back upward, not just here at this level.

My name is Peggy Gleason, Labor Relation Specialist from CSEA assigned to work in Chautauqua County. I have a couple of questions. When you were doing the study, the figures that have been given to us from the County is a \$6.8 million dollar payroll that workers at the County Home earn. Was part of the cost of selling the Home factored in what would happen with a reduction in salaries and benefits to those people who would work at the County Home and what that impact would be to the economy of all of Chautauqua County but specifically north Chautauqua County. Was that considered as part of a cost of selling the Home?

Mr. Pryor: We did not put numbers around it because frankly we didn't know what a sale would result in. There is no guarantee that there will either be a cut in salaries or whatever. We didn't have any real numbers to work with. We certainly raised the issue, it's an important issue. We talked about it. I think the Legislature in the RFP that was crafted that lead to these two offers to buy tried to build in protections for both the jobs and the salaries and the benefits as much as possible of the existing employees. So, we're very aware of that issue. We think it's a very important one and we assumed that it would hopefully be an important part of any negotiations if the decision is to sell. But to try to put a number on that and say, this level of salary is going to be lost or this level of unemployment or whatever, we simply didn't have any basis for that. But you will notice from what I said before, one of the issues that we said we thought was important to follow up with, either of the perspective buyers is to try and get them more on the record in terms of what they would do as it relates to employment, salaries, and benefits of existing employees. That is something that we couldn't make up and we didn't want to put phantom numbers out there. But I think that is a very legitimate issue for the County to raise as part of the ongoing discussion and negotiations with any perspective buyers.

Ms. Gleason: As a follow up question then, you had mapped out some legacy costs. Did you factor in the legacy costs monitoring what the buyer of the Home? For instance, if they don't live up to what was in the RFP, what the litigations costs would be? Was that, from your experience in going through this in other places, what that ever factored in? What that cost would be.

Mr. Pryor: It wasn't. I don't think any other counties that I am aware of have faced that issue specifically of selling and a buyer coming in and then renegeing or whatever so that there has to be

legal follow up. I don't believe there is precedence for that. We are in the process of doing a Statewide study looking at the impact of what has happened in other counties that has sold. Unfortunately that is not going to be done until early next year. I wish that was going to be available for the implications of that for you all but it obviously isn't. We'll certainly make that available to the County when it's done depending on where you are in the process. But I don't believe there is any track record as far as I know where it has gotten to that point so that anybody has any record of saying what are the legal costs of that. I just don't think that has come up before. We didn't try and cost it out as a result. We do talk about the fact that there may be some things that you would want to try and build in from a legal perspective if you do sell that would build in as many protections as possible in particularly to prevent what happens if somebody decides to flip it in three years. They buy it and then decide they want to sell to a developer or something. Supposedly both of these buyers have committed to keeping it as a nursing home for 10 years. I don't know how legally binding that is. I would hope for your sake, I would assume that the County would want to try and build in as air tight protections if it gets to that as you can but that's partly a question for Steve Abdella and for Greg Edwards and for you all as the Legislature in terms of how far you want to go in building in protections and what the nature of those is and how much you can get negotiated with a perspective buyer. Those are all options on the table. You have some options. How you chose to play those cards and then what kind of protection you can build into any terms of sale.

Ms. Gleason: Another question –

Chairman Gould: Thank you very much. You've had way more than three minutes. You'll be last sir and then we'll close the second privilege of the floor.

My name is Ray Cheney. I'm the ombudsman and I represent the residents at the County Home. I want to thank you for the report but I heard nothing about the residents and that is my concern. I have a group of people that are concerned and frightened frankly. I am wondering when this report will be explained to them and also will members of the Legislature, I know some of you have been very kind to come up with me to the County Home. I would hope that some of the Legislators would be available at that time. Thank you.

Chairman Gould: At this time, we'll close the 2nd privilege of the floor.

MOVED by Legislator Croscut, SECONDED by Legislator Heenan and duly carried the meeting was adjourned. (8:30 p.m).

Chautauqua County Legislature
Wednesday, August 22, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Tampio announced a quorum present.

Legislator Stewart delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Croscut the minutes were approved.

1st Privilege of the Floor

My name is Marilyn Kurzaw of Silver Creek and I am with David Kurzaw, my husband, and we are representing Chautauqua Area Habitat for Humanity. Tonight we are speaking on behalf of Local Law Intro. 3-12 to provide a County Real Property Tax Exemption for first time homebuyers of newly constructed homes. As representative of Chautauqua Area Habitat, which is an affiliate of Habitat for Humanity International, we have been in existence since 1989 and in that time period we have constructed a grand total of 24 homes. Either new or rehabilitated. The bonus of the work that we have done is that the property is returned to the tax roll. Most of the properties have been delinquent, many of them in tremendous disrepair and we've also taken vacant lots and turned them into homes for the families which must be 60% or lower income than the median County income. Our families are considered part of working poor and they partner with us to work on their own home by investing up to 500 hours of sweat equity and also repaying a mortgage that will be of a 20 to 30 year duration. So, nothing that Habitat does is a handout but we do believe that we offer a significant hand up to working class families that either have had credit history problems or who simply don't have the finances for a down payment, closing costs, and all the things that really keep families from owning homes. What we know from the work we've done is that we have stabilized neighborhoods, we've also stabilized family life by preventing families from having to jump from one rental property to another, disrupting their children's lives and disrupting their own lives in many, many ways. So we feel the work that Habitat does offers a great contribution not only to our families themselves, but to our County by keeping people here and also by providing all of our families with an opportunity to achieve the American dream of owning their own home.

Mr. Kurzaw: Being a former Superintendent of schools, I dealt with exemptions for the last 40 years. I know how hard it is to approve another exemption but this is one that I have to support. I support it because it's offering people in this County an opportunity and may invest in building a new home in this County and adding to our local population. It also, through Habitat, we bring the tax base back to the County. Every one of the homes that we have built out of the 24, we've only had one foreclosure over the time we've been in existence and with that kind of record, we have worked in the Jamestown area, the Mayville area, Silver Creek, Dunkirk, Fredonia areas, so we are not just isolated in one area. The second part is, when you calculate it out on a \$70,000 home over 6 years, this would cost the County about \$800.00 in six years, in difference between collecting full tax or the exemption. This would help the first time homeowners get a foundation to move forward. They would have a little extra money the first five years to put it towards those unexpected expenses. I know dealing with our families that are very important. Especially the first five years on buying a home. I thank you for this opportunity and I hope that you can see the importance of this type of legislation. It will add to your tax base and may encourage a lot more people in the County to build new homes instead of moving out of the County. Thank you.

My name is Jim Goodling, I reside at 5151 Stoneledge Road in Ashville but I am here tonight to also speak about Local Law Intro. 3-12. I am the Executive Director of CHRIC which is I

hope, and organization you are familiar with. We are dedicated to providing safe, descent, affordable housing to income eligible residence of the County. We believe strongly that home ownership is the key for individuals to gain self-sufficiency and for communities to stabilize neighborhoods. We certainly don't favor getting people into home ownership at any cost. We all know now where that can lead but because CHRIC is so involved in home ownership issues, from providing home ownership counseling, to buying, rehabbing, and selling properties to qualified owners, to working with owners to rehab their own homes, we know that a bit of help can make a difference. This partial exemption of taxes for first time homebuyers is an important step. CHRIC will gain no benefit from this legislation. We do not work with new housing and the law states that while rehabilitation over \$3,000 can be considered for eligibility, that rehabilitation has to be done after the purchase, not before. That is where CHRIC would usually be involved, before the purchase. Instead I am here tonight to simply voice support for this measure which can spur rehabilitation, improve home ownership rates and bring the benefits of home ownership to communities. Thank you.

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1. Letter – Chmn. Gould to Co. Exec. – Re: Change in Land Bank Membership
 2. Letter – Co. Exec. – Re: Appt. Chaut. County Planning Board
 3. Report – Fn. Dir. Marsh – Re: July 2012 Investment Report
 4. Letter – Neal Family – Re: Interest in Land Bank Property (In boxes)
 5. 2012 Monthly Budget Performance Report – July
 6. 2012 State Equalization Rates - (4) Lists
 7. Letter – JCC President DeCinque – Re: Recognition via “The Community Partner Award” to JCC Sponsors
 8. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motions 8, 9, & 10-12
 9. Letter – Orchard Court Partnership Healthcare – Re: County Home Interest
 10. Highlights – NYS Dept. of Enviro. Conservation - Fish & Wildlife-May/June
 11. Letter – Sunrise Cove, Ashville – Re: Chautauqua Lake's Health
 12. CLMC Subcommittee Report – 2013 Report & Funding Recommendations
 13. CGR Report – County Home
 14. Letter – Cnty. Exec. – Re: Apptmt. to STW Regional Planning & Develop. Bd
 15. Quarterly Report- Small Business Development Center – 4/1/12-6/30/12

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 7/25/12

TABLED RES. NO. 150-12 – Authorize Transfer of Tax Foreclosure Property to Town of Ellery (See pg. 191 for text)

Chairman Gould: Is there a motion to bring it off the table. Seeing none, it dies on the table.

MOTION: (On file w/ 8/22/12 Leg. Data)

11-12 Opposing Proposed Toll Increase for Commercial Vehicles by NYS Thruway Authority – Unanimously Adopted – August 22, 2012

RES. NO. 153-12
Confirm Appointment – Chautauqua County Planning Board

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Planning Board:

Daniel Johnson Filing the term of David Thomas
57 Woodworth Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/13

Signed: Croscut, Ahlstrom, Rogers, Borrello

Unanimously Adopted – August 22, 2012

RES. NO. 154-12

Authorizing the Granting of an Easement to Niagara Mohawk Power Corporation for Construction of the Millennium Parkway Project

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolutions 128-06, 105-11 and 120-11, the County committed to participate in the cost of various phases of the Millennium Parkway project, PIN 5757.55; and

WHEREAS, Niagara Mohawk Power Corporation has an existing easement over County property to provide ingress/egress to the S. Roberts Road electric substation (tax map parcel 79.16-2-13); and

WHEREAS, the proposed Millennium Parkway alignment cuts off access to the existing easement, thus preventing Niagara Mohawk Power Corporation from accessing the S. Roberts Road electric substation; and

WHEREAS, the County and Niagara Mohawk Power Corporation have agreed to the size and location of a new easement which will provide access to the S. Roberts Road electric substation; therefore be it

RESOLVED, That the County grant an easement over County property to Niagara Mohawk Power Corporation to provide Niagara Mohawk Power Corporation continued access to the S. Roberts Road electric substation; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents and agreements on behalf of Chautauqua County with Niagara Mohawk Power Corporation.

Signed: Himelein, DeJoe, Horrigan, Erlandson

Unanimously Adopted – August 22, 2012

RES. NO. 155-12

Chautauqua County Jamestown Airport Restaurant Rent Restructuring

By Public Facilities and Audit & Control Committees:
At the Request of Legislators Himelein and Horrigan:

WHEREAS, Resolution No. 170-11 authorized and approved the operation of the Runway 7 Restaurant and Lounge at the Chautauqua County Airport at Jamestown; and

WHEREAS, The newly opened (March 1, 2012) Runway 7 restaurant operation at the Jamestown Chautauqua County airport performs an important service for airport passengers and visitors to the Chautauqua County airport; and

WHEREAS, the restaurant manager, Ms. Teal Wolcott has invested considerable personal financial resources to upgrade the dining room and establish a high quality food service business; and

WHEREAS, the number of summer restaurant patrons has been half the number projected resulting in mounting business losses; and

WHEREAS, the \$600 per month rent charge agreed upon in February, 2012 fails to consider seasonal business fluctuations which are often part of comparable airport restaurant rental agreements such as the restaurant operation in Franklin, Pennsylvania; and

WHEREAS, the restaurant manager is very optimistic that future business will improve due to the Wings of Freedom tour publicity, fall promotions, and winter snowmobile patrons; and

WHEREAS, at the August 1, 2012 meeting the Airport Commission unanimously approved the desire to amend the current rent agreement to be retroactive to June 1, 2012 and provide for a base rent charge of \$200 per month plus 5% of gross sales up to a maximum of \$600 per month; therefore now be it

RESOLVED, That the County Executive be and hereby is authorized to amend the current lease with Teal Wolcott, dba Runway 7 Restaurant and Lounge as recommended by the Airport Commission.

Signed: P.F. - Himelein, DeJoe, Horrigan, Erlandson, Runkle, Nazzaro, Wendell (A.C. DeJoe voting "no")

Adopted – R/C Vote: 19 Yes; 6 No (No's: Ahlstrom, Coughlin, DeJoe, Duff, Rogers, Runkle voting "no" – August 22, 2012

RES. NO. 156-12

Adjust Capital Project Accounts – Road Improvements to Improve Access to North County Industrial Corridor (Progress Drive)

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolutions 35-07 and 231-08, the County of Chautauqua and County of Chautauqua Industrial Development Agency applied for received approval from the U.S. Department of Commerce Economic Development Administration (EDA) and the New York State

Dept. of Transportation's Industrial Access Program (NYSDOT), for financial assistance to improve access to the North County Industrial Corridor (Progress Drive); and

WHEREAS, the financial assistance to be received from the EDA and NYSDOT are fixed amount grants, and are not based on a percentage of project costs; and

WHEREAS, construction of the Progress Drive project is now complete and project costs have exceeded the project cost estimate (and amount budgeted) by \$228,000; and

WHEREAS, the Airport Hill Improvement project has been completed under budget but final adjustments are necessary to reconcile the account; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following budgetary changes to transfer the necessary funds from the Airport Hill Project to the Chadwick Bay Industrial Park Improvements project

INCREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|--------------|---|-----------|
| H.6420.531.4 | Contractual - Chadwick Bay Ind Park Imp | \$228,000 |
|--------------|---|-----------|

DECREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|-------------|---|-----------|
| H6420.576.4 | Contractual - Airport Hill Improvements | \$228,000 |
|-------------|---|-----------|

INCREASE CAPITAL REVENUE ACCOUNTS:

| | | |
|----------------------|--|-------------|
| H.6420.531.R503.1000 | Interfund Transfers – Interfund Transfer | \$400,000 |
| H.6420.576.R503.1000 | Interfund Transfers – Interfund Transfer | \$1,445,000 |
| H.6420.576.R503.1000 | Interfund Transfers – Interfund Transfer | \$50,000 |
| H.6420.531.R571.0000 | Proceeds L/T Obligation - Serial Bonds | \$228,000 |
| | | <hr/> |
| | | \$2,123,000 |

DECREASE CAPITAL REVENUE ACCOUNTS:

| | | |
|----------------------|--|-------------|
| H.6420.576.R503.1000 | Interfund Transfers – Interfund Transfer | \$400,000 |
| H.6420.576.R571.0000 | Proceeds L/T Obligation - Serial Bonds | \$1,445,000 |
| H.6420.576.R571.0000 | Proceeds L/T Obligation - Serial Bonds | \$50,000 |
| H.6420.576.R571.0000 | Proceeds L/T Obligation - Serial Bonds | \$228,000 |
| | | <hr/> |
| | | \$2,123,000 |

; and be it further

RESOLVED, That the Airport Hill Improvements account can be closed and any remaining balance be returned to the Reserve for Capital.

Signed: Himelein, DeJoe, Horrigan, Erlandson, Runkle, Nazzaro, Wendel

Unanimously Adopted – August 22, 2012

RES. NO. 157-12

Authorize Location Agreement between County and Humble Opera House Plaza, LLC

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Humble Opera House Plaza, LLC wishes to obtain a location easement over the area where a fire escape exists on a small portion of the alleyway that runs adjacent to the County Public Safety Building at 15 E. Chautauqua Street, Mayville, New York; and

WHEREAS, granting the location easement is in the best interest of the County; and

WHEREAS, the proposed location for the easement is identified on a land survey prepared by Steven A. Carlson at 34 S. Erie Street, Mayville, New York; therefore be it

RESOLVED, That the County Executive is authorized to grant a location easement for a small portion of a fire escape to Humble Opera House Plaza, LLC to facilitate the sale of the building situated upon 34 S. Erie Street, on such terms and conditions as negotiated by the County Executive.

Signed: Himelein, DeJoe, Horrigan, Erlandson

Unanimously Adopted – August 22, 2012

RES. NO. 158-12

Authorizing Public Hearing Regarding Introductory Local Law No. 3-12 to Provide a County Real Property Tax Exemption for First-Time Homebuyers of Newly Constructed Homes

By Administrative Services Committee:
At the Request of Legislator Borrello:

WHEREAS, the County Legislature has been presented for action with Introductory Local Law No. 3-12, which would provide a County real property tax exemption for first-time homebuyers of newly constructed homes as well as sales of primary residences for reconstruction, alteration, or improvements; and

WHEREAS, Section 457 of New York State Real Property Tax Law requires that the County Legislature hold a public hearing prior to the adoption of the tax exemption proposed in Introductory Local Law 3-12, therefore be it

RESOLVED, That the County Legislature shall hold a public hearing at its regular meeting at 6:45 PM on September 26, 2012, regarding the proposed adoption of Introductory Local Law No. 3-12, entitled "A Local Law to Provide a County Real Property Tax Exemption for First-Time Homebuyers of Newly Constructed Homes"; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to publish notice of said public hearing at least ten (10) days in advance of the public hearing in the official newspapers of the County.

Signed: Borrello

Unanimously Adopted – August 22, 2012

RES. NO. 159-12
Standard Workday and Reporting Resolution

By Administrative Services Committee:
At the Request of Chairman Jay Gould:

BE IT RESOLVED, That the County of Chautauqua hereby establishes the standard work days for elected and appointed officials as set forth in the attached schedule, and will report the days worked set forth therein 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 this body.

| Title | Name | Standard Work Day (Hrs/day) | Hire Date Term Begins/Ends | Participates in Employer's Time Keeping System (Y/N) | Days/Month (based on Record of Activities) | Tier 1 (Check only if member is in Tier 1) | Not Submitted (Check box if no record of activities completed or timekeeping system) |
|-------------------------------------|--------------------------|-----------------------------|----------------------------|--|--|--|--|
| Elected Officials | | | | | | | |
| Legislator | GOULD, FRANK J III | 6 | 01/01/2012-12/31/2013 | N | 11.1 | | |
| Legislator | SCUDDER, ROBERT | 6 | 01/01/2012-12/31/2013 | N | 6.9 | | |
| Appointed Officials | | | | | | | |
| Public Defender | BARONE, NATHANIEL L II | 7 | 01/26/2012-12/31/2013 | N | 20 | | |
| Director of Certification | BASILE JOHNSON, MARGARET | 7 | 08/07/1980-06/12/2016 | Y | | | |
| Assistant District Attorney | BECKERINK, LAURIE | 7 | 06/28/2007-12/31/2013 | N | 20 | | |
| First Deputy Dir of Finance | BUTTON, TODD | 8 | 11/12/2009-12/31/2013 | Y | | | |
| Dir Real Property Tax Svcs 3 | CAFLISCH, JAMES | 8 | 01/01/1991-09/30/2013 | Y | | | |
| Assistant Public Defender | CALA, PHILIP | 7 | 03/07/1989-12/31/2013 | N | | | X |
| Assistant Public Defender | CALMERI, JOSEPH | 7 | 02/23/2012-12/31/2013 | N | 7.1 | | |
| Assistant County Attorney | DAVISON, REBECCA | 8 | 01/12/2012-12/31/2013 | Y | | | |
| Manager of Airports | DILLS, TIMOTHY | 8 | 04/26/2012-12/31/2013 | Y | | | |
| Assistant District Attorney | DRAB, GREGORY | 7 | 09/09/2010-12/31/2013 | N | 18.9 | | |
| Deputy County Fire Coordinator | GLEASON, MICHAEL | 6 | 02/03/2011-12/31/2013 | N | 5.9 | | |
| Assistant Public Defender | GULLO, JOHN | 7 | 02/02/2012-12/31/2013 | N | 7.7 | | |
| Second Assistant County Attorney | HARLEY, SCOTT | 8 | 10/20/1994-12/31/2013 | Y | | | |
| Deputy County Fire Coordinator | IMFELD, DANIEL | 6 | 08/06/2004-12/31/2013 | N | 12.4 | | |
| Deputy Commissioner Social Services | KIRST, PATTI | 7 | 11/17/1986-06/12/2016 | Y | | | |
| Assistant Public Defender | LIEBERS, ROBERT | 7 | 02/16/2012-12/31/2013 | N | 13.3 | | |
| Director of Finance | MARSH, SUSAN | 8 | 04/09/2012-12/31/2013 | Y | | | |
| Deputy Sheriff Lieutenant | NELSON, WILLIAM | 8 | 02/25/1980-12/31/2014 | N | 20 | | |
| Assistant Public Defender | PRICE, JOSEPH | 7 | 06/30/1999-12/31/2013 | N | 14.2 | | |
| Engineer III | RODGERS, DREW | 8 | 06/21/2012-12/31/2013 | Y | | | |
| Commissioner Social Services | SCHUYLER, CHRISTINE | 7 | 07/07/2008-06/12/2016 | Y | | | |
| Director of Admin Services (PH) | SWARTZMAN, ANGELA | 7 | 06/02/2011-06/12/2016 | Y | | | |
| Clerk of Legislature | TAMPIO, KATHERINE | 7 | 07/01/2012-12/31/2012 | Y | | | |
| Second Assistant County Attorney | WRIGHT, KRISTEN | 8 | 03/21/2011-12/31/2013 | Y | | | |

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – August 22, 2012

RES. NO. 160-12
Adjust Accounts for Real Property Tax Office

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, there is a need to adjust accounts for the Real Property Tax office due to recommendations made in the State Comptroller's Audit; and

WHEREAS, the changes will enhance the features and reports necessary to add greater security to the tax collection software used by the Real Property Tax Office; now therefore be it

RESOLVED, That the Director of Finance is hereby directed and authorized to make the following budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---------------------------------|----------|
| A.1330.----.4 | Contractual - Real Property Tax | \$45,000 |
|---------------|---------------------------------|----------|

DECREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|--|----------|
| A.1364.----.4 | Contractual - Exp: Property Acquired Tax | \$45,000 |
|---------------|--|----------|

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, Wendel, DeJoe, Himelein

Unanimously Adopted – August 22, 2012

RES. NO. 161-12

Authorizing Reciprocal Lease Agreements Between Chautauqua County and Western New York Public Broadcasting Association for Tower Space

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Western New York Public Broadcasting Association desires to continue a previous agreement with the County of Chautauqua to operate and maintain various communications equipment and an antenna at a County-owned tower located on Oak Hill Road in the Town of Carroll, New York; and

WHEREAS, the County desires to continue operating and maintaining its communications equipment and antenna at the tower owned by the Western New York Public Broadcasting Association located at Kelly Hill in the Town of Pomfret, New York; and

WHEREAS, the Western New York Public Broadcasting Association has offered to allow the County to continue to maintain and operate its equipment at the Kelly Hill location in return for permission to maintain its equipment at the Oak Hill site; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of Western New York Public Broadcasting Association, and such tower space is not needed for public (governmental) purposes; and

WHEREAS, the parties have agreed to reciprocal leases for an initial term of five (5) years with an optional 5-year renewal period; it is therefore

RESOLVED, That the County Executive is hereby authorized and empowered to execute lease agreements with the Western New York Public Broadcasting Association granting said Association the right to maintain an antenna and communications equipment at the County-owned tower on Oak Hill Road in the Town of Carroll in return for permission for the County to continue maintaining its antenna and communications equipment at the Kelly Hill site in the Town of Pomfret.

Signed: Duff, Whitney, Wendel Hemmer, Coughlin

Unanimously Adopted – August 22, 2012

RES. NO. 162-12
Additional Command Vehicle Funds from Multiple HLS Grants

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2009 in the amount of \$244,810 and for Fiscal Year 2011 in the amount of \$312,000; and

WHEREAS, resolutions are in place which have authorized the County Executive to sign and accept these Homeland Security Grant Programs; and

WHEREAS, to meet the objectives of these programs, partial funds of each grant are to be used to purchase a Command Vehicle to be utilized by all County emergency response agencies such as fire, law enforcement, public health, etc., which will give agencies the opportunity to incorporate technology that gives incident commanders the advantage against the challenges and demands of all-hazards response for extended operations; and

WHEREAS, funds from the first phase of funding were properly allocated in the budget pursuant to Res. No. 70-12; and

WHEREAS, the second stage of funding for the Command Vehicle has been approved through Homeland Security; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|--|-----------|
| A.3010.----.3 | Depreciable Equipment – Emergency Services | \$ 92,874 |
|---------------|--|-----------|

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|---------------------------------|-----------|
| A.3010.----.R430.5004 | Federal Aid – Homeland Security | \$ 92,874 |
|-----------------------|---------------------------------|-----------|

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – August 22, 2012

RES. NO. 163-12
Re-Allocation of Building Maintenance Encumbrance to EOC Capital

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the 2012 Office of Emergency Services budget includes \$15,000 that had been encumbered as a purchase order from the prior year; and

WHEREAS, the Office of Emergency Services would like to utilize these funds for Capital Improvements to the Emergency Operations Center and Pole Barn Project; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2012 budget:

DECREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|----------------------------------|----------|
| A.3010.----.4 | Contractual – Emergency Services | \$15,000 |
|---------------|----------------------------------|----------|

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---|----------|
| A.9950.----.9 | Transfer to Capital – Interfund Transfers | \$15,000 |
|---------------|---|----------|

INCREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|--------------|---|----------|
| H.3410.614.4 | Contractual – Emergency Services Center | \$15,000 |
|--------------|---|----------|

INCREASE CAPITAL REVENUE ACCOUNT:

| | | |
|----------------------|--|----------|
| H.3410.614.R503.1000 | Interfund Transfers – Interfund Transfer | \$15,000 |
|----------------------|--|----------|

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – August 22, 2012

RES. NO. 164-12

Authorize Execution of Grant Agreement with the New York State Division of Criminal Justice Services for Narcotics Control

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York has approved the application for the Byrne JAG Grant; and

WHEREAS, the State of New York will provide funding in the amount of \$75,000 for the contract period from July 1, 2012 to July 30, 2013 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Byrne JAG Grant in the amount of \$75,000.00 with no local share; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2012 budgetary changes:

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|---|-----------|
| A.4230.3113.1 | Personal Services - Southern Tier Regional Task Force | \$ 49,069 |
| A.4230.3113.3 | Depreciable Equipment - Southern Tier Regional Task Force | 6,631 |
| A.4230.3113.8 | Employee Benefits - Southern Tier Regional Task Force | 19,300 |
| | | \$ 75,000 |

ESTABLISH & INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|----------------------------|-----------|
| A.4230.3113.R432.4000 | Federal Aid - Drug Control | \$ 75,000 |
|-----------------------|----------------------------|-----------|

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Wendel DeJoe, Himelein

Unanimously Adopted – August 22, 2012

RES. NO. 165-12

Authorize Execution of the New York State Office of Homeland Security Funding Grant Agreement – Operation Watershed

By Public Safety and Audit & Control Committees:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff's Office has received notice that the State of New York has approved the application for Office of Homeland Security Program Grant Operation Watershed, and

WHEREAS, the State of New York will provide funding in the amount of \$6,007.00 for the contract period of May 1, 2012 to May 31, 2012 without local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security Program Grant in the amount of \$6,007.00 with no local share; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

| | |
|---|--------------|
| A.3110.1 Personal Services - Sheriff Operations | \$4,737 |
| A.3110.8 Employee Benefits - Sheriff Operations | <u>1,270</u> |
| | \$6,007 |

ESTABLISH AND INCREASE REVENUE ACCOUNT:

| | |
|--|---------|
| A.3110.R438.9WSD Federal Aid - Operation Watershed | \$6,007 |
|--|---------|

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – August 22, 2012

RES. NO. 166-12

Authorizing Contract with New York State Office of Children and Family Services to Install Video Conferencing Equipment at Local DSS for Fair Hearings

By Human Services Committee:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, The State of New York Office of Children and Family Services (OCFS) has the ability to install video conferencing equipment at Local Department of Social Services (CCDSS) sites for the purposes of conducting fair hearings; and

WHEREAS, OCFS must conduct administrative hearings in response to requests for expungement and/or legal sealing of indicated reports of child abuse and maltreatment within certain timeframes; and

WHEREAS, the use of video teleconferencing will facilitate and expedite the conduct of such administrative hearings at the CCDSS, as well as conserve both OCFS and CCDSS resources; and

WHEREAS, OCFS will, at no cost to CCDSS, provide and install certain video conferencing equipment at a mutually agreed-upon CCDSS site; and

WHEREAS, OCFS will, at no cost to CCDSS, be responsible for maintenance of and repairs to the equipment; and

WHEREAS, the installed equipment will only be used by CCDSS for the purpose of conducting administrative hearings, unless otherwise authorized by OCFS; and

WHEREAS, the terms and conditions of the Bailment Agreement shall commence upon execution and shall remain in full force until termination by OCFS; therefore, be it

RESOLVED, That the County Executive is authorized to enter into a Bailment Agreement with the State of New York to accept and use the video conferencing equipment provided to CCDSS.

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – August 22, 2012

RES. NO. 167-12

Adjust Accounts for OFA Emergency Assistance for Veterans Program Revenues

By Human Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, The Chautauqua County Office for the Aging (OFA) has received grant funding through the Chautauqua Region Community Foundation (CRCF) in the amount of \$50,000 for a Chautauqua County Assistance Fund – Emergency Assistance for Veterans program; and

WHEREAS, it is necessary to amend the 2012 County Budget in order to properly account for these funds; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2012 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6772.----.4 Contractual – Office for the Aging \$50,000

INCREASE REVENUE ACCOUNT:

A.6772.----.R270.5000 Miscellaneous – Gifts & Donations \$50,000

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James, Runkle, Nazzaro, Wendel, DeJoe, Himelein

Unanimously Adopted – August 22, 2012

RES. NO. 168-12

Authorize Grant Application through the Appalachian Regional Commission Area Development Program for Equestrian Trail Development – Phase III

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities and is home to over 4,300 horses and many active bridle clubs and corrals; and

WHEREAS, local horse owners and groups have requested that Chautauqua County develop a network of equestrian trails that could provide an economic stimulus to the rural areas of Chautauqua County similar to the snowmobile trail system during the winter season; and

WHEREAS, the County of Chautauqua Industrial Development Agency and the Chautauqua County Department of Planning and Economic Development (CCPED) partnered to work with an outside consultant to develop the *Chautauqua County Equestrian System Trail Plan* completed in January 2011; and

WHEREAS, the development of an equestrian trail loop in the eastern part of Chautauqua County would serve as a model for future trail development throughout the County; and

WHEREAS, Phases I & II of the equestrian trail loop for approved for \$150,000 of ARC grant funding in July of 2012; and

WHEREAS, Phase III of the initial trail loop would cost an estimated \$298,000 dollars; and

WHEREAS, the county has committed \$30,000 from 2013 Capital Projects Fund for the development of Phase III of the Equestrian Trail Plan and amended the original 3% Occupancy Tax Resolution to designate 7.5% of the annual Revenue to trail development projects; and

WHEREAS, ARC grant funding in the amount of \$148,000 is being sought to fund the non-local portion of the development of Phase III of the Equestrian Trail; and

WHEREAS, ARC requires an official commitment by the County to submit the request for funding; therefore be it

RESOLVED, That the County Executive is hereby authorized to apply for the above-described ARC funding and to execute any agreements necessary to secure such funding.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Nazzaro, Wendel, DeJoe, Himelein (A.C. Runkle voting "no")

Adopted w/ Legislator Runkle voting "no" – August 22, 2012

RES. NO. 169-12

Authorizing SEQRA Review of Waterways Panel 2013 Occupancy Tax Recommendations

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 109-11, the Chautauqua County Legislature reconfirmed a means to distribute the Occupancy Tax and that portion derived from such tax over three-fifths (the 2% tax) to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County; and

WHEREAS, Resolution 109-11 provides that a portion of the 2% tax shall support the establishment and maintenance of the position of "Chautauqua County Watershed Coordinator" and further assigns lump sums to the Chautauqua County Soil and Water Conservation District, Chautauqua Lake Association, Findley Lake Association, Cassadaga Lake Association, Lake Erie Watershed, and the Conewango Watershed Commission; and

WHEREAS, Resolution 109-11 also provides that the use of the remainder of the 2% tax is to be evaluated by a seven (7) member Waterways Panel made up of representatives from the Chautauqua County Water Quality Task Force (WQTF), and said panel shall prioritize all lake and stream protection and enhancement projects and submit its recommendations and findings to the Planning and Economic Development Committee for consideration; and

WHEREAS, the seven (7) member Waterways Panel has carefully reviewed and prioritized requests for Occupancy Tax funding in 2013 for the enhancement and protection of waterways; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the Waterways Panel recommendations set forth below, and hereby determines that the projects ranked numbers 4, 8, 9, and 10, are Type II actions or activities requiring no further review pursuant to the New York State Environmental Quality Review Act (SEQRA), and be it further

RESOLVED, That the Chautauqua County Legislature authorizes and directs the Department of Planning & Economic Development to arrange SEQRA review of the projects ranked numbers 1, 2, 3, 5, 6, and 7 recommended by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature:

| Project/Agency or Organization | Rank | Amount Requested | Amount Recommended |
|---|-------------|-------------------------|---------------------------|
| 28 Mile Creek /Chautauqua County Soil and Water Conservation District | 1 | \$ 29,500.00 | \$ 29,500.00 |
| Dewittville Walleye /Chautauqua County Soil and Water Conservation District | 2 | \$ 40,000.00 | \$ 40,000.00 |
| Silver Creek Streambank Stabilization /Village of Silver Creek | 3 | \$ 39,320.00 | \$ 39,320.00 |
| Ellery Johnson Road /Town of Ellery | 4 | \$ 10,600.00 | \$ 10,600.00 |
| Chautauqua Marina Shoreline Protection /Chautauqua Lake Marina, Inc. | 5 | \$ 32,000.00 | \$ 32,000.00 |
| Bear Lake Weed Control /Bear Lake Association | 6 | \$ 5,000.00 | \$ 5,000.00 |
| Kiantone Creek Stabilization /Chautauqua County Soil and Water Conservation District | 7 | \$ 40,000.00 | \$ 0 |
| Chautauqua County Road Ditch stabilization Project /Chautauqua County Soil and Water Conservation District | 8 | \$ 20,000.00 | \$ 0 |
| Chautauqua Lake Watershed Road Ditch Stabilization /Chautauqua County Soil and Water Conservation District | 9 | \$ 20,000.00 | \$ 0 |
| Watershed Technical Services /Chautauqua County Soil and Water Conservation District | 10 | \$ 25,000.00 | \$ 0 |

Signed: Croscut, Ahlstrom, Rogers, Borrello, Runkle, Himelein, Nazzaro, DeJoe

Unanimously Adopted – August 22, 2012

RES. NO. 170-12

Authorize Transfer of Tax Foreclosure Property to Town of Charlotte

By Administrative Services Committee:

At the Request of Legislator Larry Barmore:

WHEREAS, pursuant to Resolution 171-11, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Town of Charlotte has requested that the County convey to the Town a tax delinquent property (SBL # 217.04-1-30) that failed to sell at the June 2012 auction and which contains a dilapidated warehouse structure in need of demolition for building code and safety reasons; and

WHEREAS, the Town will incur substantial expense in the demolition of the abandoned structure, and the Town has therefore requested that the property be conveyed to it at no charge; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcel # 217.04-1-30 to the Town of Charlotte at no cost contingent upon the Town's demolition of the structure to address code and safety issues, with the Town responsible for any applicable real property taxes commencing with the 2012-13 school taxes; and be it further

RESOLVED, That the County Executive is hereby authorized to negotiate additional terms and conditions, enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transaction.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 25 Yes – August 22, 2012

2nd Privilege of the Floor

Legislator Croscut: As I sit here this evening, I couldn't help but think as we talked about a couple hundred dollars of the meeting that we had last night with the CGR report and we have a multimillion dollar project. I probably talked more today about our meeting last night than I have in the last couple of months. But the one thing that I want to make clear and I told a couple of individuals today, because I think that Mr. Cheney brought up a very good point last night, my biggest concern is the residents of that County Home. I think that holds true for everyone in this room. As we progress through, having been through three merger studies on a school district, I sometimes wonder what the CGR report from other places. It seemed like the school merger report were boiler plate. I would be interested to know if CGR just went through the motions and changed the figures. But, probably more importantly I don't know quite where to start with this but, there was no one here tonight from the County Home and I did not go to the Ad Hoc Committee meeting but I think the first thing that we have to know is, what kind of Union concessions that we may be receiving? I think that we have to look at wages that was said last night. I think that we have to look at benefits and one thing that was mentioned and I'm assuming that the County has what they could call a salary schedule, with step increases. I know when dealing on school boards for several years. So, I guess I will be the bad guy and challenge the Unions to step up to the table with the Administration of this County. We don't have to move very quickly on this. People said to me today, well, maybe we would put half a million or a million or so into the County Home to keep it. I also think that Mr. Nazzaro's question was also very important last night and it resonated with me all the way home and as I had conversation today. Can we run the County Home on a profit? Well, the first place to start is with some concessions, some dialogue and the answer to Mr. Nazzaro's question was no. Lastly, number three, I think is important

and here again, it goes back to my school board days. I want to assure people that if the County Home and before it is sold, we will investigate more thoroughly the individuals that looked to purchase the County Home and ask more questions. That is on behalf of the residents. Here again, I go back to my school board days. I made several visits to several districts, that is not uncalled for. That is money that we have to appropriate here. We need to go to make sure that if we do decide to sell the County Home, after some dialogue with the Union people, and some thorough investigation, also maybe sitting down with our own financial person, Susan Marsh to get more current figures, we will investigate the people that bid. Here again, my number one concern and I am not beyond going back down to the County Home and maybe Mr. DeJoe will go with me. I want to assure those residents that we're going to take care of them. I want to assure those residents of that County Home that they will be cared for to the best of anyone's ability. That is whether we keep the County Home or whether we don't and I think that is it very unfortunate that you read the newspaper, you get misinformation on the telephone, it's a scare tactics that the Union has put out there that is scaring the residents more than anything in that County Home and here again, I will reiterate, I am more than willing to go down and meet with those residents to give them thorough updates. I think that we have to progress on this, I think that we have to get this issue behind us and that is my two cents.

Legislator Duff: If I can, were having quite a few people who want to know where money has gone over the last few years. Monies that these honorable people that are very, very concerned want an answer to. Now, we can't get an answer. I have been sitting here and I have been listening and what Fred had to say touched my heart. Because he is an honest man, but I have people that have come, not only to me, but to other people that say, there are things going on in that County government that have ruined it. Well, I want to know how they ruined it, if someone did ruin it. I want the people that came to me to, they will come out if they are wrong and believe me when I tell you, they will face a real problem. There has been talk concerning the fact that what the Legislature needs is to have an office that reports first to us, the people here. Because I am a little nervous, I can't even remember what position it is. I can't say it and you might know what I am talking about.

Chairman Gould: I know what you are talking about, a Comptroller.

Legislator Duff: Yes. However in other ways, I've been informed by some very knowledgeable people of the way to do it is to have an outside audit of our monies spent and received over the last four years. That if we have a Comptroller, then that is going to mean that we're going to have to spend \$150,000 every year, over \$100,000 to have a Comptroller here. We've got a good Legislature and I say that we should think about this. You can ignore it if you want but you can't imagine the stories that I have been told. It goes back those years. I hope every member of this Legislature heard a little bit of what I said because I want the answer too. Now about 7 or 8 years ago, tonight you talked about Millennium Parkway. Well, I just happen to be the person that obtained that \$7.4 million dollars for Millennium Parkway. The State of New York, I think, has kicked in their \$2 million and a half. Now, I have asked questions, I've been asking the question for probably almost going on 6 years. Where is the money? I haven't seen one single solitary piece of grass cut and I certainly haven't seen Millennium Parkway. I want to know that answer too? Where is that money? There is a lot of other people, good people that have been around this government and it is not anything to smile about. We've got to do something. Do you remember when I asked the last person what happened to me as an individual. I got the living knocked out of me after I had been invited to a dinner and that man is still here.

Legislator Borrello: Point of order. This is not the time or place. This is supposed to be public comments.

Chairman Gould: We got your point Mr. Duff.

Mr. Diers: I just want to address Legislator James's comments relating to the 2%. Is it possible to reduce the overall value per project. I just want to state that it's very costly to do these

types of projects and it's all materials for the most part. We're addressing really the issues that are causing the symptoms which you are hearing everyone around and throughout the lake regarding weeds and algae. These projects are intended to reduce the sedimentation and nutrients that are entering the lake. So, if you are looking at cost benefit, are we paying money to remove the weeds on an annual basis? Or are we going to start spending money in materials to prevent these issues from occurring year after year. I would be happy to talk with any Legislators or group of individuals because we sit through the 2% committee and talk about these frequently. The fact is that when this program was first initiated, the program allotted up to \$50,000 match or maximum of \$50,000 per project, which was reduced to \$40,000 and through committee, we were able to discuss and come to \$40,000 saying that this really is the minimum to accomplish a significant project with basic materials such as rock, stone, plants, etc. I just want to thank the residents of Chautauqua Lake for stepping forward with the Water Chestnut issue that we have had this past month in a half. There has been a lot of support through the hot line and I just wanted to state that.

Legislator James: I just want it to be known that I am not saying that any of those projects aren't worthy of projects for the funding. I mean the same could be said for when you are working with kids, when the kids programs are cut, could \$10,000 being cut from a program help a child? I am just saying, could we just spread the money around and help more. I understand that all these projects are worthy and I believe in them and I just don't want there to be a misunderstanding that I don't think any of the watershed work and all the work that is being done with the CLMC or any of those projects are not worthy.

MOVED by Legislator Hoyer, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (7:29 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, September 26, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Tampio announced a quorum present.

Legislator Wendel delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator DeJoe for the 8/21/12 minutes and MOVED by Legislator Croscut, SECONDED by Legislator Himelein for the 8/22/12 minutes which both were approved.

1st Privilege of the Floor

My name is Peter Tarbrake, I live in Cassadaga, NY, 3203 Ames Road. I speak tonight because I wanted to try something different and start off with throwing you guys a curve ball but I am glad that you are sitting down. You see, I am probably the only individual in Western New York that doesn't think that his taxes are too high. I brought with me my taxes, \$835.95 last year County taxes and last September, \$501.00 and with my Star rebate, \$236.44. Ladies and Gentleman, I have lived for the past 30 years in Buffalo, Amherst and North Tonawanda and rest assured that these taxes are less than a third than what I am use to paying. To me, that reflects that you are all doing a good job and again, I simply want to thank you. Have a great evening.

Mr. Joseph J. Terrace, I'm a resident of the Chautauqua County Home. At the age of 99. I do a lot of research and I came across the deed for the land 26.5 acres in the Town of Dunkirk where the Chautauqua County Home is now. I was amazed that the buyer listed on this deed was not a Supervisor or the County Legislature. Instead it had the County of Chautauqua for the Chautauqua County Welfare District. What was the Welfare District doing buying up the land? Was that the buyer? Welfare is generally used for the poor not for purchasing land. It seems to me that maybe New York State owns a part of the land that was brought and perhaps if welfare was used for the building of the Chautauqua County Home which was dedicated in 1961, maybe they are part owner of the Chautauqua County Home. Now the next thing that I have to talk about is a law of 1824. Now that law compelled the Supervisors to support the Poor House. Now if the County Legislature followed the Supervisors, does that law cover them, that they are compelled under the law to support the County Home and not sell it? I will read for you a little item from the law of 1824. All expenses incidents for keeping, maintaining in government said Poor House shall be a charge upon paid County and shall and maybe lawfully for the Supervisors of such County to cause such (*inaudible*) shall remain unpaid at the end of the year and may be necessary to defer (*inaudible*) expenses to be annually assessed and collected by tax on the estates real and personal for the expense of the poppers and also be used for the building itself. And be it further enacted that the said Superintendents may at the expense of said County from time to time purchase and procure such raw materials to (*inaudible*) manufactured by the person at said Poor House. So these are the questions that I would like you to answer tonight. Why is the Supervisors or County Legislature on the purchase of the 26.5 acres from (*inaudible*) in the Town of Dunkirk? Is the County Legislature under the law of 1824 compelled to support the County Home? Thank you for asking me to speak.

Ms. Bonnie Peters, 8237 Glassglow Road, Cassadaga, N.Y. First off, I want to thank all the ad hoc committee members. I was there with you for most of your meetings if not all of them and I appreciate the extra time that you took to have those meetings. I would like to talk about the County Home. The 216 bed facility was built in 1960 and it had a very extensive remodeling project in 2003 making it a highly modern facility. It's a community resource owned by each and every taxpayer in

this County including those taxpayers who work at the facility. As a public nursing home it provides an important safety net, providing care for all residents regardless of ability to pay or the complexity of the care needed. Private facilities may turn away those who cannot pay or those who have difficult medical cases. A private company focuses on profit. To save money and trim costs, high quality care at every level diminishes. As a result, resident's health can be jeopardized. Our residents current deserve and receive quality care every minute of every day from a well-trained, professional, caring, consistent staff. High staff turnover rates with private company's puts quality care for the residents in jeopardy. Residents have built strong relationships with the staff. They rely on routine. They look forward to seeing the same people every day. They enjoy familiar surroundings and the familiarity of our Home. Change in a nursing home residence life is not a good thing, thank you.

My name is Michael Haddad, I reside at 246 Hallock Street, Jamestown, N.Y. If you bear with me I have a lot to say in a short time so I wrote it down. Memory is not so good at trying to speak in front of people. I am here today to ask you to please vote for the sale of the County Home. I find it very alarming that you have chosen to ignore the will of your constituents. Mr. Hoyer and the other Jamestown Legislators have basically told us that we don't understand the situation. That we don't know what we are talking about when it comes to the County Home. But here is what I do know. One; the County Home is only one of hundred expenses that we the taxpayers must support. Even though Mr. Hoyer claims that it will only cost me a \$1.25 a month, somehow all of that adds up to the 4th highest property tax in the nation. Two; the County Home will continue to lose more and more money as costs increase and reimbursements decrease. So you are just kicking the can down the road. Also, virtually every other County Home, the State is bleeding money to, so this is not a situation unique to our County. The County Home only receives one out of five stars from the Medicare report that you can receive on line when it comes to overall quality of the Home. That is the lowest possible rating that you can get. Medicare calls that well below average. So contrary to what you are saying a new owner would only have nowhere to go up when it comes to the quality of care that the residents receive. A private owner would be able to expand into other areas such as assisted living and would also be able to save money by belonging to buying groups which the County is prohibited to do by State regulations. So please do not sit in your seat and tell me that I don't understand the issues. You are sadly underestimating me and your other constituents. Also, when did you decide when it was o.k. to spend my hard earned money on a Home that will continue to lose money. I stand here tonight that it is not o.k.. I am not a wealthy person. I make a fair wage and I can provide for my children, but it is hard, and every dollar counts whether it's a \$1.25 or \$17.00 especially when it is being spent unnecessarily. Last December I stood before you and said that I was going to keep an eye on this body so I stand here to tell you tonight that you have a chance to listen to the people and put a business that is costing the taxpayers millions of dollars into the hands of the private sector where it can be expanded and provide more private sector jobs, jobs that are desperately needed in our County, at the same time it would be added to the tax rolls to help offset the losses that we are experiencing now from a shrinking tax base. I am asking you to please release yourselves from the shackles of the union special interest and do what is best for the taxpayers. Sell the County Home. Thank you.

Chairman Gould: At this time we're going to stop the first privilege of the floor. We have a public hearing scheduled for 6:45 p.m. regarding a Local Law introducing 3-12.

PUBLIC HEARING

LL INTRO. 3-12 – PROVIDE A COUNTY REAL
PROPERTY TAX EXEMPTION FOR FIRST-TIME
HOMEBUYERS OF NEWLY CONSTRUCTED HOMES

Chairman Gould: Is there anyone to speak to the public hearing? Public hearing opened up at 6:47 p.m.

Mr. Paul Shanahan, 15 Maple St., Ellicott. I have taken a look at this and where I have some real mixed feelings on the proposal, I would like to say first of all, with all due respect, I do understand that there are some good intentions with this program. There are some admirable goals. However, taking a look at it I find it at best, I think that it is bad timing and at worst, I think that there are some fundamental problems with the program. One of the things I find is looking at the guidelines that are involved in this program. I have seen guidelines stating \$80,000 of income or less would make someone eligible, up to \$240,000 home would make someone eligible and I find those guidelines way out of whack for this area. That is well above the average means for the people in this County. It may square with somebody in West Chester County but not here. At a time where we desperately need property tax relief, we have a tax cap granted, but still we need property tax relief in this State. There are an awful lot of people across this County that need some help. Unfortunately they are not getting the help where this program would be giving people help and impeding the ability of this body to bring our property taxes down. As you starve revenues coming in on one side, you don't have them to give relief on the other side and there a lot of people who need that relief. So I would ask you to really seriously think about this program, think about whether it's good timing, maybe down the road when our County in a much better fiscal order, when property taxes perhaps have come down in the future, it might be a better time to think about something like this. But at this time, I don't believe it is.

I would like to add two further points to this. I think in this country whether it be in Washington, whether it be in Albany, or whether it be even at the local level, we have far, far too many tax schemes. We need our tax schemes, (*inaudible*) progressive tax rates, simplified, not further complicated. If you look at just one example to give some perspective. If you look at State tax filings, isn't it rather absurd that we have a tax credit for homeowners, we have a tax credit for renters. What is the point? You take from the homeowners to give a credit to renters and you take from renters to give to homeowners. What is really the point in all these tax schemes. I think this just without being insulting, I think it's another tax scheme that is unnecessary.

Another point that I would like to make is that in my profession I see an awful lot of circumstances where there has been abuse of the system where there has been unintended consequences, if you will, created by some of these programs that may have some good intentions but often have a lot of ill results. Now, I can't give you all the details because of confidentiality but I will tell you the situation that I learned a couple of years ago. A home in Jamestown, probably a \$15,000 home. You might argue that it would have been better to just tear it down than rehab it but never the less there was one of the non-profits trick or coy or one of them, rehabbed the property. Somehow applying government math. Instead of a \$25,000 rehab on a \$15,000 property equaling \$40,000, it's somehow ended up equaling \$60,000. Then they put a person in that home with a \$60,000 mortgage. The person in that home is a 35 year old person collecting Social Security, \$1,500 a month. Nobody in their right mind would ever give a \$60,000 mortgage to somebody with that income level but they did. All of this of course is government backed and government programs. So, in the end, my point is, when that person defaults on that mortgage, it will be the taxpayers on the hook. When that home goes on the block, it will deteriorate again, it won't bring \$60,000 and will sit there. Sometimes when you look at programs like this, in the end, they do as much harm as good. I ask you to re-think it. Thank you.

Good evening and thank you for this opportunity. My name is Marilyn Kurzaw, 12765 Beach Ave., in Silver Creek and I am here to speak on the opposite side of the argument. We've been working with Habitat for Humanity for about 6 to 8 years and have found that families that are served by becoming homeowners have a precious gift that often isn't offered to everyone who is in a low income category. These are the people who are considered the working poor. They purchase homes from Habitat for Humanity after they have been built and they work along with us to build those houses so they are totally invested. Of the 24 homes that we have there has been one foreclosure and it was a family who was poorly advised. Our families work hard, they need one extra little break to get a good start as a homeowner and what we are appealing for is that one extra little break that would give them an abatement not a total tax relief but an abatement on taxes for the first five years. I would like to introduce Colleen McKenna who is a Habitat homeowner.

My name is Colleen McKenna and I live at 16 Adams Street, Silver Creek. My family was chosen to be the first homeowner in Silver Creek from Habitat and Dave and Marilyn approached me and told me about the real property tax exemption and asked how I felt about it and if I had it. I thought wow, if I had it, I could still pay 50% of my taxes, take that 50% that I am not spending, sock it away in a savings account and have that at some time when my taxes get higher as they do every year or if something happened to the house. Somebody like me who is living pay check to pay check, I don't have money to put away in a savings account. Every dime I have is accounted for so if something like this were to come into effect, you are just looking at a cushion for what you could put towards taxes for the next person who is going to use it and the next and the next. Because it's not paying zero taxes, it's just a step program that you are paying in to. I think in the long run it would help people keep their house and not lose their house. Thank you.

Dave Kurzaw, Silver Creek, N.Y., President of Chautauqua area Habitat for Humanity. I would like to thank Legislator Borrello for sponsoring this bill and in the 24 homes that Marilyn mentioned, built since 1923, we did have one foreclosure but the majority or the rest of the homes are still there. Paying taxes and paying County taxes that probably were vacant homes in the beginning. Many of the homes that we take on are rehabbed. This bill would not qualify for an exemption for our rehabs. It would only qualify for our new homes. In the last 5 years in Silver Creek, we have done one new home and two rehabs. We hope to start another new home in 2014. Habitat builds high quality, energy efficient homes so the homeowners don't have high electric and gas bills. We try and save them on the utility side that they do have some extra money to live on and maintain their home adequately and improve the neighborhood. Looking at this exemption, most of our homes are sold to our families for a mortgage of \$70,000, interest free. They pay taxes, they have to maintain their home but with this exemption, the County would receive \$3,400 in new taxes over that period of time. The actual loss is about \$800 of taxes for 6 years. That would allow these new families to come in. Being in Chautauqua County over the last 10 years in administrative positions and in school districts and starting my career back in the 70's, I look at the population that has changed. When I left Ripley in 1980, there were almost 800 students in that community. Today, there are 290. What could have been done to encourage more people to stay in our County or stay in our small towns. This is a small thing that may help young families buy homes, have that second opportunity to save a few dollars for five years. We also know statistically that if a family buys a home, the odds are that they don't move, the don't leave our County. I think we need to encourage and make this investment for our future in Chautauqua County. Thank you.

Chairman Gould: Is there anyone else to speak during the public hearing? Seeing none, we'll close the public hearing. (7:05 p.m.)

We'll now go back to the first privilege of the floor. Is there anyone else to speak at this time?

Ms. Jeanie Polisoto, Forestville, N.Y. I went to last week's meeting having to do with Planning & Economic Development. There is a motion here having to do with opposition to the Clean Water Act Draft Guidance Proposed. I talked to Mr. Diers and it seems to me that there are details to come about this particular motion. So, I don't understand how it could be put out there without all these details. All I seem to think is that it's another way of deterring control which I formulate in my mind that this is prevention. With the problems that are happening in Chautauqua Lake prior and Lake Erie, it seems that a direction that they are trying to make along (*cross talk*) impossible drought that we had this year, I think that it should be upmost on people's mind on how to best preserve water. Keep water that is essential for our lives. So, I am not really getting that you are opposing Clean Water Act and then I saw here that this comes from Albany just like the thruway and the raising of prices on the tolls. I use to live in Africa and there is no water living in the dessert and it is not a good experience and anything that has to do that jeopardizes the water sources that we have is a serious issue. I do not think that we need to oppose anything that would make it more likely that (*cross talk*) essential asset in this community. I remember a couple of years ago when you were trying to find a way of publicizing Chautauqua County as a place to be. One of the areas was that we

have water and that is a really good thing and we have high number one, in terms of farming, which is very essential for that industry. So to be careless or just say that we're not going to take that (*inaudible*) for a position, does not suit anyone especially anything that is alive. So, I would hope that when this motion comes up that people have enough information to vote on it because I was told that it is on the website for the County. There wasn't anything (*inaudible*) what I thought so I just want to encourage people to understand the ramifications of not having water because I have experienced that and if you haven't then I guess you can make a position that this sounds like nothing that (*inaudible*) pay attention to. Thank you.

Mr. Dave Fagerstrom: Thank you for allowing for allowing us to speak at the first privilege of the floor. I live in Ellington. As President of the CSEA Unit 6300, I was on the ad hoc committee regarding the CGR report. I want to thank Legislator Runkle for keeping the committee on focus on the cost savings measures which was the focus. I was happy to see that it was unanimously agreed on to recommend the cost savings ideas in the report to the full Legislature. If implemented, these improvements in the facility could save millions annually. The report shows that all things considered the Home has been making \$110,000 profit, not the single worst case scenarios portrayed in the media. We also learned the County would not have the \$16 million dollars from the sale to put in its coffers. It would go to the pre-existing legacy costs. Next, some have challenged some of the integrity of the figures in the report. Gladly the consensus of the ad hoc committee was to use the figures in the report as they are well documents and the County paid \$80,000 to have it done. As far as the two companies that placed bids on the Home, there are still a lot of unanswered questions of what will happen to the residents and the level of care that will exist if the Home is sold according to the report. It also talks about increasing costs of employee benefits, that's health insurance. We worked with the County in our recent contracts on health insurance, saving millions of dollars. As a matter of fact, the County Executive congratulated us and the Legislature on our last agreement for saving the taxpayers a lot of money. Earlier this year we proposed a two year contract with complete freeze on wages, steps, and longevity, saving, by the County's figures, \$1.8 million dollars. The County turned it down. They instead insisted on a four year deal with pay raises in the last two years. So that is what we have to work off of, politics. We will continue to negotiate responsibly knowing the situation that we're all in these days. If you read the full report, given the chance the County Home can be a viable facility, all that is left to answer is do we have a moral obligation to our current and future elderly? Yes we do.

My name is Susan Baldwin and I live in Villanova. I called you today but you didn't answer me. I have called Absolute Nursing Home and they offered me a job so I am thinking that they aren't employing as many people as needed to be employed if I can call up and say that I am a nurse, I'm calling about how much a nurse would make here. They said come in and fill out an application. We need nurses. One just quit yesterday so I am thinking, how much job security is there if I can just call up and without out any history other than I have more than 10 years of experience, come on down. I looked up Lancaster Manor Nursing Home in Nebraska, the one that Obi Rothner owns. He also goes by a few other aliases. That scares me. Usually that means they are a criminal. They listed the reasons that they were turning their nursing home purchase around and actually turn it into a somewhat not losing money nursing home. They use the same tactics that we're on the 130 page CGR study. Like better billing, using the electronic devises to calculate the ADL's, activities of daily living, and that so that we could implement the CGR study and it could make a go of it. With freezing the pay benefits and all of that, you might want to consider really taking a good look at it. I appreciate everybody looking at it and I appreciate your time and thank you for letting me talk.

My name is Reva Byczynski, 616 Brigham Road, Dunkirk, N.Y. and I would like to speak to the issue of the County Home. I am a homeowner and I'm a taxpayer. If I have to pay \$17 more a year to keep the County Home viable, I will. When you read the reports in the newspapers they all scare everybody. It's Medicaid, Medicaid, Medicaid dollars. Do you realize how many of you in this room could pay if you were indigent and ended up at the County Home or a full nursing home where there is private pay or not, could pay the \$6, 7, 8,000 a month that it cost to stay there. Your Social

Security wouldn't cover it. My mother makes \$1,200 a month, she's at St. Columbus and it costs her \$2,800 a month. Where do you think that money is coming from? My Dad worked all his life, raised 7 children. I've raised my children. One is out of the area. The County Home is a viable, beautiful facility. I had a great Aunt in there for 6 years. My Uncle came every day and fed her lunch and held her hand even though she didn't even know who he was anymore. She needed that. Is there any guarantee once that goes private, are those beds going to stay here or are they just going to, through attrition, with people passing away, are they going to eliminate all those extra beds. When they said Medicaid, there is taxpayers that are in there. Mr. Terrace, a steel worker is in that facility. His (*inaudible*) tax money. We wasn't a welfare recipient. When they hear Medicaid and when you see that in the newspaper, they think that Medicaid is welfare. It's not welfare. It's after Social Security and then your Medicaid pays. Someone has to pick up that costs. People can't stay home any longer. It takes two people in a household to work to maintain their living standard let alone take care of an elderly person if they are not able to do that. Or if a 93 year old man isn't able to take care of his 87 year old wife like my Uncle. I want to thank the ad hoc committee. I want to thank Mr. Runkle for keeping it, like Dave said, on track. I know you've put a lot of work in that. I want you to do your due diligence because if the vote goes – it's in your hands, the future of this Home and the future of your elderly in this County. It doesn't seem like we're going to close the Chautauqua County Prison. We are taking care of prisoners. We're putting up hundreds and hundreds low income housing for people that are moving in from other states because the State of New York takes care of the indigent. Like my t-shirt says, government is for the people, not for profit. Since when is the government agency a four profit agency? I just can't believe that you think the elderly are disposable. They are not, they are our parents, they can be our disabled child, they need to be taken care of and I think we need to look at ourselves in the mirror when we go home tonight and make sure we're taking care of our people.

Chairman Gould: Is there anyone else to speak under the first privilege of the floor? Seeing none, we'll close the first privilege of the floor. Next on the agenda is County Executive on the 2013 tentative budget.

PRESENTATION:

COUNTY EXECUTIVE
GREGORY J. EDWARDS
2013 TENTATIVE BUDGET

County Executive Edwards: Thank you Mr. Chairman for a chance to present this here this evening. First of all, I want to thank Kitty for agreeing to run slides here this evening and as you follow along, we'll move through this budget in short order.

I would like to start by telling you that I am very proud of my team. I am proud that they work do every day, proud of the services that they provide to taxpayers of Chautauqua County and particularly encouraged to see the result of their hard work and present that here this evening. From the front line staff that delivers the services to the finance staff within each department that manages the finances and works very closely with the finance leaders in each of our departments right up through Kitty and her work as Budget Director and Susan Marsh as the Finance Director. All of them have, as soon will be evident to all here tonight has done a great job. One of the things that I recall reading and has always stuck with me was a book Good to Great by Jim Collins. One of the things that he mentioned and was very (*inaudible*) in reading it and I think is apparent for me here this evening is, you get the right people on the bus headed in the right direction you need to go, you don't have to worry about encouraging them for stimulating them to do their job because everybody is committed doing to best job they can working together to get that done. That is the team that works for you in the leadership position throughout Chautauqua County government and all their front line staff, their co-workers. So my congratulations to all of them and I think that you will see the fruits of their labor in this evenings budget.

Mr. Tarbrake, I don't know if you are still here, but I appreciate your perspective. I agree. I think that Chautauqua County has done an excellent job in managing the expenses and obligations

that we have and doing it in such a way that the load on the taxpayer has been reduced and that we are in a position, we're not three times this amount or two times this amount just moving north into Erie County. So I appreciate that very unusual – given past presentations over the years but I think very important for tonight.

We have done a good job in managing County operations in advanced critical issues and critical services and developed opportunity for folks and that is a team effort. So, I am going to present the budget has been prepared for your review this evening and is my tentative budget for 2013.

Our first slide shows what you have seen many times. We've consistently presented this so that we plan as you know in multiple year budgets. We present them well in advance so there is very rarely a surprise when it comes times to determine what to do with our budget for the following year. You will note from 2011 and 2012, this slide working left to right, there were two changes. One was the modification in our Medicaid obligation and it was reduced so that the increase in our Medicaid obligation next year has a little over a half a million dollars instead of three quarters of a million dollars. The next line which is two lines down, in the past you are all aware we've seen increasing obligations to fund more Community College chargebacks. We believe that has peaked, has leveled off, and as a result, we are projecting to have more of an obligation for an increase obligation for our Community College chargebacks. We are not projecting that any longer going into next year. Let's take a look at the next slide. You will see that we're budgeting that Community College obligations will be flat going into 2013. There is one unknown that you are all aware of and but I will just highlight for our conservation this evening and that is Sheriff Gerace has applied for grant assistance with the upgrade to our radios. We do not know whether that grant is going to come in at zero or \$6 million dollars. Nor do we know at this moment, how much our radio system is going to cost. That is a factor that I could not bill a number around in order to deal with that issue in this tentative budget. Typically when we have obligations like this and we bond, the debt service does not hit in a real way until the following year after the bond is completed, so we do have some comfort in presenting this even though this is an unknown. The impact should not be one that would cause a significant problem with our budget, but it is a significant number that is not known at this moment.

Taking a look at some of the pressures that we had to deal with going into next year. You will see the first one is, we have wage increases or cost increases with regards to wages going into next year that will be a little over \$572,000. About 80% of that are steps that our organized workforce is entitled to because we do not have a contract. So as a result, all of those obligations continue, going forward, that has been estimated and is a solid number of \$572,000. We also know that our health insurance like every other organization in New York and certainly in Chautauqua County our obligation, our cost on our premiums is going up. We have about a \$14 million dollar health insurance costs in County operations. We are seeing, as most, an increase of about 10% so it shows an increase in our obligations and our expense, of \$1.3 million dollars. In addition, for every dollar that you pay in payroll, you have corresponding obligations for FICA, Medicare and others which are a little over \$426,000.

We also have an obligation that is set by the Office of the Comptroller, with our retirement cost, the New York State Defined Benefit Program cost will be going up by \$1 million dollars. Again, that is not something we determine, that is something that we are advised what our expenses are as calculated by Albany. So that is another item that we have to deal with going into this budget.

I would like to show the next slide which is a continuation of many years of work and solid proof along with Mr. Tarbrake's example that we're doing the right thing and making the tough choices and doing better work every day. In 2010, our FTE's, the number of folks, full time equivalents, was reduced by about 103. In 2011, that went down as well. In 2012, that went down again and in my 2013 budget, those numbers go down again. That is four years of us doing our job better, more efficiently with technology and focusing on areas where we can improve our operations and continue to deliver.

For the Legislators, you will see in government funds, along the top line there (Slide 4), there is an increase in employees. That directly reflects the direction we received from the Legislature to add two workers to the Department of Social Services to focus on the areas of Welfare to Work. That is something that I am pleased to say we worked very closely with all of you to identify areas

where we needed more employees to (*inaudible*) and enhance improvement in that. I can report that we continue to see improvement. We began this process over 6, now 8 months, making solid improvements since that time and I can indicate for you that you'll see an increase number of FTE's in the governmental funds and that is directly related to those two individuals that were hired along those lines.

On the Enterprise Funds, you will see that number is going down. That reflects what I knew was occurring months ago and that was we were reducing the number of employees at the County Home. You will note in the CGR report, well after the fact of this budget being designed that they are recommending that those numbers be reduced and they projected a cost saving from that. It's already in there. It was already in our budget calculations in our work with the County Home so there is no additional dollars to be made there, or saved there, because they were already built into the budget.

So, next slide we'll go into the summary of our expenses by account classification. (Slide 5). You will see the first two lines but before I discuss this, I would like to focus your attention on the line called, Contractual – IGT funding. You'll see in my tentative budget there is \$1.3 million dollars in there for IGT funding. It will then be used to have that money matched by our State and Federal dollars that then will have available to the County Home \$2.6 million dollars. That is important to note because you will see some figures that follow that are built from that. The line before that, Contractual – Pass Thru Sales Tax. You see that is an increase of \$1 million dollars. That is money that we send to other municipalities. Pass through. We don't take a fee. That is the sales tax that is directly transferred to other municipalities in Chautauqua County. IF you were to take out the increase in employee costs, the IGT and the pass through sales tax, the expense of that account classification would total \$548,599. That is the increase.

Let's talk a little bit about the highlights that you will see as you study the budget. This tentative budget maintains our essential local services. It also restores the postponed repairs to our roads and bridges. It was taken out of my budget last year. It meets the mandate service requirements. It funds the IGT to maximize proceeds from the sale of the County Home and it utilizes proceeds from the sale of the County Home to pay for all of the above services delivered to our County residents. Additionally, my tentative budget stays below the Tax Cap. It also allows us to begin to restore funding of our GASB-45 liabilities that was taken out of there last year. It maintains our fund balance at a minimum level recommend by the Office of the State Comptroller. In addition, my budget in response to the leaders of the 4-H and their commitment, to create an endowment to become, not endowment, fund, to become self-supporting. My budget has \$25,000 as bridge funding to enable them to focus on fund raising to develop this endowment so that they can do what they want to do and then they become self-supporting and not rely on government funds to run their operations.

Next slide that you want to look at (Slide 8), is the Levy Calculation. You will note that the Levy Calculations, the first line, or expenditures, dollars in, dollars out, and you will see the fourth line, fifth line, is the net proceeds from the County sale. Despite the incorrect calculations by CGR, the proceeds from the County sale equal, \$6.3 million dollars. The other revenues you will see and then the use of fund balance you will note that the use of fund balance in the 2013 budget, my tentative budget, has been reduced. So it's actually less than that was used in 2012.

Next shows the calculation of the levy and the rate. The increase in the levy which means the increase in the property tax for the people of Chautauqua County is \$1.3 million dollars the exact amount we need to fund the IGT. You will see that we have, for the first time in a couple of years, been the benefactors of an increase valuation on the property in Chautauqua County, albeit small. That is the result of new construction and also the increase value of the property that current exists in Chautauqua County and it shows uptake of 1.72%. While we always want more than that, I am encouraged that we here in Chautauqua County didn't see the bust that many places did. We've been able to hold (*inaudible*) throughout this very, very slow return to our economy. We actually saw an increase this year. The property tax rate in 2006 was \$9.45. Next year the property tax rate is going to go up by .38%. Less than one half of one percent. Not a 3%, not 2%, but less than one half of one percent is calculated and presented in this tentative budget.

Impact of that, the next slide you will see, (Slide 10), for a (*inaudible*) value home in Chautauqua County is calculated as \$80,000 that would be \$15.28 more than last year.

Next slide #11, is our fund balance. There are a lot of numbers up here and something very much worth your study and analysis but the number you should focus on the bottom number in the middle of the slide, 5%. My tentative budget, monies that are expended throughout my tentative budget, have us at the amount that the Comptroller says is the minimum amount that municipalities should have in their fund balance. Five percent of revenues. That is a significant move in the right direction given all the cost pressures that we have had over the years.

As I always do, the next slide, (Slide 12), is the items that are impacting our future, our budget next year. You will see that the calculations going forward initially a \$16 million dollar deficit. Since we would no longer, in my budget, have to fund IGT that would show a \$1.3 million dollar move to the good, it also shows here that we're projecting a slight increase in sales tax next year if the economy continues as demonstrated and debated, I think affirmed by many of the experts around that we will continue to see slight increases in our sales tax. We have projected that we could see approximately a half a million dollars of additional sales tax revenue showing the net budget gap for 2014 of approximately \$14 million dollars.

I provided some additional supplemental information for your review. The first line is one we won't review this evening but is something that you certainly want to be aware of and is the property Tax Cap calculation. You will note from the review of this calculation based on my tentative budget, we are under the property Tax Cap by over \$900,000.

Next item, slide 15, is just a review of how we got to where we are and some of the challenges that we have addressed and that is our sales tax collection history. You will see the dramatic reduction of revenues that we have experienced because of rate reduction in our sales tax. One caveat, I would appreciate your special attention with regards to this particular matter. Just last week we just received our most recent sales tax payment from New York State. They collect it all, they take their piece, a significant component that it is, and they send us the amount that we're entitled to. Then we distribute to the municipalities as we're obligated to. The most recent payment reflecting summer time activities has exceeded our projections in sales tax by \$400,000. That is one payment. While that was welcome news and certainly an encouragement, our next payment is not to be received until October 17th. I'm working with the Finance staff and others who analyze this very carefully, the October 17th payment is one that historically has been a key payment. If our October 17th payment comes in at budget, or, if it exceeds budget, then it would be my recommendation that the Legislature consider and follow through with applying an extra \$400,000 to our undesignated fund balance. That extra \$400,000 into undesignated fund balance because that number is not included in this tentative budget going into next year. That \$400,000 will be one small increment in the right direction towards the known \$14 million dollar deficit that we're going to have for 2014. Certainly the temptation would be to spend it in other areas and that is certainly something that is worthy of debate. But I would tell you that it will be during your time of deliberation that we'll receive our October 17th payment that we have historically found to be helpful in determining more closely what our future sales tax revenues is going to be. So, I let you know that in advance so that you are aware of that payment and can factor that into your deliberations. I would strongly recommend that that would be the direction you would consider taking as opposed to applying it to other ways.

There has been significant debate and I don't have any reason to believe we should not have significant debate about CGR's numbers but it is undeniable that CGR missed the calculations on the net proceeds of the County Home by almost by \$5.8 million dollars. This slide right here, (Slide 16) walks you through the calculation of the net proceeds upon the sale of the County Home factoring in a sale price of \$16.5 million dollars. We will note that CGR did not calculate in paying down the debt that currently exists on the County Home. This is will be as if the sale at the end of the year, 2013. And it did not take the impact of the closing costs which we have worked and identified as a half a million dollars. It did not take into account in accounts payable or other accruals which are standard part of doing business, any business, including the County Home. It did not take into account, the accounts receivable, which again is a standard part of doing business, any business, including the County Home. It did not take into account the cash at year end, 2013, with the IGT payment that's in my budget that would be \$4,300,000. So the appropriate, correct, and only defensible calculation with regard to the net proceeds is not \$680,000, it's \$6.3 million dollars and that is the number that I have used in my tentative budget.

I look forward to the conversations, analysis, and discussion that we are going to have going forward. My department heads are fully prepared to meet with Legislators during the standard procedure of review and debate and line by line review of our budgets. I am thrilled that we are having this conversation. I wish that our Federal government would have had one of these conversations over the last 3 years instead of continuing resolutions which now have contributed to trillions of dollars of debt that has been accrued and continue to be accrued and for all intense and purposes, will continue that way until at least January. This is a much better process. One that we can all spend, whatever time that we believe appropriate in the analysis of these numbers and our obligation to our taxpayers to do the right thing with their money.

Mr. Chairman, thank you for the time you have offered me this evening and will be willing, ready, and able to answer any questions that you might have at any time.

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 8/22/12

COMMUNICATIONS:

1. Letter – Chmn. Gould – Re: Thanking Anonymous Donor for \$50,000 Grant Funding to OFA/Veterans
2. Letters – Co. Exec. – Re: Appts. to Planning Bd. and STW Regional Planning & Development Bd.
3. Proof of Publication – Re: LL Intro. 3-12
4. Report – Fn. Dir. Marsh – Re: August 2012 Investment Report
5. Quarterly Dashboard – Budget Dir. Crow – June 2012
6. Monthly Budget Performance Report – Budget Dir. Crow – August 2012
7. Memo – CGR/D. Pryor – Re: Assumptions and Rationale Underlying Potential Financial Implications of Options if County Continues to Own County Home
8. Memo – Fn. Dir. Marsh – Concerns Over Validity of Numbers in CGR Report
9. Letter – T/ Kiantone – Re: Town Bd. Voted in Favor of Selling County Home
10. Letter – T/Ellicott – Re: Town Bd. Voted in Favor of Selling County Home
11. Letter – Ms. Slagle/Celoron – Re: Sell County Home
12. Minutes – Fire Advisory Bd. – July/August 2012
13. NYS Dept. of Taxation & Finance – Re: Equalization Rates (2)
14. NY Healthy Workplace Advocates – Re: “Freedom From Bullies Week”
15. Letter – Assemblyman Goodell – Ack. Receipt of Motion 8-12 (aka 11-12)
16. Letter – NYSAC – Re: 2012 Fall Seminar
17. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motion 11-12
18. Letter – NYS Dept. of State – Re: Ack. Receipt of LL 2-12
19. Fax – NYS Office of Attorney General – Re: Language Access Services for Persons of Limited English Proficiency (LEP) in Voting
20. Monthly Highlights – NYS Fish & Wildlife – July-August 2012
21. Letter – The Grange/Ms. Sprague, Sec. – Re: Restoring 4-H Funding
22. Res. – Orange County – Re: Restore State Aid to Community Colleges at the Levels Required by NYS Education Law
23. 2013 Tentative Budget
24. Letter – Town of Carroll – Re: Town Bd. Voted in Favor of Selling County Home

Clerk Tampio: I have a request from Legislators to read a couple of the listed communications. Number 9 and Number 10 and as of this evening it doesn't appear on the agenda, but we did receive a communication by fax from the Town of Carroll which I will read also upon request.

First one is a letter from the Town of Kiantone to the Chautauqua County Legislature. Town Board of the Town of Kiantone, with Supervisor Jeffrey Piazza presiding would like their recommendation to be heard on the outcome of the County Home.

Supervisor Pizza made a motion seconded by Councilman Sturzenbecker that the Town Board recommends that the County Home be sold. The vote: Councilwoman McDonald, Aye; Councilman Myers, Aye; Councilman Struzenbecker, Aye, Supervisor Piazza, Aye, 4 Ayes; 0 Nays, Carried. By order of the Town Board Town of Kiantone. Melanie Hutley, Town Clerk.

Second letter is from the Town of Ellicott, addressed to the Chautauqua County Legislature. In regards to resolution 67-12, Status of Chautauqua County Home. Motion by Councilman Hientzelman, seconded by Councilman Lodestro recommending that the Chautauqua County Legislature sell the Chautauqua County Home located at 10836 Temple Rod, in the Town of Dunkirk. Adopted 5 Ayes, 0 No, 0 Absent.

From the Town of Carroll addressed to the Chautauqua County Legislature

We the Town of Carroll Town Board believe that it is in the best interest of Chautauqua County and its residents that the Legislature rules to sell the County Home.

At a regular Town Board meeting on September 12, 2012, Supervisor Jack Jones made a motion to recommend that the County Home be sold. Motion seconded by Councilman Kenneth Dahlgren.

Roll call vote; Councilman Kenneth Dahlgren, aye, Councilman Thomas Moore, Aye, Councilwoman Michelle Lingenfelter, aye, Councilman Todd Ekstrom, aye, Supervisor Jack Jones, aye, motion carried. By order of the Town of Carroll, Town Board. Laura S. Smith, Town Clerk.

RENEW & AMEND RES. NO. 246-10 – Confirm Re-Appointments – Chautauqua County Coroners

MOVED by Legislator Himelein, SECONDED by Legislator Runkle and duly carried.

Legislator Himelein: I make a motion to amend the expiration date to 12/31/13 to agree with the three year verbiage in the resolution.

Legislator Tarbrake: Second.

Chairman Gould: Any discussion?

RENEW & AMEND – amendment – Unanimously Carried

RENEW & AMEND RES. 246-10 – as amended – Unanimously Adopted

MOTION: (On file w/ 9/26/12 Leg. Data)

12-12 Motion in Opposition to the Clean Water Act Draft Guidance Proposed by the Environmental Protection Agency (EPA) – Unanimously Adopted

RES. NO. 171-12

Board Appointments – North County Industrial Water District No. 1 & North County Industrial Sewer District No. 1

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, North County Industrial Water District No. 1 was created by Resolution 245-78 and North County Industrial Sewer District No. 1 was created by Resolution 246-78; and

WHEREAS, Resolutions 245-78 and 246-78 provide that the duration of the terms of the Water District and Sewer District Board Members is six (6) years, with approximately half of the terms expiring in one year, and the remaining terms expiring three years later; and

WHEREAS, Resolution 178-05 provides that the membership of each of the boards shall be five members; and

WHEREAS, the two Boards share the same members; and

WHEREAS, the County wishes to appoint new members to the boards to fill the vacancies left by the departure of Anthony J. Dolce, Kevin Muldowny and Donald Cotton; therefore be it

RESOLVED, That the following individuals shall serve on both the North County Industrial Water District No. 1 and the North County Sewer District No. 1 Boards for the remainder of the terms of the three former board members referenced above:

| | | |
|--|--|---|
| James Crowell 2931 W. Sheridan Drive Dunkirk, NY 14048 Term Expires: 12/31/12 | Edward Divine 618 Main St. Dunkirk, N.Y. 14048 Term Expires: 12/31/12 | Mark Wojcinski 10922 S. Roberts Rd. Dunkirk, N.Y. 14048 Term Expires: 12/31/12 |
|--|--|---|

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – September 26, 2012

RES. NO. 172-12

Confirm Replacement Directors of Chautauqua County Land Bank Corporation

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 65-12, the County Legislature confirmed the initial Board of Directors of the Chautauqua County Land Bank Corporation, but two members (Larry Barmore, Garrett Brooks) will be unable to serve necessitating the approval of two replacement members; therefore be it

RESOLVED, That Resolution 65-12 is hereby amended to provide that John W. Hemmer, 7539 E Route 20, Westfield, NY 14787 (County Legislature representative) and Jeffrey E. Gossett, 8 Sunset Drive, Fredonia, NY 14063 (County Planning Board representative) shall serve as initial members of the Board of Directors of the Chautauqua County Land Bank Corporation each for a two (2) year term in place of Larry Barmore and Garrett Brooks who were unable to serve.

Signed: Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – September 26, 2012

RES. NO. 173-12

Confirm Appointment - Chautauqua County Planning Board

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Planning Board:

Mr. Jon Ortendahl Filling term of Garret Brooks
5186 Woodlands
Dunkirk, N.Y. 14048
Term Expires: 4/30/15

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – September 26, 2012

RES. NO. 174-12

Confirm Appointments – Southern Tier West Regional Planning Board

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointments for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Southern Tier West Regional Planning Board.

David Carr Position last held by Shaun Heenan
15 Villa Drive
Westfield, N.Y. 14787
Term Expires: 9/30/15

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

MOVED by Legislator Barmore, SECONDED by Legislator Duff to include the following names:

Stephanie Aprigliano-Kiyak Position last held by Allan Hendrickson
635 Eagle Street
Dunkirk, N.Y. 14048
Term Expires: 9/30/15

Frank "Jay" Gould Position last held by James Cooper
70 Hoag Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/14

Unanimously Adopted as amended – September 26, 2012

RES. NO. 175-12

Authorizing the Implementation and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project, and Appropriating Funds Therefore

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, a project for the Reconstruction of Talcott Street from NY Route 60 to South Roberts Road and Construction along a new alignment of Millennium Parkway from South Roberts Road to Progress Drive, in the City and Town of Dunkirk, Chautauqua County, PIN 5757.55 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the total estimated cost of the right of way incidentals and right of way acquisition phases is \$500,000; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation pursuant to Agreement; and

WHEREAS, the State of New York is expected to fund 75% of the Non-Federal portion and the existing capital budget includes funding to cover the remaining local cost of \$25,000; and

WHEREAS, the State will be claiming reimbursement directly from the Federal Government therefore it is not necessary to increase the County's budget; therefore be it

RESOLVED, That the Legislature of the County of Chautauqua hereby approves the Project; and it is further

RESOLVED, That the Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Non-Federal share of the cost of the Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the Non-Federal share of the cost of the project's Right-of-Way Incidentals and Right-of-Way Acquisition phases exceeds the amount appropriated, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon notification from the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal-Aid and/or Marchiselli Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the Non-Federal share of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Signed: Himelein, Horrigan, Stewart, DeJoe, Erlandson, Runkle, Nazzaro, Borrello, Heenan

Adopted w/ Legislators Cornell, Coughlin, Duff, Rogers, Whitney voting "no" – September 26, 2012

RES. NO. 176-12

Acceptance of CARTS Section 5311 Capital Grant

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for the following projects:

| | <u>Estimated Project Cost</u> |
|--------------------------------------|-------------------------------|
| 1) Communications Systems Upgrade | \$18,868 |
| 2) Facility Rehab/Renovation | \$50,000 |
| 3) Surveillance/Security Acquisition | \$30,000 |
| 4) ADP Hardware – AVL/MDC | <u>\$181,818</u> |
| TOTAL Estimated Project Cost: | \$280,686 |

WHEREAS, funding for these projects is shared at a rate of 80% Federal, 10% State, and 10% from local dollars, and

WHEREAS, the County of Chautauqua and the State of New York are entering into an agreement which authorizes the undertaking of the projects and payment of the Federal and State shares for the project; and

WHEREAS, the existing capital budget includes \$1,339 of local funding toward the Surveillance/Security Acquisition under account H.5630.25824 and \$1,100 of local funding toward the Communication Systems Upgrade (Base Station and Repeater Upgrade) under account H.5630.25883; and

WHEREAS, investments earnings are currently exceeding projections and can be used to fund the remaining local share of \$25,630; therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary agreements with the State of New York and such other documents for the above named projects; and be it further

RESOLVED, That the Director of Finance be and herby is authorized and Directed to make the following budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---|-----------|
| A.9950.----.9 | Interfund Transfers – Interfund Transfers | \$ 25,630 |
|---------------|---|-----------|

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|--|-----------|
| A.9950.9999.R240.1RSV | Use of Money & Property – Interest & Earnings: Capital Reserve | \$ 25,630 |
|-----------------------|--|-----------|

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNTS:

| | | |
|----------------|---|------------------|
| H.5630.25883.4 | Contractual – Base Station & Repeater Upgrade | \$ 7,868 |
| H.5630.25900.4 | Contractual – Hopkins Lot Paving | \$ 50,000 |
| H.5630.25824.4 | Contractual – Surveillance Equipment | \$ 16,610 |
| H.5630.25825.4 | Contractual – ADP Hardware – AVL&MDC | <u>\$181,818</u> |
| | | \$256,296 |

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

| | | |
|------------------------|---|------------------|
| H.5630.25883.R359.7000 | State Aid – Transportation Capital | \$ 787 |
| H.5630.25883.R459.7000 | Federal Aid – Transportation Capital | \$ 6,294 |
| H.5630.25883.R503.1000 | Interfund Transfer – Interfund Transfer | \$ 787 |
| H.5630.25900.R359.7000 | State Aid – Transportation Capital | \$ 5,000 |
| H.5630.25900.R459.7000 | Federal Aid – Transportation Capital | \$ 40,000 |
| H.5630.25900.R503.1000 | Interfund Transfer – Interfund Transfer | \$ 5,000 |
| H.5630.25824.R359.7000 | State Aid – Transportation Capital | \$ 1,661 |
| H.5630.25824.R459.7000 | Federal Aid – Transportation Capital | \$ 13,288 |
| H.5630.25824.R503.1000 | Interfund Transfer – Interfund Transfer | \$ 1,661 |
| H.5630.25825.R359.7000 | State Aid – Transportation Capital | \$ 18,182 |
| H.5630.25825.R459.7000 | Federal Aid – Transportation Capital | \$145,454 |
| H.5630.25825.R503.1000 | Interfund Transfer – Interfund Transfer | <u>\$ 18,182</u> |
| | | \$256,296 |

Signed: Himelein, Horrigan, Stewart, DeJoe, Erlandson, Runkle, Nazzaro, Borrello

Adopted w/ Legislators Ahlstrom Duff, Heenan voting “no” – September 26, 2012

RES. NO. 177-12

Authorize Agreement with Crown Communication LLC for Extension of Use of Space on Crown Communication LLC’s Tower in the Town of Sherman

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County has had an agreement with New York RSA No. 3 Cellular Partnership for use of space on the Sherman Tower since October 12, 1999; and

WHEREAS, New York RSA No. 3 Cellular Partnership was acquired by Crown Communication LLC in the year 2012; and

WHEREAS, the County and Crown Communication LLC desire to continue the use and lease of this space; and

WHEREAS, the Office of the Sheriff has negotiated with Crown Communication LLC for a renewal of its existing agreement at a rate of \$7,416.00 per year plus 3% annual increases for the initial 5-year period commencing as of September 9, 2012 and ending September 9, 2017 and at the rate of \$8,400.00 per year with no further increase for a renewable 5-year extension for an aggregate 10-year term ending on September 9, 2022; therefore be it

RESOLVED, That the County Executive is authorized to execute the appropriate agreement extending the license agreement between Crown Communication LLC and Chautauqua County for use of space on the cell tower in the Town of Sherman upon the foregoing terms.

Signed: Duff, Whitney, Wendel, Hemmer, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – September 26, 2012

RES. NO. 178-12

Authorize Agreement with Erie II Chautauqua-Cattaraugus BOCES and Appropriate Funds- Secure or Schools Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of the Sheriff has entered into a grant agreement with the U.S. Department of Justice – Office of Community Oriented Policing (COPS) for Technology; and

WHEREAS, Erie II-Chautauqua-Cattaraugus BOCES will advance payment for equipment approved in this grant agreement; and

WHEREAS, the County will receive funds through this grant reimbursement for the equipment purchase; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to enter into an agreement with Erie II-Chautauqua-Cattaraugus BOCES to authorize reimbursement, and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | |
|--|-----------|
| A.3020.TECH. ---.4 Contractual Services - Technical Services | \$151,222 |
|--|-----------|

INCREASE REVENUE ACCOUNT:

| | |
|---|-----------|
| A.3020.TECH.R438.9COP Federal Aid - Community Oriented Policing | \$151,222 |
|---|-----------|

Signed: Duff, Whitney, Wendel, Hemmer, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – September 26, 2012

RES. NO. 179-12

2010 Citizen Corps Grant Award Appropriation of Funds

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Department of Homeland Security appropriations provided funds to New York State to be used for grants relating to Citizen Corps Councils; and

WHEREAS, New York State Emergency Management Office has approved Chautauqua County Office of Emergency Services' application for the use of the Citizen Corps Council funds, up to \$76,131.89, for the period August 1, 2010 through July 31, 2013; and

WHEREAS, the County Executive, by Res. No. 64-11, was authorized to enter into a contract (11-14-04) with New York State Emergency Management Office to accept funds for Citizen Corps Councils; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|----------------------------------|---------|
| A.3010.----.4 | Contractual – Emergency Services | \$9,200 |
|---------------|----------------------------------|---------|

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|---------------------------------|---------|
| A.3010.----.R430.5004 | Federal Aid - Homeland Security | \$9,200 |
|-----------------------|---------------------------------|---------|

Signed: Duff, Whitney, Wendel, Hemmer, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – September 26, 2012

RES. NO. 180-12

Authorize Contracts and Agreements for 2013-2015 Stop DWI Plans

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, it is necessary for the effective implementation of the Stop-DWI Plans for Chautauqua County to enter into contracts and agreements with various municipalities throughout the County, and to enter into memoranda of understanding with various County Departments including Office of the Sheriff and Probation Department; and

WHEREAS, funding for such contracts and agreements will be derived solely from Stop-DWI funds pursuant to the 2013-2015 Stop-DWI Plans; therefore be it

RESOLVED, That the County Executive is authorized to execute contracts and agreements with various participating municipal corporations in Chautauqua County and County Departments for the purposes of implementing the current Stop-DWI Plan.

Signed: Duff, Whitney, Wendel, Hemmer

Unanimously Adopted – September 26, 2012

RES. NO. 181-12

Authorize Municipal Cooperation Agreement with Cattaraugus County for Meals on Wheels Program

By Human Services Committee:

At the Request of County Executive Gregory J. Edward:

WHEREAS, the County of Chautauqua, through its Office for the Aging Department, operates a Meals on Wheels Program which provides home delivered meals to senior citizens who might otherwise need to reside in long-term care facilities; and

WHEREAS, the County of Cattaraugus desires to obtain Meals on Wheels noon meal service in the Cattaraugus County townships contiguous to Chautauqua County five (5) days a week; and

WHEREAS, it is appropriate and beneficial to enter into a municipal cooperation agreement with Cattaraugus County to provide such Meals on Wheels service; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into municipal cooperation agreements with the County of Cattaraugus in order to provide Meals on Wheels service within bordering Cattaraugus County townships.

Signed: Tarbrake, Horrigan, Hemmer, Hoyer, James

Unanimously Adopted – September 26, 2012

RES. NO. 182-12

Joint Funding Agreements with U.S. Department of Interior – Geological Survey

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County, through its support of the County Sewer Agency, caused to have constructed a gage station on Chautauqua Lake and gage instrumentation on the Dow Street Bridge in the Village of Falconer (Res.537-73); and

WHEREAS, the operation and maintenance of these stations is recognized by Chautauqua County as an integral part of not only a flood prevention program on the shores of Chautauqua Lake and within the Village of Falconer, but also as an integral part of a low flow program concerning the maintenance of the Chadakoin River system; and

WHEREAS, the United States Department of Interior periodically offers a Joint Funding Agreement between the U.S. Geological Survey and the County of Chautauqua requiring a local share for the operation and maintenance of the lake gage(s); and

WHEREAS, the County annually budgets to pay the local share portion of the Joint Funding Agreement; therefore be it

RESOLVED, That the County Executive be authorized to enter into annual Joint Funding Agreements with the U.S. Geological Survey within annual budget appropriations.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – September 26, 2012

RES. NO. 183-12

Resolution Declaring the County of Chautauqua as Lead Agency Pursuant to the State Environmental Quality Review ("SEQR") Act and Issuing a Determination of Significance Pursuant to SEQR

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County ("County") has proposed a project to develop and implement a Submerged Aquatic Vegetation ("SAV") Management Plan ("SAVMP") for Chautauqua Lake, as described below; and

SEQR Project Name: Development and Implementation of a Submerged Aquatic Vegetation Management Plan ("SAVMP") for Chautauqua Lake,
Location: Chautauqua Lake, County of Chautauqua, New York,

SEQR Project Description: The development and implementation of the SAVMP will be a multi-phased project that will consist of (1) identifying the problems to be addressed through a SAVMP for Chautauqua Lake; (2) collecting technical baseline information to define the existing condition of the water quality and biological resources; (3) mapping the watershed and the littoral zone and collecting data through a bathymetric survey; (4) completing a beneficial use study; (5) mapping and identifying submergent and emergent aquatic plants; (6) identify environmental and ecologically sensitive areas; (7) identifying possible management alternatives and assessing feasibility; (8) developing an implementation plan with monitoring controls; and (9) completing community outreach activities including organizing and holding public meetings throughout the process to collect information and community opinions (collectively the "the Project"),

SEQR Status: Type I XXX Unlisted ,

Determination of Significance: Negative Declaration Positive Declaration XX

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, by Chautauqua County Resolution No. 152-12, dated July 26, 2012, the County declared its intent to act as lead agency pursuant to SEQRA ("Lead Agency"); and

WHEREAS, by letter dated August 1, 2012, the County notified potentially interested and involved agencies of the County's intent to act as Lead Agency and no other agency objected; and

WHEREAS, pursuant to SEQRA, to aid the County in determining whether the Project may have a significant adverse impact upon the environment, the County reviewed a Full Environmental Assessment Form dated July 25, 2012 ("EAF"); and

WHEREAS, a thorough analysis of the potential environmental impacts reveals that the Project may have potentially significant adverse impacts; and

WHEREAS, it is appropriate that the County issue a positive declaration pursuant to SEQRA, which mandates the preparation of an Environmental Impact Statement ("EIS"); and

WHEREAS, a Draft Scope is an optional document that is prepared prior to an EIS. The goal of the Draft Scope is to focus the EIS on the potentially significant adverse impacts and to seek input from the public and interested or involved agencies; and

WHEREAS, it is appropriate that the County proceed with the preparation of a Scoping Document to seek input from the public prior to the preparation of an EIS; therefore be it;

RESOLVED, That the County proposes to conduct a coordinated review of this Project, which as a comprehensive resource management plan, is designated as a Type I Action, and believes, as the entity with primary responsibility for the Project, that it is in the best position to investigate impacts associated with the Project. Thus, the County declares itself Lead Agency for the Project; and be it further;

RESOLVED, That based upon the foregoing investigations of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact indicated, the County makes the following determinations with respect to the Project:

The Project has the potential to have a significant adverse impact upon the environment as follows:

1. Impact to Water. The Project, which is evaluating the potential treatment methods for the control of SAV, has the potential to affect water quality.
2. Impact to Plants and Animals. The goal of the Project is to develop and implement a SAVMP designed to manage the aquatic vegetation, therefore, the Project has the potential to impact plants and animals in the aquatic environment.
3. Impact on Open Space and Recreation. The Project area, Chautauqua Lake is currently used by the community as a recreation area. The Project has the potential to affect the use of the area for recreational purposes.
4. Impact on Growth and Character of Community of Neighborhood. The Project has the potential to impact the uses of Chautauqua Lake. The potential impacts, both beneficial and adverse, will be evaluated; and be it further

RESOLVED, That the Legislature hereby directs the Department of Planning and Economic Development to prepare a Draft Scope followed by an EIS for the proposed Project; and be it further

RESOLVED, That the Chairman and the Clerk of the Legislature are hereby authorized and directed to distribute appropriate notice of this Resolution to all potential interested and involved agencies and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution; and be it further

RESOLVED, This Resolution, which was adopted by a majority vote of the County on September 26, 2012 shall serve as the Positive Declaration (as defined in 6 NYCRR 617.2(y)) for the Development and Implementation of a SAVMP, and is issued by the County, acting as Lead Agency pursuant to and in accordance with SEQRA under a coordinated environmental impact review, shall take effect immediately; and be it further

RESOLVED, That Copies of this Positive Declaration shall be filed in accordance with the requirements of SEQRA with:

1. The Chief Executive Officer of the political subdivision in which the action will be principally located;
2. The Lead Agency;
3. All Involved Agencies;
4. Any person who has requested a copy; and,
5. If the Project involves an applicant, the applicant; and be it further

RESOLVED, That persons or agencies seeking further information on this Determination of Significance may contact:

Jeff Diers
Watershed Coordinator
County of Chautauqua Department of Planning
200 Harrison Street
Jamestown, NY 14701
Phone: 716-661-8915
Facsimile: 716-483-6679.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – September 26, 2012

RES. NO. 184-12

Accept Grant Funding from the Appalachian Regional Commission Area Development Program for Equestrian Trail Development – Phases I & II

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities and is home to over 4,300 horses and many active bridle clubs and corrals; and

WHEREAS, local horse owners and groups have requested that Chautauqua County develop a network of equestrian trails that could provide an economic stimulus to the rural areas of Chautauqua County similar to the snowmobile trail system during the winter season; and

WHEREAS, the County of Chautauqua Industrial Development Agency and the Chautauqua County Department of Planning and Economic Development (CCPED) partnered to work with an outside consultant to develop the *Chautauqua County Equestrian Trail System Plan*, which was completed in January of 2011; and

WHEREAS, the development of an equestrian trail loop in the eastern part of Chautauqua County will serve as a model for future trail development throughout the County; and

WHEREAS, Phases I & II of the initial trail loop was originally estimated to be \$383,600 but is currently estimated to be \$300,000 dollars; and

WHEREAS, ARC grant funding in the amount of \$150,000 (50% of the total project cost) was approved in July of 2012 (ARC Grant Number: NY-17300) to fund the non-local portion of the development of Phases I & II of the Equestrian Trail; and

WHEREAS, the remaining 50% of the project cost will be funded between non-county local contributors and county funds, and

WHEREAS, Resolution 112-11 committed \$30,000 from 3% Occupancy Tax Reserve for the development of Phases I & II of the Equestrian Trail Plan and resolution 110-11 designated 7.5% of the 2012 3% Occupancy Tax Revenue (\$56,250) to trail development projects; and

WHEREAS, the remaining funding will be shared \$4,425 In-Kind County, \$31,000 NYS DEC, \$8,000 CCIDA, and \$19,575 In-Kind from local equestrian groups; therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the ARC funding, and execute all agreements necessary to implement the project, and be it further

RESOLVED, That the Director of Finance is authorized and directed to include \$30,000 awarded in resolution 112-11 to the capital budget and to make the additional amendments as follows:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|----------------|--|-----------|
| H.8020.37880.4 | Contractual – County Equestrian Trails | \$180,000 |
|----------------|--|-----------|

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

| | | |
|------------------------|--|-----------|
| H.8020.37880.R503.1000 | Interfund Transfer | \$ 30,000 |
| H.8020.37880.R389.7ARC | NYS Culture & Rec Capital Grant: ARC Funding | 150,000 |
| | | \$180,000 |

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan, Nazzaro (Defeated in AC w/ Runkle voting "no"
- 4 members present)

Unanimously Adopted – September 26, 2012

RES. NO. 185-12

Authoring Grant Application and Subsequent Agreements for the Creation, Preservation, and Maintenance of Snowmobile Trails

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County strongly supports the snowmobile industry as both an economic development tool and quality of life enhancement for Chautauqua County residents and recognizes the significant economic impact from the snowmobile industry; both in tourism and in local small business employment; and

WHEREAS, grant funding from snowmobile registrations is available from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for the creation, preservation and maintenance of snowmobile trails; and

WHEREAS, NYSOPRHP encourages counties to coordinate and sponsor snowmobile trail programs within their jurisdiction; and

WHEREAS, the Chautauqua County Federation of Snowmobile Clubs (Federation) has requested that Chautauqua County sponsor a single snowmobile trail program incorporating all the trails funded by NYSOPRHP, submit grant applications for NYSOPRHP funding and act as a pass-through agency for the funding; and

WHEREAS, the County intends to enter into an agreement with the individual participating snowmobile clubs represented by the Federation to administer the program, the development of documents required of participants in the program by NYSOPRHP and the performance of other administrative duties consistent with the program, including an administrative fee of \$30.00 per hour up to a maximum of \$1,500.00, and

WHEREAS, the Federation agrees to hold the County harmless in this program; now therefore be it

RESOLVED, That Chautauqua County shall sponsor the NYSOPRHP-funded snowmobile trail system within Chautauqua County; and be it further

RESOLVED, That the County Executive hereby is authorized and directed to submit any necessary applications for funding and to enter into agreements with NYSOPRHP, the Federation and the individual participating clubs to implement the snowmobile trail program in Chautauqua County.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan, Runkle, Nazzaro

Unanimously Adopted – September 26, 2012

RES. NO. 186-12

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2013 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of Chautauqua County Legislature and its Chairman

By Audit & Control Committee:
At the Request of Chairman Jay Gould:

WHEREAS, Pursuant to Sections 359 and 271 of the County Law public hearings must be held on the Tentative Budget and the sewer district assessment rolls, with statement of maximum salary of members of County Legislature included in notice; and

WHEREAS, Such notice shall state the time, place and purpose of the public hearing on the Tentative Budget and that copies of the budget will be available for distribution and inspection and specify therein the maximum salary that may be fixed and payable to members of the Legislature and Chairman thereof during the ensuing year; and

WHEREAS, Public hearings on the sewer district assessment rolls will be held simultaneously with the hearing on the Tentative County Budget and the assessment rolls will be completed and open to inspection during business hours before the public hearing on them; therefore be it

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in such publications that a public hearing will be held on the 2013 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 24, 2012 at 2:00 P.M. and 6:30 P.M. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in notice of public hearing on Tentative Budget that the 2013 salary of each Legislator shall be no more than \$9,000, that the Chairman of the Legislature shall be paid no more than \$8,000 in addition to his Legislator's salary and that the following positions be additionally compensated no more than the amounts indicated nor for more than one of the positions listed, over and above the basic Legislator's salary.

| | |
|-------------------------------|-----------|
| Majority Leader | \$1000.00 |
| Minority Leader | \$1000.00 |
| (1) Assistant Majority Leader | \$ 500.00 |
| (1) Assistant Minority Leader | \$ 500.00 |
| Each Committee Chairman | \$1000.00 |
| Ranking Members | \$ 250.00 |

Signed: Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – September 26, 2012

RES. NO. 187-12

Authorize Public Hearings Relating to Reapportionment of County Legislature Districts

At the Request of Chairman Jay Gould:

WHEREAS, the Chautauqua County Reapportionment Commission has recommended two (2) reapportionment plans of County Legislature districts for consideration by the County Legislature; and

WHEREAS, Section 10 of New York State Municipal Home Rule Law requires that the County Legislature hold a public hearing on a proposed reapportionment local law prior to adoption; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes public hearings pursuant to Section 10 of the New York State Municipal Home Rule Law to be held on said two (2) reapportionment plans recommended by the Chautauqua County Reapportionment Commission to be contained in proposed local laws to be prepared by the Chautauqua County Law Department; and be it further

RESOLVED, That the Clerk of the Chautauqua County Legislature is hereby authorized and directed to publish notice(s) of said public hearing(s) in the official newspapers of Chautauqua County upon at least five (5) days' notice as required by the Municipal Home Rule Law, provided that one or both such proposed local laws prepared by the Chautauqua County Law Department is (or are) filed with the Clerk of the County Legislature and directed to be mailed to all County Legislators by a County Legislator sponsor on or before October 12, 2012; and be it further

RESOLVED, That such notice(s) of public hearing(s) shall specify that a public hearing on the first such local law filed with the Clerk of the Legislature shall be held at 2:05 PM during the regular meeting of the Chautauqua County Legislature to be held at 2:00 PM on Wednesday, October 24, 2012, and if the second such local law is also filed with the Clerk of the Legislature, that a public hearing on the second such local law shall be held at 2:10 PM during the regular meeting of the Chautauqua County Legislature to be held at 2:00 PM on Wednesday, October 24, 2012.

Signed: Gould

Unanimously Adopted – September 26, 2012

RES. NO. 188-12
Quit Claim Deeds

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-11; therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the

Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

| Offer # | Munic. | S/B/L | Property Location | Purchaser | Bid Amt | Taxes Owed |
|-------------|---------|--------------------|-------------------|----------------------|-------------|------------|
| PA-109-2012 | C/Jmst. | 060800-404.08-2-24 | Violet Ave | Richard M Jabczynski | \$ 25.00 | \$ 217.49 |
| PA-110-2012 | C/Jmst. | 060800-404.08-2-25 | Violet Ave | Richard M Jabczynski | \$ 25.00 | \$ 217.49 |
| PA-111-2012 | C/Jmst. | 060800-404.08-2-6 | 130 Martin Rd | Richard M Jabczynski | \$32,000.00 | \$3,323.44 |
| PA-112-2012 | C/Jmst. | 060800-404.08-2-7 | Martin Rd | Richard M Jabczynski | \$ 500.00 | \$ 230.14 |

Totals \$32,550.00 \$ 3,988.56

Signed: Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 25Yes - September 26, 2012

LOCAL LAW
INTRODUCTORY NO. 3-12
CHAUTAUQUA COUNTY

A LOCAL LAW TO PROVIDE A COUNTY REAL PROPERTY TAX EXEMPTION FOR
FIRST-TIME HOMEBUYERS OF NEWLY CONSTRUCTED HOMES

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. Purpose.

The purpose of this local law is to provide a county real property tax exemption for first-time homebuyers of newly constructed homes pursuant to Section 457 of the New York State Real Property Tax Law ("RPTL § 457").

Section 2. Exemption.

The County of Chautauqua hereby elects to provide the tax exemption authorized pursuant to RPTL § 457 for taxes levied by or on behalf of the County of Chautauqua. The length of the exemption shall be five (5) years, and shall be computed in the manner specified in RPTL § 457.

Section 3. Eligibility and Other Requirements.

The exemption provided by this local law shall be implemented pursuant to all of the terms, conditions, procedures, and other requirements set forth in RPTL § 457, as it may be amended from time-to-time. All such terms, conditions, procedures, and other requirements of RPTL § 457 are hereby incorporated by reference into this local law as if fully set forth herein, provided, however, that the County of Chautauqua does not elect to provide for an increase of twenty-five per centum on the purchase price limit used for eligibility for the exemption as provided for in RPTL § 457(4).

Section 4. Effective Date

This local law shall take effect upon filing with the Secretary of State.

Laid on Desks: 8/22/12

Adopted by Legislature: 9/26/12

Public Hearing by County Executive: 10/9/12

Adopted as LL 3-12

R/C Vote: 21 Yes; 4 No (No's: Erlandson, Nazzaro
Runkle, Scudder)

2nd Privilege of the Floor

Ms. Polisoto: I want to bring this to the attention that I think in the last regular meeting before that I had mentioned my Peace Corps service and there was a snicker from one of the people in the crowd. I highly regard the experience and level of just understanding basic problems that we seemed to have not faced in this country. With the recent death of the Ambassador to Libya, a former Peace Corp volunteer, I don't know how many of you are aware of how many Peace Corps volunteers become part of the Foreign Service Department. The reach in the general global community is significant and their understanding of problems as such is a real asset to the United States. With foreign policy as it is, which is really kind of bottomed out. Only those volunteers in the field make a difference. I would like you to all understand that these people serve willingly, with very little pay, and no recompense. I am excluded from this group because I want to talk on behalf of the other that have served. There is over a quarter of a million of these people going without food, water, and other amenities that we so are accustomed to but I will tell you, I earned my stripes during that time. It was an excellent way of not sitting on my duff and saying it was o.k. to do nothing about things. Everyone can do something as long as their positive and I believe in that aspect. It gave me a really good understanding of how important the environment is and when the environment attacks you, you have no recourse. And I did see people suffer greatly there and it's no fun to see that and equally today we have people that are trying to gather enough water or they are not using their wells. Mr. Croscut's comment, it doesn't apply to what I am saying. Well, better safe than sorry. If you don't have a plan in terms of prevention you are only going to suffer the consequences of missed opportunities.

Finally, this privilege of the floor when I go to the Committee meetings, I have explained to Mr. Croscut that saying that I can know beforehand what is on the agenda or the itemization or essence of that is really hard. I would appreciate some kind of leniency and I did talk to him not this last meeting but the meeting before that on trying to listen. There are so few people that go to these meetings and I see no reason why 3 minutes of my comments should be so cast aside. I don't get that. The public has trust with the Legislature and in terms of that, when a person wants to speak, why not open your arms and give them that opportunity.

County Executive Edwards and Members of the Chautauqua County Legislature. My name is Jon Babcock. I am a registered voter, and resident of Chautauqua County; I live in Clymer, N.Y. with Jane, my wife of 30 years and our daughter Sarah. Our son Josh and his wife reside in Lebanon, OH.

I am here this evening to express my firm and complete support for the sale of the Chautauqua County Home. We, including you and the many resident taxpayers in Chautauqua County, have an excellent and welcome opportunity by allowing a taxpayer subsidized business to be placed both; in the hands of private sector health care professionals, and on the County tax roll, places both, I believe it belongs.

Those providing support for continued County ownership of the Home cite a report presented by the CGR that includes 6 cost-cutting and revenue enhancement recommendations, none of which in my opinion, provide concrete evidence of; meaningful savings, or sizeable increases in revenues. For example, first, wages; the report states, \$280,000 could be save if a new deal was struck. Remember, we are currently at an impasse on a new labor contract. Second, limits on

benefits; savings are projected near \$650,000 annually if recognized, although the CGR report notes that existing contractual obligations will make any reductions difficult. Third, electronic medical records; the report states a fully functional EMR system could net the Home an annual savings of \$500,000 to \$650,000. However, according to Mr. Hellwig, the County Home Administrator, quote, "I find the projected cost savings of \$500,000 to be fairly significantly overstated.", unquote. Fourth; attrition and "better use" of existing therapy staff; policy that should have been in place long before now and under constant evaluation. Fifth, payer mix; the CGR reports enhanced revenues of \$425,000 from an improved payer mix. But, with 75% of residents on Medicaid, Mr. Hellwig states; quote, "bringing in Medicare and private-pay residents would be difficult. When we're full, we're full!", unquote. Finally, the gas well; the Home also could see a savings if a gas well on the property were completed, but how much is not known. Another reason has surfaced since the release of the CGR report. Quote, "The cost of the County Home to each homeowner in Chautauqua County is \$1.25 per month". Honestly and frankly, I don't care if the cost to each homeowner is \$1.25 a year. When taxpayer's money is being spent needlessly, it needs to stop.

Now I happen to believe that you, members of the Legislature, have to know that far more resident taxpayers in this County than not, support the sale! Some of you do not support the sale. I respect your position; but I believe as elected officials, it is your responsibility, to convince a majority of resident taxpayers, to agree with you. At this point, in this discussion, on this issue, you have failed to make your case. In fact, support for the sale of the Home is gaining momentum; the Village of Lakewood Board has not joined the Ellicott Town Board, in passing their resolutions in support of the sale by unanimous vote. The Towns of Carroll and Kiantone have also passed such resolutions in support of the sale.

Each election cycle, the voting residents of Chautauqua County, most often at your request, hire each of you to become a part of this decision making body that conducts business on behalf of Chautauqua County.

In doing so, we expect, as you have done, to become involved, informed on issues and engaged in debate, allowing you to then make sound decisions on behalf of us, the residents of Chautauqua County. At the forefront of each decision; I hope the best interest of the residents and taxpayer's of Chautauqua County.

Members of the Legislature; this is a tough decision, but I believe you know the right decision is the sale of the County Home. It is without a doubt, the will of the majority of the taxpaying residents of this County; the very people that elected each one of you, hired you, to do this job and in doing so, make these kind of tough decisions. That decision; sell the County Home. Thank you.

Ms. Penny Gleason, I live in Hamburg, N.Y. and I am the LRS from CSEA working with Unit 6300. I just have a couple of comments. First of all again, I would like to thank the ad hoc committee for all the hard work that they did. I think that they took a lot of time to pull apart the report and to give it a full airing and they supported the numbers that the CGR came out with. Their mission was to look at the financials of the County Home and that is what they focused on and that is what they were supposed to focus on but for those of us who were here to listen to Mr. Pryor from the CGR go through the report, at the end he made a very cogent remark which is to say that in addition to the financials it's incumbent upon this body to look and do due diligence on the two people, the two groups who placed a bid for the County Home. I would urge you again to look at that. It seems that so much of the budget for 2013 is based on the sale of the County Home. That that is what they relied on to close their budget. Was it a rush to judgement without doing the due diligence on the two bidders, is the question. As the Chief negotiator for contract negotiations and I listened to the budget presentation and it is important to look to save money wherever you can. I think that it's curious to me anyway, why the County broke off negotiations, walked away from the table when there was so much savings to be had from CSEA. Then finally, just a random comment. I appreciate all the work that all the people who serve on a volunteer basis in the municipalities, I appreciate the work they do. Some of those same people I negotiate with as well. But, when you total it up, it's about 25 people who voted in favor of selling the County Home. I don't believe those vote negate the votes of the 230 residents of the Chautauqua County Home.

My name is Susan Baldwin again. I am from Villenova and also a County taxpayer. The two people who put in their bids and offers apparently they are suggesting that the \$16.5 million dollars that was bid by the out of state bidders who had 6 slots out of the 10 worst nursing homes in Indiana and Illinois and that is all over the Internet. There is 10 pages about Abi Rothner on the Internet plus you can push next and find even more. This guy is dreadful and to just hand over the sale because, oh my goodness, we might have an opportunity to cut down the \$16 dollars a year that I might increase but yet, I noticed on the budget it would increase by \$19 a year even after the County Home was sold. Kind of take a look at that. One more thing. I thought about not saying this because of the HIPPA law but then I thought he is dead so it doesn't matter. My daughter's father-in-law was a patient at Absolute Care and he died because he had scrotum gangrene and they didn't notice it. So, it's really kind of not so good there. So, just take that into mind, you could be there.

Tami Downey, 2445 Donelson Road. I have listened to the two previous speakers talk about conjecture and assumptions and I think and I have done a web address, I would like to tell you some facts. Back in 1824 when we purchased or when the Welfare Department purchased it, it was the Poor Farm or the Poor Home. It was necessary to purchase it at that time because at that time there was no Medicaid, no Social Security, no food stamps, no TANIF benefits and then general law was made to force private companies to take care of the indigent and people that could not stay with their families for whatever reason. Maybe their families had died, their children had moved out of the area. Obviously things have changed. We have a safety net now for our elderly. We also have better income for our elderly and in my case, can take our elderly in-laws, our parents into our home and care for them in their last days. The other difference is in 1824, there were no public unions. There were just nurses and personal care aids and general support staff which was compensated by Chautauqua County if there was a deficit. Now we have union employees who are paid by the County, our tax dollars, and also the Home was compensated by Chautauqua County so that is twice that they are compensated. Our taxpayers can no longer afford this burden. We can't afford a \$3.4 million dollar loss every year or projected increases in years. It is my opinion that nurses, personal care aids, another support staff that are non-union are just as able to provide exemplary care for our elderly as our union employees are. I urge you to move forward with the sale of the Home and allow the residents to realize a benefit of a profitable long term health care facility and a profitable short term health care facility. Thank you.

Mr. Joseph Terrace. All I hear now is about taxes. For many years of my life I fought for the taxpayers but I want to tell you something that you seem to be forgetting. We, the residents of the Chautauqua County Home have earned a right for a descent place to live. We have paid taxes over the years, countless years, and do we get now? The aspect of having the Home that we cherish changed. I will tell you this, no chain nursing home or nursing buyer is able to have all the money that has at its disposal unless he does it over the backs of the residents there. He cuts the aids and the care suffers. There was a research project done not long ago which looked at the chain buyers and found out that wherever they have bought into, care has suffered and aids have been cut. This is not what we want for our facility. Absolute is not the buyer that you think they are. We had a person who worked for them and she said that it was un-clean. Aids were cut, care suffered. This is a chain buyer example of what happens and that aide that worked for Absolute got so disgusted she came up to the Chautauqua County Home to get a descent salary and to have the care of the residents taken care of and a spotless place to work in. What do you price care at? When you see all the football players and baseball players getting enormous sums of money and bonuses and (*inaudible*) same way, what do you price care at? There is no price that you can put on it. Why is there a call to cut the aids salary when they get a top salary of \$18 an hour. They earn every bit of it and that is what I want to tell you today. Remember this, especially when you vote. Some day you will be in a retired home, many of you and you will know what I mean. If you don't get the care, what do you have. You suffer because of some chain buyer who changed your (*inaudible*), your home that you cherish gone forever.

Legislator Whitney: I would like to read part of a letter that was in the Post Journal over the weekend from Jamestown resident Dave Wilfong. It starts out, once again it seems that our

government officials in Mayville had put aside the needs of our County taxpayers for their own special interest. I am of course talking about the County Nursing Home. The ad hoc committee that was formed was nothing more than smoke and mirrors. I believe that once County taxpayers find out what was going on behind the scenes, you'll be able to see who drives this agenda. It seems to me that the committee was set up in favor of the CSEA union from the beginning. More than half of the ad hoc committee members are union employees. How could 11 County Home union employees be on that committee? Believe me, they are not going to vote to sell the County Nursing Home and put themselves on a very lucrative pay and benefit package. Does anyone else think that this might be conflict of interest? I would like to know how these individuals ended up on this committee? Are these committee members a real cross section of our community or just union representatives that seek to save union jobs at the expense of the County taxpayers. So I am asking you Mr. Chairman, could you explain to the public how you came up with the ad hoc committee and did Mr. Wilfong tried to get on this Committee?

Chairman Gould: Not that I recall. I asked for volunteers. The Committee was set up to find ways to find money at the County Home and people that worked there know the best way to do that. I wouldn't know how to do that. I am not up around their days. They were all volunteers. Everybody that was on the committee was a volunteer except for legal and Rose Conti. I told her she was going to be there. Other than that, they were all volunteers. I asked for volunteers.

Legislator Whitney: One follow up. Was anybody refused?

Chairman Gould: Anybody refused? No they didn't. I did cut down some of the numbers, I think from the County Home. There were like 25 people that originally wanted to get on there and we asked them to send only 8 or 10 or something like that.

Legislator Whitney: Thank you.

Reva Byczynski again. I just want to make a comment to Mr. Babcock that union employees are also taxpayers. We don't suck the life out of the wages of this County. We pay taxes too. I pay taxes on my home every day. I am proud to be a union member. Since when is union a dirty word? Public employees, a dirty word. Who plows your streets? What if we all decide to stay home one day, what would happen in this County, for one thing. The State of New York constitution says that you need to take care of the indigent. The indigent are poor, coming from other States, poor people on SSI that have never worked and poor people that have used all their life savings over their Medicare and over their Social Security to have to live in a home and I am glad that his lady over here that just spoke was able to take care of her parents. Some people are not able to take care of their parents. Some people don't have children. If they do have children, their children like I said are working two jobs. Not everybody is lucky enough but when you are taking private pay – it's the south county that is totally against this that you are saying. It's not north county. You don't hear any Legislator from the north county, any town boards from the north county saying we want to sell this Home. It's a tax base for one thing. They don't have temporary employees, they don't have part time employees that come and go in all these other little nursing homes. They don't have all these big nursing homes like Lutheran Social Services, Heritage Green, Heritage Village, that don't pay a damn bit of taxes because they are religious organizations. Nobody cries about that. You don't get any taxes off that. Yet we're paying for all their services, fire, water, protection, you have to pay for that and they are church based organizations. WCA Home, church based. You don't tell me that they are not-for-profit, they are for profit. I am ashamed of people that think that the union is again a dirty word.

Chairman Gould: Please address your comments to me.

Ms. Byszynski: I am addressing the whole body.

Chairman Gould: You are supposed to address them to the Chairman, I am sorry mam.

Ms. Byszynski: I am sorry Mr. Chairman, I apologize for that. It's just emotional.

Chairman Gould: I know. That is why I am letting everybody speak.

Ms. Byszynski: I am done speaking but I would like everybody to do their due diligence, don't listen to a few town boards with 25 people voting to say close this Home. Thank you.

Ms. Bonnie Peters, Glassglow Road, Cassadaga, N.Y. Although private companies say they care for everyone, let's be honest. A private company is driven by profit. A private company will often find a way to cut corners and do things as cheaply as possible. The residents deserve the best care not necessarily the cheapest care. Tampering with the current services at the Chautauqua County Nursing Home is not a way to save, but you are right, it does cost. The real cost of privatization is at the expense of the elderly with the loss of the high level of quality care they currently receive from the people that work at the Home and call those residents family.

Mr. Paul Stage. Just a couple of things. I want to say thank you for your support of the Lake Association this last summer. The lake was in really great shape this year because of the extra help that you gave it. I think that is probably one of the direct reasons that Mr. Edwards saw another \$400,000 in his sales tax budget. I think that you have seen an immediate pay back on that.

The County Home is obviously a heated issue here. If Mr. Edwards numbers are correct and the number is \$6 million dollars that is a lot of money. It buys a lot of care. I would submit that it's really not \$6 million dollars though. It's probably more in the neighborhood of \$13 to \$15 million dollars. In my life as a Planner, I tend to look at things in 5 and 10 year periods and the time uses of funds and monies. The decision that you make on the County Home will be at, at the bare minimum, a \$10 or \$12 million dollar decision if that starting number is correct going forward. So, can you afford to put it back out to bid and maybe take a look at another company? I don't even know if that is a solid sale. I am not really sure where this whole thing stands or if it goes back out to bid, again, but perhaps someplace along the way with \$12 or \$15 million dollars, another company could be found that you could find some way to come together across the aisle here and get the votes that you need to make this happen.

Mr. Paul Shanahan and I would like to address the sale of the County Home as well. I am in favor of it. I am going to take a little bit of a different tact that some of the earlier speakers who I agree with wholeheartedly, Mr. Haddad, Mr. Babcock and others, Ms. Downey. Once recent speaker hit the nail on the head that this is definitely emotional. But I think all the Legislators in this room know that it's not their job to be emotional, it's their job to make good fiscal decisions. It's their job to do a particular duty and care out a fiduciary duty to the taxpayers of this County. Now one of the things that I have heard on the emotional side that really disturbs me and one speaker earlier was eluding to union bashing, union being a bad word and so on. What the issue here is not the workers. Part of the issue is definitely the union leadership. One of which stood here earlier today and told you that the ad hoc committee came up with the results and everything is fine. But I will tell you what, I was there, start to finish and they did not come up with the results that will make this County Home revenue and tax neutral and self-sustaining. It is a misnomer that this County is a business, it's not. It's a government enterprise and it is a government enterprise that is a large part of County government that cost the taxpayers a lot of money. They don't make money or should they but when they have realized a surplus, let's be clear, that surplus is taxpayers money. It is not profits, it is not the employees money, it's the taxpayers money. This County Home absolutely needs to be sold. I have read the CGR report. I followed this start to finish, I was at that ad hoc committee meeting and I have absolutely no doubt that the prudent fiscal choice, all emotions aside, I understand some of the emotions but I will tell you what that it is a pretty great insult, a great insult to all the workers at Fenton Park, or Tanglewood, or Heritage, or LSS or anywhere else to continue to insist that because they do not work for the County, they are somehow substandard. Or that if my loved one is at Heritage Park, he is going to get somehow substandard care and would be better off at the County Home where the taxpayer subsidize it to get the level of care that it gets, although it's still an average facility. So,

enough with the insults and the emotions, let's look at the hard choices that need to be made about fiduciary duty and responsibility. Thank you.

MOVED by Legislator Duff, SECONDED by Legislator Croscut and duly carried the meeting adjourned. (8:47 p.m.)

Special
Chautauqua County Legislature
Wednesday, October 18, 2012 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order.

Clerk Tampio announced a quorum present. (Duff absent)

Legislator Whitney delivered the prayer followed by the pledge of allegiance.

1st Privilege of the Floor

Mr. Joseph Carrus, As President of the Resident Council of the Chautauqua County Home, I welcome this opportunity to speak to you. Residents, (*inaudible*) and County taxpayers are united to keep the County Home as is. Contrary to some of the opinion of some of the County Legislators to privatize the Chautauqua County Home. As County Legislators they appear to be looking only at financial gain not the moral aspects of the case. Furthermore, it also appears that these same Legislators consider handicap (*inaudible*) as expendable and disregard to care and needs of our helpless and homeless human beings. They are not packages wrapped to be sent somewhere else. What happens when a chain nursing home buyer taints a nursing home as evident in research per paper by Charlene Harrington, Professor at Southern California University? The nursing staff is cut with failure to prevent pressure sores, resident weight loss, falls, infections, resident mistreatment, poor sanitary conditions and other problems that could seriously harm residents. When a buyer takes over, you can't prevent him from cutting staff even though he may promise to safeguard the care of residents. Someone has said, we all won, each of us (*inaudible*) in this body called humanity. The (*inaudible*) and obligation of accountability for our action rests upon each of us single cells for the good of the whole body. Therefore if you mandate that our Home be sold to a private owner, you for years will fit the care of a multitude of people whose only home is the Chautauqua County Home. I am one of those people, I am 99 years old and expect to spend the last years of my life in the Chautauqua County Home. Would you deprive me or your relative or even yourself of this haven in the future? Like the concept of one cell in Matthews Gospel, Chapter 25, versus 34 to 40, you become aware of the beautiful concept of the mystical body. Crist the King says at the last judgement, come, take possession of the kingdom for I was hungry and he gave me something to eat, I was thirsty and you gave me something to drink, then the (*inaudible*) answered him to say, Lord, when do we feed the hungry and feed the or thirsty and give the drink. Answer the Lord will say to him, as long as you did it for one of these at (*inaudible*) my bothered did it for me. Thus the Lord identified himself with the (*inaudible*) - (*time expired*)

My name is Martie Laughten Slaker and I live at the Chautauqua County Home. It's the best place, believe me. I've been to a lot of places. It's the cleanest, the help is the best. You don't lay in bed in feces and all of that other garbage. They are kind to you. Nobody is nasty. I have seen some people that were nasty. The girls are good and the men are helpful. I just hope that none of your people ever have to go and live in the Home if it is sold to some unreliable place. The girls deserve what they get in money. Every single one of them.

Thank you Mr. Chairman for allowing them to speak first. My name is Mr. Dave Fagerstrom, President of CSEA 6300, representing the County employees. I live in Cherry Creek, N.Y.. I want to send get well wishes out to my friend Bob Duff. I am sorry that he couldn't be here tonight, but, here we are again. Now we are talking about spending more taxpayers' money to negotiate a contract with a company we don't even know when you haven't even voted to sell yet. The County already invested \$80,000 in the CGR study to determine what improvements could be made to make the Home a more viable operation. To report highlight six, cost saving measures that were unanimously agreed on by the Ad Hoc Committee to be given to the full Legislature. CSEA addressed the two concerns,

employee wages and benefits. We offered a \$1.7 million dollar savings that was rejected by the County. As far as I know, there has been no final resolution regarding the other cost savings measures. According to Mr. Pryor who did the study, the amount that could be saved would probably be much greater than his figures showed as they were conservative. Instead, we're discussing negotiating a contract to sell to some out of state chain operation given up our public access. Whatever happened to the idea that we fully vet the buyer? When Greg Edwards disputes the figures in the CGR report and puts imaginary profits from the sale into the budget, it looks as though the County Executive has made up the Legislator's minds for them. The report shows the Home ended in 2011 with a \$5.3 million dollar fund balance. All things considered it's currently making \$300.00 a day profit. We need you to vote to keep the County Home public. Thank you.

Ms. Rose Conti, 50 Lake Ave., Brocton, N.Y. I have a few questions for the Legislators to consider. Why do we need to approve entering into negotiation of a proposal for sale when we haven't even voted on selling the Home yet? Isn't this just a waste of more time and more money? Since I assume that this would take and take time from our legal staff, who is some of the most highly paid County employees. Do we expect it to be extremely different from the RFP? Isn't that supposed to contain the particulars of the sale? Is much of the rest of what would be done in the contract, just what we would call boiler plate language? If Altitude Health Services really wants to buy the County Home, why aren't they willing to address your number two resolved in your proposal by just addressing the questions you have without going into the expense of negotiating now? Altitude's number one on the first page of their RFP begins; purchases shall prepare a first draft of an assessed purchase and sale agreement for seller's consideration which shall contain provisions, representation and warranties. Has that been done? If not, shouldn't we wait for them to fulfill that promise? Time and energy was spent to determine if we should pursue IGT funding to keep the Home running while we looked at a long term plan. An Ad Hoc Committee was formed and a CGR study was funded. Why do we now need to negotiate a contract without even attempting to give these ideas a chance? Isn't that a disservice to the people who worked on this Committee and the professionals we pay to do study? Are we once again putting the cart before the horse? Shouldn't there first be a vote to sell before we do this? Thank you.

Mr. Frank Lasa, 13 W. Doughty Street, Dunkirk, N.Y. (*Gentleman not at mic*) This is a copy of a survey that was taken, poor staff, poor quality – this here is low staffing and poor quality of care for (*inaudible*) for profit homes. I got it off Joe. He has two copies. Actually there should probably be 30 or so to pass out amongst the Legislators but this is it and I will do the best that I can with it. This is a survey taken by Charlene Harrington, RN, PhD FA(?). Now, her findings were and I'm just going to read it in sections because it's too long. Poor quality of care is endemic in many nursing homes but we found that the most serious problems occurred in the largest of profits chains. First thought that Charlene Harrington, RN, PhD, Professor (*inaudible*) Sociology in Nursing UCFF (*inaudible*) Harrington, and Director of the UCFF National Center for Personal Assistance Services. The top 10 chains of strategy of keeping (*inaudible*) to increase profits, Harrington said. They are not making quality a priority. Now, I just have another paragraph or so on here. The 10 largest for profit chains were cited for 36% more deficiencies and 41% more deficiencies than the best facilities. Deficiencies include failure to prevent pressure sores, resident weight loss, falls, infections, resident mistreatment, poor sanitary conditions and other problems that could seriously harm residents. I think that that should be taken into consideration. If anybody has a conscience of what is best for the elderly, the infirmed. Thank you.

My name is Tom Turner, I live at 33 Slate St., Lakewood, N.Y. I would like to start off by saying, three of my four grandparents passed away at Lutheran Social Services and the care that they were given there in the private sector was spectacular care. We've often been told by County Legislators and County people that you have very little control over your budget and it's always stuff that is mandated that is the problem and that is why you can't lower taxes. We've lost business after business and we continue to lose businesses. The property tax burden is amongst the very, very highest in the entire nation. I don't believe personally the government should be involved in anything

that the private sector can do and part of the big problems with budgets are the fact that government wages and benefits totally outpace private sector wages and benefits and we need to start bringing the public sector benefits and wages in line with the private sector because none of it is sustainable as you all well know long term. Here is a situation whereby which you can put give or take \$6 million dollars in the bank, (*inaudible*) millions of dollars in losses, put hundreds of thousands of dollars a year in cash flow back on the tax rolls and I think that ought to be done. I am sure you all read the Post Journal last week when it had assessment after assessment after assessment on the front page of the Post Journal which had been reduced, resulting in lower property taxes for Chautauqua County, the school districts, towns, and villages. I have been telling you all for years, that every time you raise taxes and you raise costs, you devalue real estate which means at the end of the day, every time you raise the taxes you devalue the real estate, we come back and grieve the assessment and you are in the same darn place. Your optimum taxation, at this point and time, you start to deal with the costs that you can and every cost that you can and you probably need to start dealing with all of your other contractual agreements and whatnot as well as they are unsustainable. I have spent time on the school board and the public sector contracts that I have seen in many instances after defined benefit pensions, after health insurance increases, after step increases and wages that are 6 to 7% alone, equate in many instances better than 20% per person, per year in increases and we're not getting anywhere near in the private sector. We're lucky that we earn what we earned 10 years ago. I suspect if the Home is sold, it will be sold to responsible individuals who will rehire the employees. Unfortunately not at the same wages and benefit scales most likely, however, you cannot put the needs of an entire County ahead of the 1% or less than 1% of the County that works at the County Home. They are good people. I am sorry that this is the way that it needs to go but Chautauqua County needs to start balancing their budgets and cutting where they can. Thank you.

Mr. Doug Stock, Fredonia, N.Y. and President of the Dunkirk Area Labor Council. I want to read you the last paragraph of a letter that was sent to the Observer the other day. It was in Tuesday's, October 16th and was signed by Donald R. Przytula, Ed. D. is a Fredonia High School and Fredonia State University graduate and currently resident in Fairfield, Conn. I do have one request regarding the County Home. Each member of the Legislature planning to vote for this sale should visit my father and the families of every other resident of the County Home, shake their hands and assure them that there will be no decline in services to their loved ones. If you can't do that, you should not vote for the sale. Thank you.

Mr. Joseph Sweeney, I live in the Village of Fredonia, N.Y. This County took on the obligation of carrying for seniors' way back when Andrew Jackson was President of the United States. Through the Civil War, through the great depression, WWI, WWII, they've always managed to find a way to carry out the obligation to care for those who are unable to care for themselves. I go back to something that Joe Carrus said. This is a moral issue here. Many of our County departments don't make a profit or break even. Certainly we don't make a profit on the Sheriff's Department or the Jail but I don't think there are many of you think that we should get rid of the Sheriff's Department or the Jail or privatize it. The Highway Department doesn't make money but we have to have the Highway Department. I think that it's an obligation of this County and every citizen of this County to look into their hearts and come up with whatever money needs to be paid to fund this County Home. These are the people that have built this County, that built it into what it is now and they are the parents and the relatives of the people sitting in this room here. I think that it would be unconscionable for this Legislature to vote to sell that Home. Thank you.

Mr. Todd Trnum, I'm President and CEO of Chautauqua County Chamber of Commerce and the Manufacturers Association of the Southern Tier. We have offices in Dunkirk and Jamestown and I reside at 5639 Rivelete Ave., in Maple Springs. I also own property in Jamestown, a home that I am trying to sell. So if anybody wants to make any offers this evening, my ears are open, and property in the Town of Charlotte. First of all, let me premise by saying that I think that we all and I think this is something that we can all agree to, we all value the hard work and the dedication of the employees at the County Home. We also all value the services that are provided at the County Home

and we all want to see that entity continue and those services continue to be provided and those jobs be saved. I think where we differ is on how we get from where we're at to that long term objective. I think credit goes to the County Executive and this legislative body for going through this process and performing the due diligence you have done. Sometimes you don't get credit for what you do and I'm here to give you credit for that. You went through an RFP process, you went out and got feedback from stakeholders. You included that information in that RFP process, you did the CGR study which I thought was very enlightening. You have performed audits by third party entities, you had an Ad Hoc Committee that looked at this in detail but the bottom line is, the County Home is losing money. The bottom line is, as currently structured and operated, it cannot stand alone without taxpayers' subsidy and that is reality. Unfortunately there is no signs that that is going to get better. If we think Medicaid and Medicare reimbursements are going to increase magically, that is not going to happen with the constraints that the Federal and State governments are under. If we think that Inter-government transfer dollars are going to increase, we're mistaken. If anything, those types of dollars flowing into the entity are going to decline. We can no longer afford the tax burden that's placed on us in this County. Property tax payers, whether you own a home or you've run a business, we are creating a situation here that is making our community less competitive for economic development. It's making it difficult to retain businesses, it's making it difficult to bring new businesses into this community and if we all are in the business of creating a higher quality of life, creating jobs and opportunities for our young people, we've got to deal with our property taxes. Now, we've heard a lot over the past several years about mandated costs. We understand that. There is a lot of burdens put on this body by the State and Federal government. Thirty one million dollars in Medicaid bills that counties have to pay but there is nothing that you can do today to affect that tomorrow. There is work to be done there and we'll stand with you on that in terms of reform in Albany but there is nothing that you can do today that is going to change that tomorrow. We talk a lot about consolidation and many of you have agreed with our positions on regionalization and consolidating services to create efficiencies and reduce costs. But there is nothing that you can do here today to mandate and affect that tomorrow. That is a long term process with a long term solution. But what you have in front of you today is something that you can take action on. I think you have a responsibility to the taxpayers of this County as well as the employees of that facility and everybody else that is involved to keep this process moving forward, to continue going through the due diligence process that you have started. Let's look at the facts and let's come back here in November and make a decision. Again, I really appreciate your time and your hard work on this issue. I know it's not an easy one but you have to do the right thing in terms of making Chautauqua County more competitive for job retention and job growth. Thank you.

My name is Michelle Daleone, I live in the Town of Arkwright. I am a nurse's aid at the County Home and I look around this room and everybody says about taxes and how much money it would cost us. I'm a Grade 4, I am a Grade 4 and that is half of those people at the County Home. I can't afford to lose any benefit that you guys have gave the right to have. I get good health insurance, I get everything. From you guys allowing us to be part of the County and now you want to take that away. So please think of what you guys are doing. You are affecting me, you are affecting the residents, you are affecting everybody around you. So please think before you do anything.

My name is Kathy Snyder, I'm from Dunkirk and I'm a County Home employee. People have said that they give credit to the employees and they care about the employees but I am not seeing that. If that was really the case, I would have expected us to really go into this Ad Hoc Committee, come up with the solutions that were given to us by the Center for Governmental Research and I would have expected them to be implemented. We haven't even tried to do anything which has been what has happened since 2009. We've been prevented from making any changes. I don't believe that we've actually done any due diligence here. Due diligence in my mind is looking at all the ramifications of this sale. The only thing that's been really looked at an investigated is the financial aspect of it. What other departments are being cut in the County? What other departments can stand alone without taxpayer support? If we took money away from Mr. Trantum or anybody else here that had a business and we decided that oh, we don't want you to get paid as much, we want you to – we're going to put you under another owner and you are going to be losing money and

benefit but sorry that is just the way it has to be. I mean, that is what you are saying to everybody. You are not even given the County Home an opportunity to change and to try to make money and to be financial viable and that is what really bothers me. I think if we had been offered that opportunity, I think that we wouldn't have been half as upset as what we are today. I really am disappointed in the Legislature for allowing this to happen the way that it did. Thank you.

My name is Jim Walker, I live at 3880 East Ross Mills Road, Falconer, N.Y. I speak for myself as a taxpayer, but I also have some questions for a bunch of people that fit in the same category. I am a senior citizen, I am not in the Home. I have a 92 year old mother-in-law that lives with me, she is not in the Home. How much more taxes do I have to pay? When do you final decide that the people who are senior, who own homes, who are struggling, most of which have not had a pay raise in the last 2 years. Some of those, every time you raise taxes, some of those hit the market. They either have to give up something to pay the taxes or they wind up with some of our friends in uniform here showing up and saying, your home now belongs to the County. So, I think you need to – when you are looking at the moral obligation, what is your moral obligation to hold taxes down for a change? While I see this situation as yes, people are going - nobody, nobody likes change and that is what is going to happen if you vote to sell the Home. You are going to change perhaps some people in charge, for the residents you are going to change the work rules for some of the employees, you are going to - you might even change the taxes for some of the people in the County. I think that is something that needs to be considered. I really have a problem because I don't think that we could come up with evidence to show that the private homes in Chautauqua County are way behind or lagging behind the County Home. In fact the reports that the State has put out, kind of put them in the same ballpark and some ahead of the others in different areas so, I think that is a pretty unfair acquisition. We have some of the finest long care facilities in the country in this County and I think we should not indicate that only one of them meets that criteria and that is because its government owned. As the gentleman stated earlier, I do not believe that government can do better in something that private industry can do. It's never worked. We can't find places where it worked. We can't point to situations where it comes out and whatever the overlap is at the County Home that is not profit. We throw around a lot of terms here that have definite meaning and they need to do it. It isn't even a return on investment to taxpayers, that is a particular thing. I do think that you have an obligation and I do want to agree with the couple from the Union on a couple of things. This is the most convoluted process I have ever saw in my life – have a good day.

My name is Rita Koharski, I'm an LPN at the Chautauqua County Home. We keep talking about morality and taxes. The elderly at the nursing home are like they said, are the ones that had built the nursing home and paid in their taxes. Maybe it's our turn to take care of them for a while. I have been a homeowner for 26 years, I've never seen my taxes go down. Never. You also talk about the morality and I am going to say, I am going to ask anybody who has an elderly family member, aunt, uncle, mother, father, sister, brother, of all the Legislators, could you hold the hand of a dying person dying of cancer? Could you wipe the sputum away from somebody's mouth while they lay dying? We have the ability to make them comfortable. Could you change an IDB on somebody or feed somebody who doesn't have the strength to bring a spoon to their mouth anymore? Could you do that for your family members? Maybe financially you'd be lucky enough to have the money to put them in the private sector. A lot of people don't and they do have to rely on Medicare and Medicaid. I really want everybody to think of that. You are family members. Not so much – the people who are there now, your family members. Day after day we go through. We watch death, we take care of the people who are dying. We feed them, we cloth them, we wash them. They get the best care that they could ever get there. I don't see it in the private. I have seen other private facilities and how it works and it's a financial gain. So just think of your family members in the future if you don't have enough funds to put them in the private sector. What would happen to them? You have the time to take them into your house, you'd love to and take care of them. You have to work. To me, it's not feasible to get rid of this one County Home for the poorer folks and for the folks who built it from years past. I don't see a tax reduction that much, I'm sorry. Like I said, my taxes have never gone down and we've owned our home for 26 years. I live in Brocton, Rt. 380. Thank you.

My name is Shirley Leman, live in the Town of Poland and I'm just an ordinary taxpayer and from all that I have read in the paper, pros and cons, both sides, I just have come to the conclusion that I am for the sale of the County Home. I have no doubt that these people that work there are wonderful, excellent workers. They do their jobs well but I know for a fact that the private sector homes in the south county area, all I can say for sure is I know they are very good. I have a father-in-law at Heritage Village Home, my mother was at Heritage Park, I have aunts and relatives at the Lutheran Social Services and they get absolutely excellent care. I think the places are very clean and I just think the private way is the way to go and taxpayers need a break. Thank you.

My name is Ed Saleski, Panama, N.Y. I came here tonight to express my opinion just like everybody else is, I suppose. I'm in favor of the County Legislature opening up negotiations for sale of the Home. Our taxes are way too high in this State and County. We've got to draw the line somewhere on the cost increases that keep going up year after year. Us taxpayers need a break too. I'm retired. My income doesn't go up every year and so I just wish the County Legislature would do the right thing and open up negotiations and allow Greg Edwards to start negotiations to sell the Home and give us taxpayers a break. Thank you.

Good evening. Ladies and gentleman of the elected body of the Legislature. Mr. County Executive, thank you so much for the opportunity to address you tonight on the future of the Chautauqua County Home. My mother's current home. It is so easy to forget the nameless faceless people that some of you never knew and who you will never know and what so many of them have done to invest and build this County and all that is good about it. They were teachers, doctors, and skilled workers, they were farmers, businessman, health care professionals. All invested in your Chautauqua County Home and yet now their lives are being sold off because they cost us too much. How much in taxes did they pay all their lives, do you think that kept this County going and to help build and maintain this facility that they have a right to be cared for within with the highest quality of care being delivered to them. They to own this residence, it is their residence. I am a voice for my mother, Barbara Fitzgibbons, because she cannot bring that voice to you. I am here voice as a nurse and a daughter. I am an indirect care giver. I have a vast experience in the health field. Please do not delude yourselves on the quality of care for the elderly Medicaid patient. You cannot wash your hands of these frail individuals and I know you don't mean to and you cannot walk away out of site and out of mind, that they are no longer your problem. I can tell you from personal experience in 34 years of it. The Medicaid patient through no fault of their own will not get the services and the quality of care they currently do. Whether you want to hear it or not, you will hear this. My mother's care and her life will change for it. Through no fault of her own, she had an elective surgery at Millard Fillmore Hospital in Buffalo Gates on November 1, 2010. She was allowed to fall out of bed for hours after she came back to her room, after I had returned back to Olean and she laid there on the floor for an hour before they found her. She had a heart attack the next day and then a stroke the day after that and before then she was a functioning vineyard farmer in Silver Creek, New York, dutifully helping my father every day of his life to keep that farm going and also paying her taxes. Because of the wonderful work those people did at the County Home and because my father and I had decided that we knew she would probably die, we brought her from Millard Fillmore to die at the Chautauqua County Home and you saved her life and I say, all of you saved her life. I get down on my knees and thank all of you and all those at the County Home for doing that. Because of the work I have done especially in ICU and home care, that any one of you and I remind you, any one of you in a millisecond can be in this same position that my mother was and you may be in that position or your wife, or your daughter. You would pray that this could be your facility under its current management and you would be restored to the best level of life that could possibly be functioned. Quality care costs and what the staff has to do each hour of every day takes a very special type of person. Do you really have any idea what it's like to clean someone every half hour of every day when they no longer have any control of their bodies or their minds.

Chairman Gould: That's three minutes. Please identify yourself and your address.

Yes, I'm sorry Mr. Chairman. My name is Paula Snyder and I live at 1116 West Henely Street in Olean, N.Y. Thank you for your time.

My name is Paul Shanahan, 15 Maple Street, in the Town of Ellicott. I've spoken to you before and I'm going to speak out again today in favor of selling the Home. This is more about than just selling the Home or a lot of other buzz words that we've heard. This is about good governance. This is about good choice, this is about responsible choices. This is about transitioning a failing government entity that is already been delayed upon in the past and if continues to be delayed upon so more, it may very well become a fiscal crisis in the future where these types of good decisions may not be made. We have an opportunity today to transition this facility over into the private sector where the services can be preserved, where the jobs can be preserved and I believe that is good governance. I also believe in the proper role of government and I would (*inaudible*) back to discussion over the last couple of years about the size of the Legislature because there is one relative point about it. There is a lot of talk about limited government, right sizing government, size and scope of government. That issue amounted to \$54,000 and amounted to pennies and we're talking about an important issue there, our representation. Today, we are talking about a multi-million dollar issue that is a fit full of dollars not a couple of pennies. But again, this is not just about the dollars and cents. It's about good government making a responsible choice. You know, we've heard a lot of rhetoric, a lot of rhetoric and I heard something that I was going to refer to and even heard it here tonight. I heard a County Home supporter recently say, that the County Sheriff's Department loses us money, cost us money, we should privatize them. Well that person doesn't understand the proper (*inaudible*) government. Because the Sheriff's Department is a constitutionally mandated function of government. County Home is not. I heard another County Home supporter say, that the County Sheriff's Department should be cut further and that money should be given to bail out the Home further than we've already done. Well, the County Sheriff's Department took cuts last year, did they not and substantial ones. As did departments all across the County but what did the County Home contribute to our fiscal crisis? Nothing. They contributed nothing. So, I submit to you that we must dismiss those types of comments and a lot of the comments that we hear that really are not relevant to the particular choice that you have to make. The duty that you have to do that is grounded in your responsibility as a public official. To that end, I would add one further comment. We so often hear about how our County government hands are tied on certain issues. If we were standing here talking about privatizing the County Airport, you would be talking about how the Federal government has your hands tied. But I submit to you on this issue, you and you alone, the State doesn't have your hands tied, the Federal government doesn't have your hands tied, you and you alone have the opportunity to stop the taxpayer subsidies and the bail outs and that is what IGT money should really be referred to as and transition this facility appropriately to the private sector. Thank you.

My name is Susan Baldwin, I live in Villenova and I do recall him at the last meeting saying that he was at every single Ad Hoc Committee meeting, however I was at every single Ad Hoc Committee meeting and I never saw him before.

Chairman Gould: Keep your comments directed to me please.

Ms. Baldwin: Well, I never saw him before. I do want to make one mention that everyone who has gotten up here and said that their parents or grandparents have been in a nursing home here in the County is referred to Heritage Village and Lutheran Homes, and Heritage and they are lovely homes, but they are not-for-profit nursing homes. They are not the for-profit nursing homes that other people are referring to and they do, do a difference. They have to make money, there is no way to make money if you are not cutting something and often times, it's care. The CGR study said please look at these other options and please try and enforce other opportunities to make money and Mr. Edwards himself, when I talked to him on the phone said that it was never meant to make money. We are supposed to take care of our elderly. Thank you, have a good day.

My name is Colin Hart, I'm a 27 year resident of Chautauqua County. I am a stakeholder in both Dunkirk/Fredonia with real property. I am also a licensed nursing Administrator for the last 27 years as well as an owner/operator at the same time for the past 15 years in Springville, N.Y. I have a small proprietary nursing home, I was the Chairperson, President of the 8 counties of Western New York for 7 consecutive terms, which also put me on the State Board, the Executive Committee for New York State Health Facilities Association. I am an active participant of the payment for services, a legal action of the legislative committees of that association. I want to applaud the Chautauqua County staff of the County Home for the excellent care, the beautiful facility, the County Executive Edwards, and Administrator Tim Hellwig for the beautiful job that they do. One thing that I want to point out is that the reimbursement through Medicaid at the Chautauqua County Home is somewhere in the neighborhood of \$185 and change a day, per Medicaid day. My reimbursement as a proprietary facility is \$135.50 a day. Our acuity level is very much similar which means that we provide the same level of care. Bottom line, we're a cost base industry and the cost to the County facility are significantly higher. We cannot afford it as taxpayers, we cannot afford as individuals in the community. The level of care is very comparative between proprietary nursing homes as well as not-for-profits and the governmental facilities. But the bottom line is the governmental facilities costs are so much higher. Additionally with the IGT monies, we never know the certainty of it. If it goes away, the County facility loses, I have seen figures from \$8,000 a day to \$10,000 a day. The member of the Union says that we made money at \$300 a day. I have never seen that. We have to stop the bleeding and I think the private industry can do it better. We can negotiate our insurances, our disability, our Worker's Comp., all the things that are tangible better. We need the County Home so - the County Home is not going to go away. We need those 216 beds in this community, we need to 270+ jobs in the community. They are not going to go away, we just have to run it like a business. I think with privatizing the facility that is the way to go. I think that we can be efficient and keep the entity, the gem of the community that it is and I thank you for your time.

Mr. David Leach, 3216 N. Main St. Ext., in the Town of Ellicott. Before I get to my prepared remarks, I would like to make an observation about the wonders of the private sector. Now, the private sector has been extolled here tonight but that can only happen, as the late (*inaudible*) says, we live in the United States with amnesia. What happened in 2008? Is our banking sector private? Yes and it collapsed. And we've pumped \$16 trillion dollars in one form or another into the financial sector in this country to keep it afloat. And yet, people stand here and talk about the private sector. It's invincibility, its efficiency, it's effectiveness. Without a government bailout and if we are going to talk about bailouts, this is the mother of all bailouts. There is nothing - we wouldn't be sitting here, we'd be in deep do do. So don't tell me about the wonders of the private sector. It failed, totally, disastrously and we're still feeling the consequences of it. Now, to the matter at hand. There is nothing novel about the County Executive Greg Edwards drive to sell the County Home. In 1990 a recently elected Andy Goodell launched a very similar campaign to sell the County Landfill. Like Mr. Edwards, Mr. Goodell claimed financial necessity and illuming financial calamity and presented the Legislature with no alternative but to sell. For the past 22 years of proven Mr. Goodell's dire warnings, totally unfounded. I fully expect Mr. Edwards prognostications about the County Home will also be wide of the mark if the Legislature demonstrates the intestinal fortitude and imagination to retain this excellent publically owned and operated facility. Thank you.

My name is Donna Bareen, resident of Jamestown, N.Y. and also President of the Chautauqua County Board of Realtors. I have been selling real estate here for over 20 years and every day, every company, every people that we talk to, we listen to seller struggling to sell their homes and we listen to buyers saying we can't afford to buy their homes because the taxes are too high. In our industry, it's tough because we have to hear both ends of it. We are watching values come down. We deal a lot with HR companies. We use to have a lot of people relocating to the area. The HR managers talk to us. They tell us look, we need your help, we need to find a rental because people are coming, they are coming from other areas where they can't sell their homes and they need to find rentals. We can't find sellers that can afford to rent their homes to cover their taxes. The other point that I want to make is, I listen to a lot of people in this room talk about the quality of care that

these residents are getting at the Chautauqua County Home. A lot of us have had to make concessions. Are the employees of this Home saying that if they have to make concessions to keep this Home going that their quality of care is going to be any less than what it is now? That is what I am hearing that the quality of care is going to go down. Is it over money? Thank you.

I'm Samantha Billia(?), from Fredonia. I work at the County Home as an aide and no we are not saying it's over money. It's about the residents, it's not about the money and if we were to be privatized, it had nothing to do with that. I have worked in private homes before, you don't have as many workers there, aides to take care of residents. We take care of 8 or 9 residents a day, per person. We have to wash them, shower them, dress them, feed them, make sure they are clean, they are not sitting in their feces and if we become private, we will end up taking care of probably 10 to 15 residents a day. Not every resident can be put in a private home. We've had residents that can't even be moved when their families want them to be moved because they live in a different town. I know a lady who lives in Jamestown and wants her husband there but he can't get into a home out there because they won't accept him. It isn't about money. It's about the residents.

I'm Mickey Gates, a resident of Lakewood and also a realtor. I am in favor of privatizing the County Home and I echo the statements made by Donna Bureen about selling homes, the value of homes and the (*inaudible*) our taxes represent to people. Thank you very much.

I'm Sharon Lasandro and I'm a resident of Lakewood, N.Y. and a realtor. I agree with the previous statements that have been made. It is extremely difficult to sell property in Jamestown, in Chautauqua County because of the taxes. We have I think a responsibility. We have an opportunity here to do what is the right thing by selling the County Home. I don't believe that the level of care is going to go down if it is privatized. I think it's the right, the prudent thing to do and I am hoping that all of you are going to be on board with that and do the right thing. Thank you.

My name is Dennis Moore, 1109 W. 3rd St., Jamestown. Years ago a friend of mine worked at Super Duper Super Market, you might remember that. The owners sold it to another company and my friend continued to work there as a new hire. Her earnings were reduced somewhat but she still had her job. Quality Markets on Fluvanna Avenue is now closed and all the employees have no jobs. This is how the private world works. Fair or not fair, it's democracy. I can't think of any endeavor that government can do better than private sector. Maybe the best solution to the County Home, if we can't figure any other way to do it, is to reduce the budget every year, reduce the number of patients gradually, and close the Home. Thank you.

My name is Mindy Kaufman, Dunkirk, N.Y. If this is not a north county versus south county issue, I don't know what is. I keep hearing taxes, taxes, taxes, and if I am not mistaken CGR reported that it would only save the taxpayer a dollar and some change, per year. That's it.

(Unknown speaker) – Per month.

Ms. Kaufman: Per month, I'm sorry, you are absolutely right. Per month. I have yet to hear the County Executive state that our taxes will go down if the County Home is sold. He has not said that. The only commitment that he has made is that our taxes, he knows for a fact that are taxes will go up if we keep the County Home. That is kind of a roundabout way of saying your taxes will not go down. Thank you.

My name is Cheryl Fidler and I live in Ellery, N.Y. on the Fluvanna Town Line Road. As a property owner and taxpayer and a senior citizen who is probably looking in not a terribly distant future of being in a nursing home myself. I have to say I am in favor of selling it. It seems like the common sense right thing to do under the circumstances. If I was looking at a similar situation in my own family or my own budget, my common sense would tell me to do the right thing. I think as responsible people we need to look not only in our Towns, our County, our State, our Federal, we

must start addressing these things so we don't leave this burden on our children and on our grandchildren so I am very much in favor of selling the Home. Thank you.

My name is Carl Fidler, it's my wife and I live on Town Line Road in Ellery. I have the same thoughts. It seems like we're kicking the can which government is use to, I guess. You can see that if it was privatized it would be a profit and someone mentioned that it would be because it is privatized we'd have to pay more for the elderly. I am a senior citizen. My mother was in Prather Avenue through Heritage over there. She had excellent care. We have friends at Greenhurst that go to that facility for rehab and in a short time, they are in and out and they just have praise for the place. I don't know anybody up there in the north that has been in that Home but I know well of the two around me. So as a taxpayer, property owner, I would want it sold.

James Allison, Jamestown, N.Y. If this was put to a vote to all the citizens of Chautauqua County, I would think that that would be the fairest way. It truly is not revenue neutral. My opinion would be to sell the Home so that we can at least give the taxpayers a break. There are a lot of other bills that this County has to look forward to which is not going to be easy so there is going to be a lot more budget tightening. So, I'm in favor of selling the Home.

My name is Antoinette Snyder, I'm from Dunkirk, N.Y. I am a relator also and it isn't because of the County Home that we can't sell houses. The whole country, the economy is down. That is why we can't sell properties and if any of you people here think for one minute that the taxes aren't going to be raised, you are a bunch of foolish people. The County Home should not be sold. It is not the right thing to do and you better think twice. Anyone that thinks he can dance with the devil and walk away, he can't. So you all better think twice about what you are doing to this County. This Home belongs to every single person in this County. Not just Dunkirk. Every single one of you people owns the County Home and it's yours to keep. Don't give it up. Don't listen to lies. Just think twice before you do anything. Thank you.

My name is Dave Wilkenson, 7499 Putman Road, Cassadaga, N.Y. I want to talk a few minutes about values. I grew up on Lafayette Street in Jamestown and that is probably one of the poorest communities in Chautauqua County. That is where I learned the values from my parents and my neighbors on what it is meant to be citizen of this community. We helped a neighbor next door, we stood up for the elderly, we carried their groceries inside and I'm here to tell you that my values are not for sale. I live in Stockton now, it's not one of the richest communities but we have obligation in our County to take care of our elderly, to take care of the poor when they need it. Even at the expense of my pocketbook. I know that its \$20.00 or \$50.00, or \$100.00 but I can't stand idly aside while poor people, people that can't stand up for themselves are victimized over a dollar. Somewhere along the lines, I believe that we lost focus of what is important in our lives. We dictate our decisions based on greed and envy and how much money I have and what I am able to purchase and that is how we measure ourselves. I do not measure myself that way. I measure myself on my values and my beliefs and my goals to support my community. I don't want to be the driver of poverty and despair in this community and I think that if we sell our County Home, we're contributing to poverty and despair in this community whether you like it or not. Driving down wages in this community is not a solution. What we have a problem with is revenue. We don't generate enough, we don't think outside the box where we can generate more revenue. These people deserve the dignity and quality of life until the day they die. I am here to stand up for them, they got lost in the shuffle. This has become a political football between the Unions and money and no one is talking about the residents and their rights and I am here to tell you, my values are not for sale. I stand behind them and we need to keep that County Home in the possession of this County. Thank you.

My names is Natalie Luscoviak(?), a citizen and committee member of Dunkirk and a community health advocate with Public Policy and Education Fund. I want to tell you a short story about Niagara Envelope Company in Buffalo when Romney was head of Bain. There is this role of strategy which a lot of large corporations have where they strengthen a diving company with other

companies so they purchased Ampad Diving, a struggling company and strengthened it with Niagara Envelope Company. Moved it. Niagara Envelope Company was thriving for 130 years in that area. A year later after they purchased it, they moved it to Pennsylvania, a year after that Ampad just kind of folded and that was the end of Niagara Envelope Company but the point of this story is, putting the County Home in the hands of a private company is gambling. You don't know what is going to happen as opposed to keeping it at the County level where you can be sure that it's going to be here for our economic thriveness. But, also I wanted to say that health care is not a privilege. It's a human right. We have a large degree of poverty here in this area, we have seniors – more than half of the seniors take in earnings of under \$20,000 and I happen to know as a Community Health Advocate that nursing homes don't have requirement as to how many people on Medicaid that they have to take. So, I think that it would be better kept. I hope that you did your research on this company if you do go with that and if not, at the very least, wait, but I hope you do keep it as a County Home.

My name is Ned Divine, 618 Main Street, Dunkirk, N.Y. I came here tonight to kind of observe what was going on and I didn't think that I was going to speak but listening to everything I felt like I really needed to do that. My parents probably aren't that far away from having to look for nursing care and I know that there are some fine nursing institution in Jamestown and they are not-for-profit. But they didn't make any offers to buy this County Home. My understanding of what you are here to vote on today is more contract and you have an interested buyer and I don't think that you have done the research on the buyer. I think that you need to do that and I think that you need to look at what the history of the main stakeholders are in that transaction. I would never be for selling the County Home so that is why I would – what would be the purpose. I don't know if I could convince anybody else that this is important, not only for the North County but also important for the south County. The Chautauqua County Home provides services that aren't necessarily offered in some of the private not-for-profit, even in the larger ones. In the for profit companies, they want to make a dollar and they decided that they can make a dollar with this Home. You should be aware of how they are going to do that before making your decision. So, I really urge you to keep the County Home in Chautauqua County residence hands. Thank you

Chairman Gould: Is there anybody else to speak at the first privilege of the floor? Seeing no one else, I will close the first privilege of the floor.

We have the President of Altitude Health Services here, Avi Rothner. Would you please come down. Would you like to make a statement or take a few questions from the Legislators.

Mr. Rothner: Good evening. My name is Avi Rothner the President of Altitude Health Services. Mr. Chairman, Chautauqua County Legislators, thank you for having me. I heard a lot of different opinions. I am sure very few people's minds were changed. I think that it is important that all of you understand that as of right now, I have no dog in this fight. If you want to keep the Home, I respect that, I understand that. If you want sell the Home, I respect and understand that to the extent that you want to sell the Home, I would like to be the person that buys it. I would like to read something and think that it's pretty relevant for this evening.

I understand that any vote tonight is going to be a vote of confidence from the Chautauqua County Legislators and I understand the weight of that decision if it is made, carries with all the stakeholders including residents, families, employees, suppliers, and all County residents. Our job would be to validate the decisions of the yes commissioners and to respond to the criticism and concerns representing the descending votes. I look forward, if we are going to go forward to working with all of you to make the next chapter of the Chautauqua County Home successful. Since the process began it's been trying for me, personally and professionally. I am sure there is a small and vocal minority that have made it clear that they would like to see the facility remain in government hands. They believe that the government's role is operating nursing home is necessary as an absolute principal. To be honest for them, I have no answer that will placate them. Their believe in that principal has little to do with quality of care or the profit motive but with government's role in society. However, there are others that don't fear privatization of any nursing home but privatization of their nursing home. They've talked about Medicaid beds and star ratings and corporatization, all kinds

of nefarious activities and they have used other scare tactics to distort and misrepresent the truth. I could go on about the star ratings and all this stuff about Medicaid beds and talking about poor care and corporatization and all of the other stuff that I have here except for the fact that you should just know that this was from 2009 from a facility in Lancaster County, Nebraska. The point that I think needs to be made and I hope that you can all appreciate is, this isn't an argument that makes Chautauqua County special in any way, shape or form. Of course, the Home is special, of course the residence are special, as in every home, as with every resident. But this is going on as a national discussion, a local discussion in Nebraska, in California, New York, New Jersey, Pennsylvania and if you would like, I'll be happy to list you 20 counties off the top of my head that have looked at, are looking at, or will be looking at privatization. So, (*inaudible*) the best way - this situation is not a special situation. It's the reality of the world today.

When I approached the Lancaster County Commissioners, a lot of the same things that are going on here happened. We have the State auditor's report that showed the facility was losing money. We have lots and lots and lots of good articles. Lots of articles with Union Presidents, and County Commissioners, and concerned citizens and all of that and eventually the County made a decision to sell the property. Unfortunately on the way there were some people who decided that they would take my professional reputation in their own hands and of course, I have the newspaper here, which I will leave with you, the Union apology that I have, it's right here, and the \$20,000 that they were forced to pay to us, which we then used to pay our legal fees and to donate to the United Way. Right now, that facility has its highest occupancy since our takeover. It has the highest number of patients that are in for rehabilitation. Over 80% of those patients that come in for short term rehabilitation do go home to their former residential setting. We're also the largest Medicaid facility in the State of Nebraska as of 2009 when the County owned it and we're the largest Medicaid facility in the State of Nebraska as of 2012, under private ownership. No residence was asked to leave, no residents left. Of course, there is the first facility we bought in Nebraska and here are all the articles that I have about that sale which is none. That was a private sale from a public company, Kindrid to us that facility was on the special focus facility list. That is the bad boy list from the Federal surveyors that is around. I believe that it's 150 facilities throughout the country. We took that facility from a one star special focus facility to now a four star facility. I currently have in my hand the plans for a \$2.5 million dollar expansion and renovation of that facility. Let me also mention that Lancaster County's old nursing home (*inaudible*) our facility Lancaster Manor, just finished a \$2.5 million dollar renovation with no new beds but an additional new lobby, new lounge, the (*inaudible*) lounge which I am sure would not go over very well here. A new library, expanded a therapy gym that was actually the third expansion of the gym, it's now 2,500 feet. A new office for admissions, a spa, all new nursing stations, renovated room, so on and so forth. It was amazing when I was at the grand reopening last week. I had so many people said to me, I just can't believe it. I never thought, I just can't believe it. I think what they really thought was, this guy is going to come in and whatever, he's pretty slick. You knows. I think the important thing is that we did what we said and we said what we would do and we followed through on that.

In the recent year we also attempted to by a facility in Pima County. That encompasses Tucson, Arizona. I am also happy to leave with you the report from the County itself which talked about that we are running a very respectful shop. I'm also happy to leave with you yet another lawsuit that was filed by a former County Commissioner about all kinds of fun stuff that we actually received an apology for.

The bottom line is, I would like to speak specifically not to anybody's comments, but to Mr. Carrus in particular. You sir are the head of the resident council, is that right?

Mr. Carrus: Yes.

Mr. Avi Rothner: Don't go anywhere, o.k. No one is asking you to leave and I hope that you don't go anywhere. I want to make that very clear to you personally. You didn't ask and I hope that you wouldn't consider it.

I am sure you, as Legislators, have a lot of questions. I am happy to answer any questions that you may have.

Legislator Barmore: I don't know how much you will indulge me here but I have come up with an entire list of questions which I think that most of the people in this room want an answer to so if you just want me to read them one by one, instead of jumping around the room, if that is o.k..

Everybody wants to know how many nursing homes you own? Is the list small enough you can tell us or do you need to give it to us and we're talking any nursing home that you have any kind of interest in, whatsoever.

Mr. Rothner: The list is probably longer than I can remember. Some of those are held in – I'm a beneficiary of a family trust. Some of those are held with me as an individual, but I'm much more concerned about the facilities that I actually operate which are number five. Two in Lincoln, Nebraska, two in Tucson, Arizona and one in Hutchinson, Kansas.

Legislator Barmore: Altitude Health Services was formed in November of 2011.

Mr. Rothner: Yes.

Legislator Barmore: Was that formed just for the purpose of purchasing our Home or are all your homes under the umbrella of Altitude now?

Mr. Rothner: I would ask when was the RFP issued.

Legislator Barmore: January of this year.

Mr. Rothner: I had no inkling that this facility was coming up for sale. So, no it wasn't formed for that purpose.

Legislator Barmore: So all of your nursing homes are under the umbrella of Altitude Health Services?

Mr. Rothner: Those five, yes.

Legislator Barmore: What is Hunter Management and are you associated with them in any way?

Mr. Rothner: Hunter Management is a family office. It runs our – I would say it's a consulting advisory service that runs our family's investments. I am associated with it. That is my father's company and I am an employee there. I receive compensation from a number of different sources, including Hunter Management.

Legislator Barmore: I think one of the biggest concerns that we have heard –

Mr. Rothner: By the way, sorry to interrupt. I am going to cut you off because I think the next question is, Hunter Management. Hunter Management owns, operates, participants and oversees zero nursing homes. It has no say whatsoever in nursing home decisions. Not in staffing, not in decorations, not on care, nothing.

Legislator Barmore: Something that has been zooming around the internet here for quite some time, your name appears on a list of the 10 worst nursing homes operators in Illinois. Can you tell us why and what that is all about?

Mr. Rothner: I am sure that I can't tell you why because the list is probably privately compiled. There is no Illinois bad boy list. Doesn't exist.

Legislator Barmore: I wish I could remember the name of the newspaper it was in. Do you?

Legislator Cornell: Actually Mr. Chairman, if I could address Mr. Barmore and suggest that perhaps – I have questions along similar lines. Since you and I are in the Leadership here, could we tag team this effort? You can take the lead certainly and -

Legislator Barmore: Sure you can ask the next question.

Legislator Cornell: Help be effective as possible.

Mr. Rothner: I am not sure the two on one is fair but –

Legislator Cornell: We're a good team too. To follow through on the question that Mr. Barmore was asking, I believe that's the Department of Health site through the State of Illinois. A State sanctioned list, is that correct?

Legislator Barmore: It was reported in the Chicago Reporter and their byline across the top is serving the (*inaudible*) and something or another since 1972. I can't remember what that was.

Legislator Cornell: Exactly, their information source.

Mr. Rothner: Since you guys have the information, I'm just curious, what is the methodology they are using?

Legislator Barmore: I have no idea that is why I am asking you.

Mr. Rothner: As I mentioned here –

Legislator Barmore: Oh, I know, I'm sorry. It was Medicaid star ratings.

Mr. Rothner: I hate star ratings.

Legislator Barmore: You own the largest number of one star rated nursing homes in Illinois according to this report.

Mr. Rothner: And that's as of when?

Legislator Barmore: In the Chicago Reporter. May 28, 2009, it says here.

Mr. Rothner: O.k., that is 3 ½ years ago. I couldn't tell you, maybe it's true, maybe it's not. You'll have to ask the Chicago Reporter. But, just so you know and I am very well aware that Chautauqua County is a one star nursing home and I can prove it because it's from 2009 here that – we see more information about star ratings in the past few weeks than just about anyone named (*inaudible*). The governments created a rating system to simplify the process. It goes on and on and on. The bottom line is, I couldn't tell you about the star ratings and I really trying to pay very little attention to them because I think that they throw you off the scent. I would encourage everyone, Chautauqua County Home, my facilities, go there. See it, hear it, smell it. Talk to the residents, talk to the staff.

Legislator Cornell: Just for your understanding Mr. Rothner, we can't go there. We don't even have money in our budget to attend our legislative conferences which is an excellent decision of our Chairman but let's just lay that out there because that keeps being repeated and it was even repeated by our CGR consultant. We cannot go to your facilities so we appreciate this opportunity because this is as good as it is going to get here tonight.

Legislator Barmore: Well, we'll cut right to the chase here. I am assuming that Eric Rothner is your father. Is that correct?

Mr. Rothner: Yes.

Legislator Barmore: Most of the people who are against you, associate you with Eric Rothner and supposedly he has had nursing home problems and seeing as you are part of the same company that he is part of, seeing that it is a family organization, I guess what I am asking is, can you clarify that up for us? What is your relationship with the family owned business? Is your family owned business this terrible thing that they are saying it is or is that –

Mr. Rothner: It's all that and much worse, I am sure. The question is kind of – I mean, am I an associate? This is my father. We go to work together every day. I love my Dad and we work together and I'm privileged and blessed to do that. I am not sure – what would you like me to tell you?

Legislator Barmore: I am just trying to clear up some of the statements that have been made by others. I don't necessarily agree with this stuff. I just figure, if I am going to do my due diligence, I need to ask the questions that I have been hearing other people ask me. I'm definitely not trying to attack you. It's just that, I read the internet blogs and all this stuff every day and the people on these blogs that are against you in particular are saying that your family business is amongst the worst nursing home operators in America and seeing that you are part of that company, that you're not qualified or capable in taking over the County Home. I just want to give you an opportunity to respond to that.

Mr. Rothner: Is that your question?

Legislator Cornell: It is true and more specifically how do you reconcile those financial interest that state that you have, in a business, I'll be it an arm's length away it's your father. May not know him well, may not know his operations, I don't know your relationship with your father but, you have a financial stake in these companies that have a track record of abuse and neglect. How do you reconcile that with the good standing operations you're assuring us for our Chautauqua County Home?

Mr. Rothner: Well, I think without any – I mean, proof that there is, sorry, pattern of abuse and neglect? I can tell you that my father owns absolutely none of the five facilities that I oversee and consult to. He owns none of Altitude Health Services, whatsoever. I am going to have to call him tonight and tell him that I hate having to do this. I think that it is ridiculous, but, I'm certainly willing – I want to help you and answer all of your questions but I cannot reconcile the fact that he decided to buy a nursing home in 1993 or whenever it was for my economic interest. Why he chose to do that, how he chose to do that, how he chooses to run it, I don't take responsibility just as I wouldn't have him take responsibility for what I am or not doing. But you are not asking, I know that.

Legislator Cornell: Sure, and not to interrupt but Mr. Barmore, I don't know if you know but have no idea what he is talking about in 1993 right now. I only have piles and piles of information but I only have information that dates back 2, 3, 4, 5 years.

Mr. Rothner: When were the facilities purchased? Isn't that relevant? If they were bought when I was 16, do you really think that I had a say in that? That sounds great Dad. I didn't.

Legislator Cornell: Right now we're facing the choice of selecting a buyer for our County Home. All of us, 25 I guarantee here whether we support or oppose the sale of the County Home, we all agree that the quality of care of those residents and the future residents in that Home is our bottom line. So we are asking you to demonstrate to us that you are going to offer that kind of quality care. I

am just wondering, I believe my colleagues are as well as Mr. Barmore is saying, how do you reconcile some of these reports? There are many. It looks like you have many there as well.

Mr. Rothner: Actually, I have none.

Legislator Cornell: With your promises for our County Home in the future.

Mr. Rothner: I can only point to my particular experience. As I mentioned, the first facility was Homestead. It was on the special focus facility list and it's now a 4 star facility. The former Chief State surveyor who is our Director of nurses. Lancaster County's nursing home was losing money, it's now making money. We put in \$2.5 million dollars. Under the County's leadership, there were two surveys in a row that had serious deficiencies resulting and I'm sorry if I'm being technical, in G level tags which is pretty serious. When we took over in the middle of the survey which is really not advisable business wise, we cleared those tags. We've had excellent surveys since. Pima County's facility, it's a very specialized facility that we just took over. It's a 5 star facility. Devin Gables(?), is another facility that we just took over, it's a 5 star facility. Golden Plains, we took over somewhat recently, it's a 1 star facility. The longest history that I have is the facilities I mentioned in Nebraska and the star ratings have gone up. The survey problems have come down. I would tell you that my Administrator at Lancaster Manor Rehabilitation Center likes to say that we engineered the largest turnaround of any nursing home in the State of Nebraska in its history.

Legislator Barmore: I have one more compound question and you can go wherever you want to.

Legislator Cornell: I have just a few more as well Mr. Gould, thank you.

Legislator Barmore: Some concerns that the County Home employees have, I have three different questions but I am just going to lump it into one. You've obviously studied our County Home and you know our operations here, how do current employee wages compare to what you expect to pay employees if an when you purchase the Home? What percentage of current employees can you expect to be rehired by your company and if you purchase the County Home, will you allow employees to organize in a labor unit?

Mr. Rothner: I can tell you, I can't tell you – actually haven't studied the wages relative to the wages in the area but what I can tell you is in my prior experience we didn't cut employee wages. Not one. Not for the current employees. Yes, we might have instituted a different scale for new employees but I can tell you that current employee wages were left as is. I can also tell you, again, if you want full disclosure, were 3% increases annually on the board? If they were warranted, we definitely gave them more than that for nurses or other staff that were warranted but for other people that we learned over time, as we understood the market, that were out of line with the market place, we probably just held their wages at the then current level. The percentage of employees rehired. We typically and it's in the RFP, we typically rehire, I believe that it's substantially all the employees. I mean, how do I really know who is good and who is not unless someone's – I can't think of any – I am sure that I can think of it but on a practical level, to begin with, we'd rehire everybody. I think at a certain point, I'll learn more owning the nursing home in the first 30 days than I could in a year of due diligence on the outside. I'm sorry, the third question? If I purchased the facility –

Legislator Barmore: If you would allow the employees to organize into a labor unit?

Mr. Rothner: I don't see the need for it. I mean, we had unions in both of the county facilities and the employees haven't seen a need to do that. We treat our employees pretty well. Full (*inaudible*) of benefits. The Lancaster Manor Rehabilitation Center employees received substantial bonuses this last year. I'd be happy to talk about with somebody but I can't say that I would make any firm plans. I am sure that there are labor laws that governor what I can and can't do.

Legislator Barmore: Thank you Mr. Rothner.

Legislator Cornell: Do you have an association with Giannini and Barrish? I have no idea if I am pronouncing these correctly.

Mr. Rothner: Mike Giannini and Brian Barrish, yes.

Legislator Cornell: What is the association?

Mr. Rothner: They are my father's partners.

Legislator Cornell: Do you have any financial interest in any of their companies?

Mr. Rothner: I believe that I do.

Legislator Cornell: The 2009 Tribune article –

Mr. Rothner: They were barred from the program. They were barred from the State Medicaid program.

Legislator Cornell: I don't know what you are talking about.

Mr. Rothner: Go ahead, continue.

Legislator Cornell: It sounds like they should have been. The 2009 Tribune article quoted Barrish as proudly stating that he owned a nursing home facility called Maplewood Care for a couple of decades and in the article he is quoted as taking ownership but then when the elderly resident was raped in 2009 in his home, one of his residents, he was quoted again in the same article, I have nothing to do with the day to day operations of Maplewood Care. So just citing this specific example, number one, let me ask your feelings on that. I mean, you are part owner of this facility where I have never heard of such a thing. We don't have people raped in nursing homes in Chautauqua County, number one, but number two and more specifically, one of your associated partners then is shirking responsibility or not taking responsibility or not involved in the day to day responsibility of his nursing home. Will you be involved in the day to day operations of the County Home?

Mr. Rothner: I let the Administrators do their work. I let the Director of Nurses do their work. I don't get involved in -

Legislator Cornell: Resident safety and well-being?

Mr. Rothner: I certainly wasn't involved in Maplewood Care's that is for sure.

Legislator Cornell: Do you take responsibility as a part owner? Let me be more fair, I'll be more fair, what are your feelings about that incident?

Mr. Rothner: I can't tell you what was or what wasn't in Brian's head, Mr. Barrish's head when they said that and I really couldn't tell you. What I can tell you is that my involvement with my facilities, is personal. It's my business. It's where I go when I leave my wife and my four children. So if it's not important, then I really shouldn't be going there and I do go there and I am here with you, so that is pretty important.

Legislator Cornell: I will conclude Mr. Chairman. Just so he understands, in Chautauqua County, I believe that this holds true for every single nursing home, I don't care if it's our publically owned County Home or our private owned homes that have reputable and strong well respected

owners like LSS and Heritage group and on and on and on, that is it not just a business to any of them. It is certainly not a business to the Chautauqua County Home. This is a public service, this is about providing a quality of care to those most vulnerable in our community.

Legislator Horrigan: I don't have a question per say but with Mr. Rothner here, I would just like to see if this is accurate, my assessment. I most recently looked at the three nursing homes that were involved in the RFP that came and two in Lincoln, Nebraska and I believe it's now called Foothills in Arizona. So I said to myself, if I'm going to vote to privatize I need to do some investigations, some due diligence. So, I made a call to the Pima County Board of Supervisors to say after this let of time how has it gone. In reality, their comments were, we were very pleased with the transition. We have not seen any problems, it was a good move to sell these homes.

I then looked at the Ombudsman program. For those that don't know, Ombudsman is a program that residents have an opportunity to go and ask questions maybe around the management. That referred to me to the Nurse Supervisor long term care, Arizona Department of Health and what she told me was, in terms of employees, many of the employees at Foothills which is in Tucson are the same employees. Some moved on, some stayed, most stayed but she said, I would refer you to the Medicare ratings. She said it's the most current inspections that is where you go to find how we're doing in our nursing homes. I encourage Legislators to go to Medicare.gov, Mr. Rothner has kind of down played the ratings but in reality, the ratings are an important thing for us to look at for those homes.

Finally, Legislator Cornell talked about our lack of ability to go see. Well, I am fortunate. I had a very close associate who happened to move to Tucson, Arizona. Retired, health care consultant. I asked him if he would do me a favor last Sunday to drive over to the Foothills Rehabilitation Program and I just want to tell you what he wrote to me.

Vince, I drove over to see Foothills Rehab this Morning. It's in a blue collar part of town, very close to a large hospital complex. It looks like a very large facility and I would call it well maintained, but a bit Spartan. We went in and lucked into a 5 minutes conversation with the receptionist, who has worked there for more than 10 years. She was completely open and non-guarded and gave us some good information. She said that the employees were very nervous about the sale and wondered how the new owners would treat them. Actually she said the transition went very well and there have been very few complaints. Overall she said, improvements had been made to the facility, but we did not get into detail. She did not seem to have any personal complaints about the facility or any part of her job. She said the new owner is "an Illinois company" and that the sale took place this past January. We walked around the first floor area for just a couple of minutes. It was clean and there were attempts to make it hospitable for the residents. They had several very large bird cages in the great room (TV area and library). Turtles outside in a small pond. The only thing that we learned is that they do short term rehab, long term rehab, and function as a nursing home. Our overall impression was that it probably served a non-affluent, largely Medicaid population and fulfills that purpose well.

So, I just want to make the comment that in our due diligence, I think that we have to look at what Mr. Rothner has done in the recent nursing homes under Altitude Health Services which is the company that we are looking to make a decision to privatize. Thank you.

Mr. Rothner: Can I respond to that?

Chairman Gould: You may.

Mr. Rothner: Just so the Legislators are aware, the Pima County facility is a very specialized facility. I like to call it a, sorry for saying this in polite company but a hospital in drag. It is the most acute nursing home I have ever seen and the County did run it and it is tired. Plans are in place and I don't know if your friend told you but there is actually a vacant second floor. So renovation of the primary space and then eventually occupying the second floor. Furthermore, I do have my star chart and as I mentioned, I really find it distasteful, but my chart said that the stars at acquisition, I did actually a couple of different ways because it's easy to say officially that is 5 stars while that is equal

weight with a facility that's 300 beds, should it have equal weight with the facility that has 100 beds. So, I did my stars at acquisition that is 2.8 stars per facility and I did my current stars 3.6 and by the way, if we have a good survey at Lancaster, our star rating will go up. But then I did stars per licensed bed. You maybe want to wait for the bigger facilities that are 5 stars or 1 star that would be appropriate. Then we go to 3.82, then I said, what about the people that are in the facilities, I could have an empty facility that is 5 stars and a full facility that is 1 star that is not fair so I did it based on the stars per occupied bed and I came up with 3.92 stars. So again, I really find this to be a real big shortcut for the better and for the worse. But if you want to use the shortcut, it's right over here.

Legislator Borrello: I am curious on a couple of points. First of all, you know that New York State restricts County facilities from operating assisted living, independent living?

Mr. Rothner: I heard.

Legislator Borrello: Basically the reality is that New York State wants counties out of this business, they just don't have the balls to tell us to get out of it, they are going to try and choke us off instead so that we can have these painful conversations.

Mr. Rothner: We prefer wherewithal.

Legislator Borrello: That has to many syllables for me, sorry. Anyway, my question is, would you talk about expanding the facility if you owned it and what you might do from what you have seen so far and talk a little bit about what the future might be for the Chautauqua County Home under your ownership?

Mr. Rothner: We actually have one facility, the facility Devin Gables is actually a full continuum of care. It has independent living and assisted living. Lancaster Manor Rehabilitation Center actually has a building that the County owns which we've talked about buying. We'd love to some assisted living there so, as the market place warrants, if I recall, there is the older part of the building that is vacant. I don't know if it can be retrofitted or certainly the rest of the land, I don't think the issue is with the skilled census because the building, I've never been in a building where, if you will, 213 out of 216 to me is, let's just call it full. It was full when I was there and I just asked Mr. Hellwig tonight, so I don't think it's there, if the facility is going to do better, if the Home is going to do better and there is a market need for assisted living or out-patient or adult day care services, then we're going to have to look at it and we'd pursue it. We're always trying to improve on what we are doing.

Legislator Borrello: Second question. Marcus & Millichap made a presentation to us and in that presentation they felt that the gas well that was dug on the Home was of no real value to a buyer. They discounted that. So would you be willing to consider parceling off that gas well and giving it back to the County as part of the sale?

Mr. Rothner: Well, for me, actually, I know that is part of the property and I understand there is value although with natural gas prices where they are, it's certainly less than it was. I'm not too enthusiastic about the County having a piece of the property carved out. It certainly is something that I am willing to discuss. I am open to any discussion about if this transaction goes forward how do we make everybody comfortable and happy. Right now I would tell you that I would probably want to have the gas well.

Legislator Coughlin: Thanks for coming.

Mr. Rothner: Thank you.

Legislator Coughlin: I think that you can tell by the scope of this meeting what has been going on that if you don't have the background, this originally was called for an up or down vote on whether we were going to sell the Home and that is what a lot of people came here for and I am sure that is why we have so many people here tonight. Next thing I know we have this resolution on whether or not we're going to let the County Executive do something he can do anyways and that is negotiate for the County Home. And now, out of the blue, I was never told and found out this afternoon that you would be here. I feel a little handcuffed and any questions I might have wanted to ask you and I feel that it is somewhat unfair that this process happened that way. So, I just have a couple of question that I could think of and I wished that I had known, I probably would have many more. My first question is what is your relationship with Marcus & Millichap?

Mr. Rothner: I have no relationship with Marcus & Millichap.

Legislator Coughlin: Never dealt with them ever before?

Mr. Rothner: Oh, yea, I mean, I dealt with them. They are one of the largest brokerage houses for senior living in the country, I think.

Legislator Coughlin: Not that you consult with them but how many homes have you purchased through them?

Mr. Rothner: Several.

Legislator Coughlin: How many?

Mr. Rothner: I don't know.

Legislator Coughlin: Well, you have to know. You're awfully slick, you seem to know an awful lot about a lot of things, so how many homes –

Mr. Rothner: I'm a lot of things but slick is not one of them, you can ask my wife.

Legislator Coughlin: Well, I bet there are people here that differ with that, but how many times have your purchased homes with Marcus & Millichap?

Mr. Rothner: As I mentioned, it's more than one. I can tell you that Pima County facility was bought from them.

Legislator Coughlin: The only reason I am asking and I'm not trying to put you on the spot,

Mr. Rothner: That's o.k., I'm answering to the best of my ability.

Legislator Coughlin: What I am having a hard time with is we only have this one not-for-profit, when the RFP's come out, that now it's you. From day one I have never known how this RFP procedure works and I just find it somewhat strange that when we have a facility like we have that only one for profit comes forward and I'm looking for the relationship between you and your organization and the people who market it. I think there is a lot of hand in hand stuff going on here but like I said, I didn't have enough time to know you are going to be here tonight but that's the way it appears to me.

Mr. Rothner: Do you have any additional information about this hand in hand. I don't know what hand in hand means?

Legislator Coughlin: You can't tell me how many times you purchased from them, correct?

Mr. Rothner: As I mentioned, I am certainly not ducking the question. For sure more than one and less than -

Legislator Coughlin: Less than a hundred.

Mr. Rothner: And less than 20, and less than – my father has had a long relationship with Mark Myers, I have had a relationship with Mark Myers because they are in the business of selling nursing homes and we're in the business of buying nursing homes.

Legislator Coughlin: I understand that, I'm just looking for the relationship and what the relationship was. That is what I am after.

Mr. Rothner: Well, let me respond to –

Legislator Coughlin: I'm done, I'm fine, I will withdraw the questions. We'll get legal here. I withdraw the question. Number two, what types of negotiations have you already entered into with this administration?

Mr. Rothner: None.

Legislator Coughlin: None whatsoever.

Mr. Rothner: Whatsoever.

Legislator Coughlin: You haven't talked about the, I believe there were some parameters of what would be involved that go with the selling of the Home. You haven't discussed those with anyone?

Mr. Rothner: I was here four months ago to the day where they have a preliminary interview, the County Executive was there, the County Attorney was there.

Legislator Coughlin: And you are saying you have had no negotiations whatsoever on the sale of this Home.

Mr. Rothner: No, none, zero.

Legislator Coughlin: Do you mind, because you buy and sell these all the time, do you mind telling me the name of the law firm you deal with that handles the sales?

Mr. Rothner: The sales?

Legislator Coughlin: I'm sorry, the purchases?

Mr. Rothner: You are asking the name of my attorney?

Legislator Coughlin: Yes.

Mr. Rothner: Steven Share.

Legislator Coughlin: Does he specialize in the purchase of nursing homes?

Mr. Rothner: Yes.

Legislator Erlandson: Mr. Rothner this Legislature played a major role in putting 14 conditions on the sale of the Home to potential buyers. I have three related questions. In your experience, are conditions such as the 14 that we placed, common? Secondly, did those conditions in any way influence your proposal and third, in your experience has this been a deterrent or would this be a deterrent to anyone else, any potential purchaser being interested in the acquisition of this Home?

Mr. Rothner: Thank you for allowing me to pick up where I was about to address Legislator Coughlin. Are the conditions common? Can you just read off a few of them please? I haven't looked at the RFP and my response since we submitted it, I'm sure.

Legislator Erlandson: I do not have that list in front of me, perhaps someone else does.

Mr. Rothner: I think it was, most of the residents come from the County, that's, I mean –

(County Attorney handed Mr. Rothner the RFP)

Mr. Rothner: O.k, as is and no representation, no guarantee or warrant as the condition of the facility. Typically – first of all, you guys are the ones making the rules. I would tell you that you usually get a representation that the facility is in good working order and condition to the best of the owners knowledge. Any sale or lease is subject to approval by the Chautauqua County Legislature. I'm assuming that is sort of axiomatic. That is probably by statute, I would imagine. Closing is by escrow? I have no idea how we close but that sound plausible. Only proposals that include the continued operation of the Chautauqua County Home as a skilled nursing facility for a period of 10 years would be considered. I have seen things like that and I think anybody who bids to turn nursing homes into movie theaters is a fool. Current union employees only shall be guaranteed offers of employment provided they file an application and pass a back ground check. Each proposal – *(inaudible)* experience, preferential admission for County residents, current residents at the Home. That's good. Reduce public accountability. It's an issue. We've never had any problem with the two facilities. I would tell you that a lot of these are – they are good to have in there. I understand if this is a social good, that the County Home is for the County residence, that's great. Let's have 80% of the beds be mandated for County residents. I actually inquired about this and I understand it's more like 90% so I'm not really worried about that. So the answer to your question is, some of these are common, some are less common. In terms of influencing my proposal, I don't want to spill to much of what I call the secret sauce, but of course they influence my – I mean, if you didn't ask, I probably wouldn't answer. So, if it's just hey, come and buy our nursing home, best offer, then there wouldn't have been language that mentions these specific things. I am sure that we crafted a response that met many and I'm guessing all of the sale points. I'm sorry, your last question was?

Legislator Erlandson: Were the conditions in any way a deterrent to your decision to make the offer?

Mr. Rothner: Not a deterrent. I think that you have to throw – if you were to throw a 15th in there that that has to be operated as a County Nursing Home for 100 years, then you get to a point where you evaluate what's the deterrent, what's valuable, what's important, what you can – I can do this, I can't do that. Like I said, *(inaudible)* operate the facility as a nursing home for 10 years, I am fully intending on doing that. The County employees with background checks, we did discuss and I am sure we answered some of these and I'm sure we also left some things open to what the market will bear but the answer is, I answered it in full. It all figures into the mix as to if you were to put 37 conditions and they were impossible to meet, then we probably wouldn't have put in a bid. If there were no conditions and as you go and as you have more conditions and as it becomes more restrictive to new owners, you are probably going to have less participation.

Legislator Hoyer: I have two sections of questions plus one request. The request is, would you please have a full business plan for us before we vote to sell. At least a month before we vote on it so we can look at it. Does that make sense?

Mr. Rothner: It makes sense but –

Legislator Hoyer: How will you make a profit on our Home, is what I am asking for. At least a month before we vote. That is just a request.

Mr. Rothner: O.k.

Legislator Hoyer: The two sections of questions, one is finance and the second is CNA's. You said you formed Altitude in 2009.

Mr. Rothner: No sir, I didn't say that.

Legislator Hoyer: My mistake.

Mr. Rothner: In 2011.

Legislator Hoyer: Where do you get the money to pay for it, what are Altitudes profits and what do you benefit personally from owning nursing homes?

Mr. Rothner: There is no cost in forming. It's the cost of the filing so that is not an issue. My profits are in Altitude, there really are no profits of any great source really. It's a consulting company. We take in home office fees and we pay out salaries of clinicians, administration billing receivables and so on and so forth. Your last question, what do I get out of owning nursing homes? I will tell you the best experience that I had. I drove into the Lancaster County parking lot before we took over the sale and I said this is all going to be my responsibility. I said, there are people here who want to send their kids to college, they want to pay their mortgages, they want to eat, they want to grow in their jobs, they want to be fulfilled. There are residents here who need to be taken care of and there is a neighborhood that can benefit from my participation. So, I believe in the virtue of cycle. If I do the right things and yes, I can make a profit, but my staff gets paid, mortgages, colleges, food, clothing, shelter, my residents are well taken care of and the community that I serve and that I, if you will, live in by virtue of my ownership, they do well, they get taxes. I'm part of the business improvement district by choice at Lancaster Manor. That is a pretty terrific triple crown there. And yes, I hopefully will eventually profit from that. I'm the last to get paid.

Legislator Hoyer: I am not a money person, so you are saying this company, Altitude that you are President of, does not make profits off the nursing home purchases?

Mr. Rothner: Altitude doesn't own the nursing homes. It's a management/consultant company so we're providing bookkeeping, accounts receivable, accounts payable.

Legislator Hoyer: So who would we be selling the Home to?

Mr. Rothner: That would be an entity, that would be newly formed to own the real estate. That would be an entity, a New York State entity that would operate the nursing home.

Legislator Hoyer: I don't understand that but thank you. Second question has to do with what are your goals with, do you pay CNA's, what kind of pensions do you give CNA's, do CNA's on the salaries you give qualify for SNAP? Would you try to make the CNA to resident ratio to be and how much time per resident do you try to maintain with nurses and CNA's?

Mr. Rothner: A lot of those questions are beyond my scope. They are HR questions. I can tell you that our CNA's rates, as I mentioned, didn't go down as a result of any of our acquisitions, public or private. They are consistent with the market. I can't tell you about pensions. We don't have a pension, we have a 401K. Nursing, we're running different facilities, different acuities. I can tell you in Foothills we're running RN's, LPN's, CNA's. I think that it's 7.5 hours of direct care in Lancaster Manor and Homestead it's probably 375. I believe I provided this at some point to Marcus & Millichap in response to some questions.

Legislator Hoyer: I'm not Marcus & Millichap.

Mr. Rothner: I would have presumed that they shared it with the Legislature, sorry.

Legislator Stewart: Thank you Mr. Rothner for coming tonight. We have heard a lot of talk today about our property taxes being out of control and that is my opinion and many more people feel that way. Are you currently paying property taxes on the public facilities that you have bought in other states and would you expect to pay property taxes in New York State if you purchase this Home?

Mr. Rothner: We're paying property taxes. Too much, but we're happy to pay the taxes and I would expect to pay taxes as a private owner.

Legislator James: I would just like of you to expand a little bit more on what you had said that there would be a newly formed company in New York State that would run the County Home.

Mr. Rothner: Sure. It sounds complicated, but it's easy. Each nursing home is, if you will, an entity or, I don't want to use the word person, but it's a person so there is a person that owns the real estate, there is a person that owns the operations. Most of the time while they are separate entities, the ownership is the same. It's possible that you could have somebody who bought the building and somebody who is operating the building. That is two separate entities. Either way there is always two separate entities and just so you know, that is how we've done it and how pretty much we have done it for the last number of years and that is kind of a standard practice in our industry.

Legislator James: Would you still be the President over Altitude and this newly formed –

Mr. Rothner: I wouldn't be the President – it's an LLC – sorry, it's a Limited Liability Company. There is no President. There is a manager of the various LLC's. Certainly I am the President of Altitude and I'm not leaving that position any time soon and I would be the Manager of the LLC.

Legislator Tarbrake: Is this a procedure that you did with your other facilities? You set up this separate entity?

Mr. Rothner: As I mentioned, it's a standard procedure for all of our facilities. There is two LLC's, one that owns the property and one that runs the operations.

Legislator Coughlin: When you use the term person, when you say persons own it, you're actually talking about a corporation, correct? You are using that term person meaning corporation, right?

Mr. Rothner: It's a Limited Liability Company which has shareholders who are people.

Legislator Coughlin: Which is a some sort of corporate structure. To insulate each other from bankruptcy, law suits, etc..., correct?

Mr. Rothner: Well, it's a Limited Liability Company.

Legislator Coughlin: But it's not a person.

Mr. Rothner: Actually I think the courts do consider it a person.

Legislator Coughlin: I just wanted to get you to admit that that is what you are saying, a corporate persona, not a person.

Legislator Borrello: I am not here to defend Mr. Rothner but as a businessman who's owned several corporation, bought and sold businesses, I can tell you that owning multiple corporations is certainly business 101. There are other business owners in this room, other business owners on this Legislature and I am sure have a real estate corporation, Mr. Coughlin and an operating corporation Mr. Coughlin, Mr. Heenan, real estate corporation and operating corporation, so this is not some subterfuge to avoid taxes or to avoid responsibility. It's the nature of the business and I'm not trying to be condescending to those who don't operate a business but quite frankly what he does is what most people do when they own a business. I think it's very, very standard.

Legislator Croscut: This maybe a questions partially for Mr. Abdella and also yourself Mr. Rothner. I thank you for coming. I got a call from a constituent here in Mayville and former County employee and like a lot of us and like some of the employees that are employed at the County Home, they belong to a local credit union here. Many of them have car loans, they have their paychecks direct deposited into those credit unions and his question was and I think the people in the back of the room have the same question. We sell the County Home, you purchase the County Home, those people that work for you, and I'm assuming they will have the opportunity to transition their paychecks directly into the credit union. I don't think that is an issue and that was his question. I don't know if you can answer that but you must have had this situation before.

Mr. Rothner: Let me answer the part that I know. I won't answer to the credit union because credit unions are members and based on affiliation, right? I mean, in your case, is it the Chautauqua County Credit Union?

Legislator Croscut: Where do our paychecks go to Steve, directly into the credit union down the street here.

(Cross talk)

Mr. Rothner: Let me answer the part that I do know which is, we issue pay checks, there is direct deposit. If you elected and again, this is the part that I can't speak to, if someone can be in the Chautauqua County Credit Union "x" and they submit the form and they have an account there then we send it to there or to City Bank, or Wells Fargo, or US Bank direct deposit or if they want to get paper checks.

Mr. Abdella: I can find out Fred but I have to confess, I am not familiar with the rules involving the Credit Union.

Legislator DeJoe: Once a member, always a member. You lose it if you change job *(inaudible)* relationship depending on once you leave, you can't come back, but once you are in, you are always in.

I have been sitting here maybe some people would ask questions and they haven't. Just a quick refresher, sir. How many facilities did you say your own?

Mr. Rothner: How many?

Legislator DeJoe: Yes. You, as an individual.

Mr. Rothner: There are five that we're currently talking about.

Legislator DeJoe: What types of facilities are these? Meaning (*inaudible*) or rehab because I heard Legislator Horrigan indicating there are short term and long term rehabs and stuff.

Mr. Rothner: Good question. So a little primer. Typically skilled nursing home can have any one of, if not multiple components of. Short term rehab, someone breaks a hip or knee, elbow, they are coming in for 30 days, typically they are going home to their prior living arrangements. There is memory care, people are having dementia, Alzheimer's, sometimes those are secure units and then there is typical long term care. So, my facilities are, all five, are predominately skilled nursing facilities. The only, if you will, exceptions are that (*inaudible*) in Pima County, Tucson, Arizona has a small assisted living, a small independent living component and I would not use as an exception but Foothills Rehabilitation Center in Tucson is a highly specialized, I wouldn't call it a traditional nursing home. As I mentioned it's kind of more like an acute care hospital. By the way, now is a good time to mention that 100% of our patients there are on the Arizona health cost care containment system. It access Arizona's Medicaid.

Legislator DeJoe: Currently County Home has an Alzheimer's unit, special unit. The concern throughout this process of talking about the potential selling of the Home has been, to a potential buyer, are they going to keep it, maintain it, or shut it down to do assisted living etc., and then shift these people out to who knows where. That obviously is a very emotional situation because it has an excellent Alzheimer's unit there.

Mr. Rothner: We had a similar concern with Lancaster County and we actually – not only did we leave that area and it's hard to explain but basically there was part of the building that was cut out. I noticed the first time I was there and we built the first floor. I forgot to mention in our renovation expansion, we built the bistro, that was a one floor addition. The building was two floors. On the second floor is a roof garden for those memory care residents. Now, I can't tell you that we're going to keep it, we're not going to keep it, we're going to make it bigger, we're going to make it smaller. I can't make the promise only because I don't know enough yet, but we've kept it in Lancaster Manor. We have one in Homestead, we have those types of areas in (*inaudible*) and I believe in Golden Plains. We have kept all of them, we haven't closed any of them.

Legislator DeJoe: One of the biggest concerns, the families of the Alzheimer residence is that since these are the end lowest part of their totem pole as far as reimbursement – well, let me reverse that. They are the highest cost care so the concern is these residents being shipped out to make room for a higher range of profitability for the potential owner. Closest places are 50 to 100 miles away which would be drastic as far as people (*cross talk*). The last concern that I have is, as a corporation it seems like I'm hearing that you are going to be what I would call an absentee owner. Other people running it, you have it in name, you oversee it, but the other nursing homes in this County are pretty much local people or local groups that are running it and they have a hand on what is going on and a great handle of what is going on, on a day to day basis. They are there for changes to be made. But I just want to express my concern about having a distance owner for the people that (*inaudible*) here.

Mr. Rothner: The Legislators are, if you will, are the owners and I am not sure that all the Legislators have been in the facility recently. I can tell you that I have been in all of my facilities recently and I do travel. We do have a staff that travels and we do utilize email, and phones, and faxes, and I definitely don't have, if you will, the minute detail but I have a pretty good handle on where things are, what is going on and I intend on doing that going forward. It's a necessary part of success. I don't know how just all of a sudden, especially with some of the structural issues that the facility is facing, I don't know how I am just going to sit in Chicago and twiddle my thumbs and all of a sudden, money is going to roll. It is not going to happen. That is not realistic. It's going to take hard work.

Legislator DeJoe: Definitely. In my background, just to let you know, is that I have a father who passed away there after 2 years residence and I had a maternal uncle who was there like 10 or 12 years with mental disability there. A lot of friends and relatives have been rehabbed and there permanently until they passed so I have been in there consistently and know the care and that is why I am very, very protective. Thank you.

Mr. Rothner: I want you to know that I take it seriously. One of the County Commissioners in Lancaster actually, I just emailed him about the grand opening and he has since retired from the County Commissioners. His mother was in our facility. I mean, Lincoln is a big, small town and everybody knows somebody there that they went to church with, they know a Commissioner so, we hear about that stuff and we take that stuff seriously. Our State Senator was in the building all the time. The community and family involvement, the more the better, as far as I am concerned. It makes for a better place for residents to live.

Legislator DeJoe: Definitely.

Chairman Gould: Is there anyone that wants to speak that hasn't spoken? Any Legislator? O.k., I will let Mr. Barmore ask one question and then Legislator Cornell can ask one question. You asked 6 or 7 already? It's getting late. We have a resolution to do, we have a second privilege of the floor, let's move along please.

Legislator Cornell: Mr. Chairman, this is our only opportunity to give due diligence.

Chairman Gould: I said Mr. Barmore could ask a question.

Legislator Cornell: I know and let's allow Mr. Hoyer as well please.

Legislator Barmore: I do not have a question, I have a statement. I realize that this is a very emotional issue. I have tried to educate myself on every concern of all of the residents of this County. I mean I hear from the people in the area where I live but I also hear from people in the north County and I read the blogs and I read the newspapers and read the editorials and people are very concerned about your reputation. Now, listening to you hear now and knowing how family works and I've been in business for 43 years, I know how business works. Your father and his associates may or may not be a quality nursing home operator, I don't know and I don't care because it's not germane to this conversation. The bottom line is, your father loves you, he loves your brothers, loves your sisters and as such has made all of you in the family part owners of his organization in order to take of you someday. When we see these lists and your name comes up on them as owners of these nursing homes, well, you are a part owner of these nursing homes, but you have absolutely nothing to do with the operation of those nursing homes. What you do operate is the five that you personally own and I think from most of the research that we have done so far, I believe that you are a very caring gentleman. I understand that everybody is afraid of change. I am afraid of change. There is no guarantees in life. I mean you can sit here and tell us you are going to do this and you are going to do that and you can't even guarantee that is what you are going to do but you are going to give it your best shot.

Mr. Rothner: The more that I guarantee that I will absolutely do and I will never do and will always do, I think a; the more it (*inaudible*), you're right, don't believe it if I say – that is what I am saying, there are some absolutes but in general, I have to leave everything open to, let's all work together and let's see how it goes.

Legislator Barmore: From what I heard tonight, I find you to be a very upstanding gentleman and I realized that that is probably not going to appease everybody in this room but, should we vote to sell this nursing home, I see absolutely no reason why you should not be that purchaser because I think you will do everything that we're looking for in a nursing home purchaser

and I think that 10 years down the road, we're all going to look back and say, boy that was a smart decision, look what he's done, look how we've made improvements, look how the community has grown and I just want to thank you for taking your time tonight. I realize that some of these questions have kind of been a blind-sided attack.

Mr. Rothner: Everyone is going to do what they have to do. I understand that.

Legislator Barmore: But I want to thank you for coming.

Legislator Cornell: Mr. Barmore, I am going to have to take back my earlier compliment I think. This gentleman, I agree, he is not coming here abrasively and he's sitting in a very polite way and answering all of our questions and we do appreciate that and respect him for that. However, he's a grown man. This is not a child. His father did not force his partial ownership of businesses upon him. This is not a gift that he needs to play with to be nice and show respect to his father. These are conscious decisions that -

Chairman Gould: Keep it right here.

Legislator Cornell: Yes, Mr. Chairman, clearly these are conscious decisions that an adult is making to have a financial interest, to have an ownership stake in nursing homes. He needs to take responsibility for the conduct of those nursing homes because he is a part owner of those nursing homes. What I really wanted to know, it was a comment to Mr. Horrigan's antidotal evidence and I appreciated that. Mr. Horrigan is an excellent Legislator and he always does his homework and I was glad to hear that he had some antidotal evidence from friends in Nebraska because I too happen to have some antidotal evidence from friends of mine in Chicago. What I am struggling with a little bit and I will read you this quote that my friend who is an attorney in Chicago provided to me but, I'm struggling. I feel like we need to understand, you know, how can we on one hand have - you sit here and say that this nursing home that you own in Nebraska is the next best thing to apple pie and then we have the record of other homes that you have ownership in that are the complete opposite. Just to note, this is the Chicago community and again from my friend who is an attorney in Chicago who was very familiar with your -

Mr. Rothner: Can I ask who? Maybe they are a personal injury attorney.

Legislator Cornell: No, he's not and actually he asked that I keep his name confidential because he was concerned about the repercussions. He said, this guy does extensive business and tends to be fast and loose. Not illegal per say -

Mr. Rothner: Was he talking about me? I'm sorry, was he talking about me?

Legislator Rothner: The business.

Mr. Rothner: No, was he tends to be fast and loose, was he talking about me?

Legislator Cornell: He was talking about the partnership, the Rothner partnerships.

Mr. Rothner: Seriously?

Legislator Cornell: Seriously and -

Mr. Rothner: Go ahead. Wait, he tends to be fast and loose, he is one person, so is it the partnership or is it one person? I'm confused. Well, you know the person.

Legislator Cornell: Sure. He recognized the partnerships. He recognized the names that I
(*cross talk*).

Mr. Rothner: He intends to play fast and loose. He?

Legislator Cornell: I'm going to continue because I am the one asking the questions here and I'm providing the evidence. But Chicago Tribune has done a huge exposé on this. The reason being is their well-known questionable practices. It's just like having a slumlord essentially. You do what you have to do to get by. They have been written up by every, they, have been written up by every government agency under the sun. They are in the business to make money, there is no doubt about that. I guess I just reiterate that, you know, although Mr. Barmore has said you are a caring individual, I haven't once in your entire response set here have heard you talk about the people. Talk about the care. I don't think that I have heard you say that word care. This is what nursing homes are all about, it's about caring for residents.

Chairman Gould: You have one question Mr. Hoyer and then Mr. Borrello gets one question and then we're done.

Legislator Hoyer: The Chautauqua County Home has a purpose of being a safety net nursing home. In other words, local nursing homes when they have residents who are too expensive to care for, they lose money on them. They send them to the Chautauqua County Home. Will you purposely make sure that the Chautauqua County Nursing Home remains a safety net home? Taking residents that cost more than you get money in reimbursements without denying anybody entrance?

Mr. Rothner: Without denying anybody entrance, I can't say that. I can tell you that we have taken residents that we have lost money on, that is no question. But, consistently taking residents that we're going to lose money on means we will go out of business.

Legislator Borrello: I read recently that there was a concern about the percentage of Medicaid residents in some of the other owned homes that you've own and I believe that it was Pima County where you kept the same percentage that they had prior when it was publically owned. Is that correct?

Mr. Rothner: The percentage was 100%.

Legislator Barmore: And I believe that it was Lancaster that was 80%.

Mr. Rothner: Lancaster was, whatever the percentage was, it hasn't changed. Maybe it's actually gone down only because the resident count has gone up but we're still the largest percentage and largest by people, the largest provider for Medicaid in the State of Nebraska.

Legislator Borrello: So in essence then, many of the number of Medicaid beds in your facility is in essence has not changed in your ownership versus when they were publically owned?

Mr. Rothner: I am glad that you mentioned that. Actually it's in the speech - all the facilities are (*inaudible*) certified so all of the beds are certified for Medicare in all of the facilities, I think. So, no, the number of Medicaid beds hasn't gone down by one.

Legislator Borrello: That was my question but I also want to make a statement because I know that there has been some accusations thrown around here about operations that Mr. Rothner has interest in as an owner. I own shares of Sirius XM radio. In fact, I own so much of it that I had to declare it this year on my financial statement. I'm hardly a majority owner but I am an owner of Sirius XM radio. I guarantee you that if I went to their headquarters in New York City and walked in and said that I am here to review their programming and make my suggestions, I'd probably be escorted out by security. The bottom line is, we all own shares in corporations that we don't have a say in the day to

day operations of. Now again, I am not a big shareholder in XM, I am going to make that very clear, but my point is, you are not going to sit here and call me if you don't like the programming they have on Sirius XM radio. I am sure that you are not going to call Mr. Rothner about some of the other operations that he doesn't have control of the day to day operation of. I just wanted to make that point clear that we can sit here and grandstand and point fingers and make accusations but at the end of the day, the five facilities that Mr. Rothner owns on this list that we have here, have an average star rating of 3.6. Again, the weighted star rating of 3.92. To me, that is what we have to look at. That is what we have to make our judgement call with.

Chairman Gould: We are now on the resolution.

RES. NO. 189-12, Authorizing Negotiation of Contract for Sale of the Chautauqua County Home

Chairman Gould: There is a typo in the 5th WHEREAS, the typo is \$2.6 million and it should be \$2.259 million.

Legislator Cornell: Mr. Barmore and I would like to call for a recess.

Chairman Gould: It's too late. Of course, quickly, 5 minutes please.

Legislator recessed at 8:57 p.m. and reconvened at 9:13 p.m.

Legislator Cornell: I would like to make a motion to offer an amendment by substitution. The amendment is on everyone's desk, entitled, Authorizing Contract for Sale of the Chautauqua County Home to Altitude Health Services, Inc. or its Designated Affiliate.

Legislator Whitney: I will second it and get a call to a vote tonight.

Chairman Gould: The amendment is on the floor for discussion.

Legislator Whitney: Well, I would like to bring this to a vote. We have been going back and forth and it seems like the direction we're headed, I think tonight is the night to get it done. We'll be going through this all over again and again, and again. Let's take care of business tonight and challenge everybody to put up the vote and let's get it done.

Mr. Abdella: Just for your information. You will see referenced in the resolution, because this would actually be a resolution approving the sale, there are certain SEQRA statements, Environmental Quality Review Act recitals in that resolution and on your desks are SEQRA forms including a negative declaration that at transfer would not have any impact on the environment. That is a necessary part of a resolution to sell so I just bring that to your attention that those documents are on your desks.

Legislator Croscut: I would hope that – I knew nothing of this other substituted resolution until I got here this evening. I will say this, I have talked to a lot of people in the last several weeks and this resolution that we have before us this evening is the one that I will support and the one that I really hope everyone else supports. I cannot support this amended one because I give them my word. I explained to many people that we were going to enter into a contract to sell. The County Executive was going to do that. We would then come back and we would make sure that he had done us proper. We would discuss it further and then we would take another vote. So, I would urge my fellow colleagues please do not support this amended resolution. I can't in good faith and I will certainly support the resolution, 189-12 and I hope that everyone else does do. I hope that I made myself clear.

Legislator Nazzaro: I just want to ask Mr. Abdella a question. Since the prefiled resolution is authorizing the County Executive to enter into discussions for the sale of the County Home, is there any proper notification that we have to give on this to the public, to actually put this up to vote since it requires a two-thirds majority? I just want to make sure we're giving – because myself, I do believe there was some confusion at the very beginning when this special meeting was called as to what the purpose was but, that was quickly in my mind cleared up. I understood pretty much in the beginning that we were not to vote on actual sale of the County Home but on the resolution for the County Executive to enter into negotiations. So, I just want to be fair to the public, fair to the other Legislators here, fair to everyone that that was not my intent tonight to vote on the actual sale. So is there any public requirement that we have to do since we are not making a drastic change in what we are here for tonight.

Mr. Abdella: When I was requested to draft the resolution by Mrs. Cornell, I did research the issue whether this amendment by substitution would be deemed germane under Roberts Rules. Would it be an amendment that would be eligible? In reviewing Roberts Rules, it is my opinion that it is a germane amendment. It does relate to the topic, it does, as you are mentioning, advance to a different stage of approval but no, it is something that is eligible for the Legislature to consider as an amendment by substitution.

Legislator Nazzaro: And if my chance the amendment passes to sell it and then it takes 13 votes to pass the amendment but then it takes 17 votes to actually approve the sale.

Mr. Abdella: That is correct.

Legislator Nazzaro: And if the vote to sell it fails, is there any limitation that it cannot be brought before this body again, like many other past resolutions have been brought forth?

Mr. Abdella: No limitation. The Legislature has no limitation on bringing things back.

Legislator Nazzaro: Because I'm still myself, have to digest what I have heard tonight and I would hope the other Legislators, we just took a brief recess so I have not had time to digest all this information so I cannot support the amendment. I will support the original resolution.

Legislator Cornell: A few questions. What was the date that you called for this meeting, this special meeting of the Legislature? I was sitting there, I know that it was during budget hearings. I can't recall the exact date that you reported it to the press.

Chairman Gould: If you are asking how many days in advance notice I have to give, I have to give ya, I believe that it's 24.

Legislator Cornell: No, I just was wondering the date. So say it was –

Chairman Gould: Boy, I don't know.

Legislator Cornell: Mr. Ahlstrom knows.

Legislator Ahlstrom: It was the 4th I believe Mr. Chairman.

Chairman Gould: I will take that date.

Legislator Cornell: So on October 4th, you called for this special meeting of the Legislature. Typically we have very few special meetings just for the public's knowledge. Special meetings are reserved for certain and I will leave it at that. So what was the purpose of this meeting? What did you call this meeting for on October 4th?

Chairman Gould: I called it to discuss the sale of the County Home.

Legislator Cornell: To discuss?

Chairman Gould: Yes.

Legislator Cornell: With all due respect, there were public comments of confusion and I am just clarify the process so on October 4th you called for a special meeting of the County Home and the purpose that this special meeting was called for was an up or down vote.

Chairman Gould: No, I didn't say that. I said discuss the sale of the County Home.

Legislator Cornell: To discuss the sale of the County Home. It is a confusing process because my understanding was that the decision to call for the special meeting was in follow up to Mr. Ahlstrom's request, how many days prior Mr. Ahlstrom you sent a request and what was your request – Mr. Chairman, can Mr. Ahlstrom say what his request was for please?

Chairman Gould: He wanted an up or down vote on it. I, being the Chairman, wanted to discuss the sale of the County Home because the other two meetings we have in October, one of them is reapportionment and our normal business in the afternoon and the second meeting we have in October is our budget meeting. So I didn't think that we would have time to do this. That is why I called a special meeting.

Legislator Cornell: Mr. Chairman, I value our good relationship and this line of questioning is not meant in any way to show you disrespect.

Chairman Gould: Are you sure we have a good relationship right now?

Legislator Cornell: You are the decision maker of this Legislature as you should be however, I guess I will conclude that there must have been some confusion then with our strong reporters over here reported on October 5th, I'm pretty sure that all our local media reported that we were having a vote on October 18th in the County Legislature and up or down vote on the sale of the County Home. I am pretty sure but I don't have the Post Journal in front of me.

Chairman Gould: I don't have any control over the media and some days I have very little control over this body.

Legislator Cornell: I will conclude my comment. The purpose for the line of questioning, last question to Mr. Abdella. Just please confirm again for the public that this resolution, the only resolution that we have on the floor today is unnecessary and just a yes or no, if you would please. Is this necessary? Is it necessary for the Legislature to authorize the County Executive to negotiate the contract with Mr. Rothner.

Mr. Abdella: Is it legally necessary, no.

Chairman Nazzaro: I would like to ask the Clerk of the Legislature to read the email that was sent to all the Legislators calling this meeting. There was correspondence sent to the Legislators, you have to, can we retrieve that and clear this issue up once and for all, why this meeting was called. If that is o.k. with your Mr. Chairman.

Chairman Gould: That is fine with me.

Legislator Tarbrake: I would like to get back to the point that Mr. Croscut made. As Human Services Chairman, we went through the original resolution, approved it, that is why we are here tonight. I cannot support this amendment. I don't think it's the right thing to do tonight. I think the right thing is to approve this resolution. I would urge all Legislators to vote for this.

Legislator Whitney: I would like to repeat what Mr. Abdella said, it's not legally required and just like Mr. Croscut, I didn't know that Mr. Rothner was going to be here until I got here tonight.

Legislator Cornell: Maybe I have some of my email language a little bit off but I do know one thing for absolute certain and that is that I agree with one of the speakers at the privilege of the floor and that is that this and to quote him, "this is the most convoluted process I have ever seen" and I agree. I also know that we owe it to the taxpayers to make a decision. We have volumes of information, we have gone through a lengthy process, we've paid \$80,000 for an extensive study. We have information and now we need to make a decision. It's incumbent upon us to make a responsible decision sooner than later. Whether you support or oppose the sale of the County Home, we need to get busy doing something. We either need to get busy possibly looking for the most appropriate bidder in that process or we need to get busy implementing the CGR report and the cost savings, the taxpayers that came here tonight frustrated by our increasing taxes deserve.

Legislator Scudder: When I originally ran one of my platforms was I'd be accessible and boy have I been accessible for the last week to 10 days. I even got into argument, not arguments, strong discussions with some of my constituents over and forgive me guys, what they heard on the radio or read in the paper. I said that I have a real advantage over you. I get the resolution direct from the source. It took a little bit to calm them down but I assured them that what I was coming here this evening to do was to vote on the resolution that went through the property channels and I calmed everyone down and they had the confidence in me and I try and do what I say and this is the only one – this is also a missing piece of the puzzle for me. I have tried to keep my mind open, I have not committed yes or no and I would like to actually see what the contract is before I make my final decision. So, I cannot vote on this substituted resolution. I will vote no against that but I will vote to support further contract talks by Mr. Edwards and the purchaser.

Legislator Ahlstrom: I guess I'm just as confused as anyone here tonight about what the purpose was because I really don't understand why anybody would want to prolong this process any longer. Legislators that have said here tonight that they are not willing to vote on the sale haven't had a problem telling the press that they are willing to vote on a sale. But now publically they are not willing to vote on a sale. I said earlier in the meeting to a number of Legislators, we could have voted at 6:35 tonight and probably the results would have been the same regardless of which one we're talking about. The prefiled or the amended. We can talk about it for another two or three hours and the vote is probably going to be the same. I do think that at the end of the day and I was hoping it was at the end this day we would have a resolution to whether or not we sell the County Home because that is really the only question. We only have one bidder that wants to buy the County Home and that is Mr. Rothner. I give him credit for sitting here tonight and being interrogated by the Legislature that is a lot more than myself as an individual would have been able to stand. But he answered the questions. You can like his answers, you can trust his answers, you can do whatever you want with his answers because it probably did not change anybody's opinion from when they walked in the door. I do agree a little bit with Mr. Scudder in that I don't think that another month changes anything other than it give people more time maybe to put more pressure on people if there aren't enough votes to pass it. If there aren't enough votes to pass it tonight as Mr. Abdella stated, this doesn't mean that this is an issue that is dead. It certainly can be revisited. If it passes tonight though, we're done with it. If it doesn't pass tonight, I would hope that we're done with it at least until we get through the other issues that we have facing us this year. Because the plan that we have right now keeps this entangled with all the other issues that we have as a Legislature and that is really not fair to us as Legislators. I don't know if I should use Mr. Borrello's words or Mr. Rothner's words. I guess I'll go with Mr. Rothner, have the wherewithal to stand by our convictions and make your vote. That is what you were elected to do. That is what the people from both sides that talked tonight, that is what they

want us to do, is make a decision. They don't want us and we heard it from both sides. To kick the can down the road for another month. Make the decision. This should be and to try to and you and I have a difference of opinion on this of how we should have proceeded and we shared that. This is an amicable difference of opinion and I believe I was the first one to request to have a special meeting. When I brought that up to you, that was certainly for the sole purpose of having an up or down vote in getting the County Home issue off of the table. So, I would encourage us to, we have an amendment on the table, to talk about the amendment or to call the question and vote on the amendment but let's show somebody that we can take some action and do something.

Legislator Coughlin: I want to make sure that I understand exactly what is going on and everybody in the room understands. If we pass the amendment, the amendment is calling for the sale of the Home to Altitude Health Services, correct? That is all the amendment is for. The second vote will be whether or not we sell just – not whether we ever sell the County Home but just whether or not we sell it to Altitude, am I 100% correct here?

Mr. Abdella: The resolution proposed to be substituted would be a resolution for the actual sale of the County Home to Altitude. Would authorize the County Executive to enter into a contract, execute the deeds and all necessary agreements. There would be no further action by the Legislature.

Legislator Coughlin: So if this amendment passes and they vote that sale down, that is the only sale. It's not saying you are never going to sell the Home, it's just that you are not going to sell it to Altitude, correct?

Mr. Abdella: Not today, that's right.

Legislator Coughlin: Right. That is what I want everybody to understand. The first one is whether or not we're going to sell it to them and that is by 13 votes and for the sale it's 17 votes and it only pertains to the sale to Altitude.

Mr. Abdella: Yes, the amendment needs 13 votes to substitute that resolution but it would be 17 votes to then pass that resolution.

Legislator Coughlin: To the only buyer, one buyer.

Mr. Abdella: Right.

Legislator Hoyer: A question about the amendment. Second to the last RESOLVED says that the County Executive is authorized to execute a contract of sale for the conveyance of the property and we have said that if we vote yes to sell it, we will have no more to do with it. Like we will have no oversight of the contract. However the Charter says that the Legislature must approve the contract of any sale of property. So the amendment goes against the Charter. Whatever we do, I'm going to vote against the sale.

Legislator Nazzaro: We're we able to find the email?

Chairman Gould: Yes.

Legislator Nazzaro: And before you read it, I just want to make a comment. If I understand Mr. Abdella right, I just want to make sure we're clear. If the amendment passes, then we put it up for a vote to sell to Altitude. If that sale passes, we don't get to review the contract or anything. Basically we're done so this is sort of going against what we have done here for – we wanted transparency. You said let's – first we had the Ad Hoc Committee four years ago, then we had the RFP come to a vote for Marcus & Millichap, which did not have to come before this body. But the Executive brought it

here because he wanted to see whether or not there was support to move forward on getting proposals. That did not have to come here but it did. Then we had the CGR report which did not have to come here either. That was put up to vote. Then we had the Ad Hoc Committee, so now, we're rushing here tonight and if you put it up to vote and for those Legislators who don't want to sell it, be wary because if this passes, we're done, it's sold. As long as the Executive can come up with the terms that are agreeable to both the buyer and the seller which is us. So if this went to a vote tonight, I want to see the contract. I want to vote on the contract. I don't want to vote on a blind sale. You all know that I have been in favor of selling the County Home and that has not changed but I also am not going to rush through and make a decision that could be detrimental to the County because I am not voting now on the terms of the contract. It's out of my control. Is that correct Mr. Abdella?

Mr. Abdella: I believe the resolution states that it's authorizing the Executive to execute a contract of sale for \$16.5 million subject to the minimum terms and conditions contained in the RFP. So it has those parameters on it but yes, he would have the authority to go forward at that point and that is sufficient authority under the Charter to go forward.

Legislator Nazzaro: I for one would like to see the contract before I decide to vote. If you could read the email, thank you.

Clerk Tampio: This was an email from the desk of Lori Foster, sent Friday, October 12, 2012 at 11:35 a.m. To the Legislature with cc to the Legislature staff, department heads, and members of the media. Subject; special meeting. Legislators, attached please find the material for the special meeting on Thursday, October 18, 2012 at 6:30 p.m. And there were attachments in the email which included the agenda page you have before you and the resolution.

Legislator Croscut: Call the question.

Legislator Stewart: Second.

Calling the question – Carried w/ Legislator Nazzaro, Scudder, Cornell voting "no"

Chairman Gould: The question is called. We'll now vote on the amendment.

RES. NO. 189-12 – amend by substitution – R/C Vote: 10 Yes; 14 No; 1 Absent (No's: Barmore, Borrello, Croscut, Erlandson, Hemmer, Himelein, Horrigan, Nazzaro, Rogers, Scudder, Stewart, Tarbrake, Wendel, Gould) – DEFEATED

Legislator Ahlstrom: We are back on the resolution?

Chairman Gould: Yes.

Legislator Ahlstrom: I would like to call the question.

Legislator DeJoe: Second.

Legislator Borrello: Point of order, we have to vote on calling the question.

Legislator Ahlstrom: I would like to ask for a roll call vote.

RES. NO. 189-12 – calling the question – R/C Vote: 17 Yes; 7 No; 1 Absent (No's: Borrello, Cornell, Coughlin, Hoyer, Nazzaro, Scudder, Whitney) *Carried*

Chairman Gould: Now we'll vote on the resolution.

RES. NO. 189-12 – R/C Vote: 16 Yes; 8 No; 1 Absent (No's: Ahlstrom, Cornell, Coughlin, DeJoe, Heenan, Hoyer, Runkle, Whitney) – ADOPTED

2nd Privilege of the Floor

My name is (?) Tomlinson, I live at 146 Newton Street in Fredonia and what I have to say is, \$16 million dollars for that building. That is a fire sale. That is a steal of a deal, that is just kind of an unreal deal. I really wonder how this came about. I really wonder how it is that we only have one company bidding on it and I also wonder, the license alone is worth \$3 million dollars. It seems to me that we're letting this go. If we are going to sell it, we're letting it go way to cheap.

Mr. Joseph J. Carrus, resident council President at the Chautauqua County Home. There are two or three questions that I would like to ask Mr. Edwards. Do you have a deed or title to the land and building that you are going to sell? If so, why haven't you shown to the buyer? Please answer my questions. I am waiting for an answer.

Chairman Gould: Please direct your questions to me.

Mr. Carrus: Alright, I'll address it to the Chairman.

Chairman Gould: Is there any objection to the County Executive speaking to the answer to this question?

County Executive Edwards: Mr. Carrus, that is a good question and that will be part of the negotiation process because I am quite certain that any buyer would want to see that but until there is an indication of a willingness to go forward to the sale, there is no reason to take that step but that certainly will be something we'll do when requested by the buyer.

Mr. Carrus: What did he say?

County Executive Edwards: That was an excellent question. That will be part of my obligation to the seller because I am sure they are going to ask for it and until there is an indication we're going to go forward, there is no reason to produce the deed until we have this step.

Mr. Carrus: I have the deed in my possession and that deed was made out for the land to the Chautauqua County and the County Welfare District. There was no mention at all of a Supervisor or the County Legislature as a buyer of the land from Hemmic Persh (?), 26.5 acres. Another thing, are you familiar with the law of 1824? That law compelled the Supervisors to support the Chautauqua County Home in as much as the Supervisors were the forerunner of the County Legislature, (*inaudible*) oblige the County Legislature to support the Chautauqua County Home. Those are the two questions that must be answered adequately before an attempted is made to sell the ground and building of the Chautauqua County Home.

Legislator Coughlin: I don't know. Because we cut off the debate, I don't whose – it's getting late, I understand that but I just want to tell you what I find to be peculiar if nothing else. This is the way it seems to be that we've gone about with the County business. It happened with the budget. All of a sudden the budget is dropped on our laps two days before we're supposed to make important decisions, the \$6.2 million dollars is included as a stop-gap measure, it has just been all at once. I just think this whole deal smells. You have got – all of a sudden the County Executive wants to sell the Home. All the sudden Marcus & Millichap walk in and say, hey what, you know, we're in the business of making money but the hell with Chautauqua, we're just going to help you out. We're going to sell your Home for you. You don't have to pay us anything, we're just maybe good guys. And what do they do? They put out their RFP. Who comes back with the RFP for a private Home? One

individual. One individual who has had a relationship of which he doesn't know whether he's bought one home or two homes or ten homes, or hundred but he did say he only owned five. So I don't know. I mean, his credibility was nothing. Then we get to the point where now he has a law firm that represents him and his interest to purchase these homes throughout the country. I am going to tell you what. I have all the admiration in the world for Mr. Abdella and the County attorneys, but they are walking in with a shark. And if we are going to be serious about going into negotiations, and serious negotiations are people that do this for a living. I will tell you what. There is an ethical obligation as an attorney and that is when you are in over your head, you admit you are in over your head and we hire somebody else to deal with this person who does nothing but that. And it seems awful strange to me that there is only one RFP that came from one person that knew what was going on here and I just think the whole thing smells. And if it stinks, I'd look into it.

Chairman Gould: Is there anyone else that would like to speak to the second privilege of the floor. Seeing none, we'll close the second privilege of the floor.

MOVED by Legislator Ahlstrom, SECONDED by Legislator Croscut, and duly carried the special meeting was adjourned. (9.35 p.m.)

Regular and Budget Meeting
Chautauqua County Legislature
2:00 P.M. & 6:30 P.M.
Wednesday, October 24, 2012
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 2:03 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent Duff)

Legislator Barmore delivered the prayer and pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Runkle and duly carried the minutes were approved. (9/26/12)

Privilege of the Floor

My name is Paula Coats, 10432 Bayshore Drive, Dunkirk, N.Y. and I am here representing myself and also the League of Women Voters. I was gratified and extremely hopeful last Spring when the County Legislature took the bold step of authorizing a Reapportionment Commission comprised of a majority of independent citizen members. Such an independent Commission was required to create fair legislative districts within Chautauqua County and further to ensure that these districts clearly reflected the principle of one person, one vote. The primary goal of map maker should always be to protect the interest of the general public, not those of a particular political party or legislative incumbent. The League of Women Voters supports independent commissions because too often when new electoral boundaries are drawn by the very members of the Legislature that will ultimately approve them, the districts are devised to keep the majority party in power, which every part that happens to be at the time. The problem with districts so designed is that they discourage the candidacy of the opposition party and discourage voters from participating in government. Experience in other states has shown that an independent commission using established principals tends to create a more level playing field with more compact districts. For this reason, the League welcomed the Legislature's move to establish a semi-independent commission. Today you are faced with two reapportionment plans. One is a plan devised by the Commission. This plan is a result of collegial discussion and repeated revision. The other plan is the work of Mr. Barmore, the Republican co-chair of the Commission. The plan is based upon the 2011 map drawn up by a consultant hired by the Republican Caucus and then somewhat reworked by Mr. Barmore and Dr. Mueller. In drawing up its plan, the Commission did not consider where specific legislators resided. I think it is fair to say however that Mr. Barmore definitely had these locations in mind when he created his plan. To my mind, the Commission's plan more consistently creates communities of interest. It is further my understanding that Mr. Barmore's plan by nature of some of the new districts created will place an additional burden, economic burden, on the Board of Elections. You may view these plans differently than I. If you selected Mr. Barmore's plan however, beware of the message that you are sending to the electoral of Chautauqua County. You will have indicated that the Commission's work was a complete waste of time, that it was mere window dressing that you were merely marking time until you could implement a plan that you had already devised. Consider the discouraging message you will be sending to any resident, voter, taxpayer, who holds out hope that his volunteer efforts have a chance of affecting good governance. Thank you.

My name is Minda Rae Amiran, I'm a member of the League of Women Voters and I have served on the Reapportionment Commission. I want to clarify a few points about the Commission's process. At our first meeting, Mr. Barmore presented us with a Reapportionment plan. As Mrs. Coats has just said, this was a plan that was first developed by the consultant the Republican Caucus hired in 2011 and later modified by Mr. Barmore and Dr. Mueller among others. The Commission members saw several problems with this plan. In the first place, it attached part of Jamestown to a rural part of

Busti which didn't seem to have much in common with it. In the second place, it formed a district with a small piece of the Town of Chautauqua and the Election Commissioners informed us that it would be needlessly expensive to serve that bit of the town at election time. In the third place, it would create a district on opposite sides of Chautauqua Lake. Mr. DeJoe also presented a plan at that first meeting. The independent members of the Commission decided to try to create a plan that would be better than either. In the following months, the independent Commission members worked on that plan. Mr. DeJoe and Mr. Barmore were present at most but not all of our meetings. We deliberately chose to know nothing about where existing members of the Legislature lived. We operated on the principal that each district should have equal numbers of residents within defined limits, that the districts should be compacted, that they should keep communities of interest together as much as possible and that they should divide as few small towns as possible. To this day, I don't know what parties my fellow Commission members favor or are registered in. We worked collegially and with common aims. We didn't succeed in preserving as many small towns whole as we might have wished but we thought we were meeting our other goals. It has been reported that the Commission failed to arrive at consensus on any one plan. That is only technically true. At its last meeting, the Commission voted 4 to 2 on the plan I've called "Its Plan". However, because of the Commission officially consisted of 8 people, we needed a majority of 5 for any recommendation to you. Sadly one appointed member came to no meetings at all and another was not present on the day of the vote. I believe that Mr. Barmore has honestly tried to be fair in what we now call, "His Plan". For example, he has tried to pick equal numbers of Republican incumbents against one another in his new districts as he has Democrats. Of course, I believe that the Commission's plan is better in that it has done away with the objections we had to Mr. Barmore's plan of that first day. However, there is another reason to vote for the plan devised by the independent members of the Commission. You formed the Commission as you did because you seemed to recognize the importance of impartial redistricting. If you now go back to the plan that existed before the Commission first met, you are saying in effect, that the Commission's work was meaningless, a game to amuse us, or the grown-ups attended to business as usual. You are within your rights to do so but consider what message you are sending the public. Both about your commitment to transparent and non-partisan processes and about your willingness to waste the time of serious and committed citizens.

My name is Marcia Merrins, member of the League of Women Voters, past President of the New York State League of Women Voters and past member of the National Board of the League of Women Voters. I was referred to as a girl recently and I want you to know that I have risen beyond that.

The shape and composition of the Chautauqua County Legislature's district are modified after every US Census to reflect changes and population from one district to another. The objective is to roughly equalize the number of people in each district, while also ensuring minority voter's rights. That is the premise. Sounds very straight forward. It could be but it is not. The process of redistricting is fraught with challenges. Redistricting should not be a decennial opportunity for Republican and Democratic party officials to solidify those strongholds and weaken their opponents influence. Though those who benefit from party patronage may support using redistricting to keep their benefactors in power, this should be never the goal of the process. It seems too often the definition of redistricting is when Legislators choose voters rather than voters choosing them. How does this happen? I am going to educate you just a little bit just in case you don't know. There are techniques called packing whereby lines are drawn to concentrate many supporters of political opponents in a few districts and cracking whereby opponent's supporters are split among several districts. Majority parties dramatically increase their party's chances of incumbency for the next decade. These designer districts literally allow for Legislators to choose the voters before the voters have the chance to choose them and I believe that that is what is occurring in parts of Mr. Barmore's plan. Lawmakers should support legislation ensuring that the drawing of legislative district lines is not done by those who stand directly to benefit from how they are drawn. Following the census of 2000, the League of Women Voters of New York State and several local leagues were very active on the redistricting issues. The State League testified at the Redistricting Task Force hearing in Albany on March 19, 2002 and Bill Parment was the Democratic Chair of that Task Force. The Buffalo and Rochester

leagues paved the way for Albany hearing by putting pressure on the Task Force during the hearings in Buffalo and Rochester and I was there. In all testimony we stressed the need for ensuring a process that allows citizen input and for legislative districts that give all voters a fair and equal voice in our represented democracy. We also lobbied in the State Legislature for a non-partisan Commission to draw the lines based on the leagues criteria. However, because this is the most partisan process undertaken by the Legislature and determines the districts in which the Legislators will run for the next decade, this indeed was a heavy lift. In the end, not even members of the Task Force had input into the process. It was done entirely by the majority leadership in each House and now it's seems as if it maybe de ja vue all over again right in my own backyard. The Legislature created the Commission to accomplish a task. It did so. Not to take its recommendation would be a disservice and a travesty. Confidence in political institutions and the parties that control them could hardly be lower. If the process meant to reinstitute equality and fairness of representation after the census is turned into a play thing for party interest, then citizens must rightly condemn it and all who perpetrate this crime against democracy. The League believes it's imperative that our guidelines and process be applied so that people and not parties are protected. I urge you, I urge you to support the Commission's plan and not Mr. Barmore's. Let's do it right in Chautauqua County.

Chairman Gould: Is there anyone else to speak to the first privilege of the floor? Seeing none, we'll now close the first privilege of the floor.

COMMUNICATIONS:

1. Letters (2) – County Exec. – Re: Appts. to STOP DWI & Youth Board
2. Letters (3)/Email (1) – Towns of Clymer, Ellington, French Creek, Poland – Re: Boards Voting in Favor of Selling the County Home
3. Report – Fn. Dir. Marsh – Re: September 2012 Investment Report
4. Report – Budget Dir. Crow – Re: Monthly Budget Performance – Sept./2012
5. Report – B-W-B, CPA's – Financial Audit
6. James/Keegan & Co., Inc. – Re: Final Refunding "Bond" Financial Plan
7. Letter - Chaut. Co. Environmental Managmt. Council – Re: Chaut. Lake
8. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motion 12-12
9. Letter – Senator Young – Re: NRG Energy, Inc.
10. Letter – National Grid – Re: Petition of Natl. Grid for Amendments to Certificate of Environmental Compatibility and Public Need
11. Site Selection Magazine – IDA Dir. Daly – Re: Ripley Site
12. NYSAC – Publication of Roadmap to Mandate Relief
13. NYSAC – 2012 Fall Seminar Resolutions
14. Proof of Publication – LL's Intro. 5-12 & 6-12 - Reapportionment

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 09/26/12

2:05 P.M. - PUBLIC HEARING – LL INTRO. 5-12 – REAPPORTIONMENT

Chairman Gould: We'll now open up the first public hearing on Local Law Intro. 5-12. (2:08 p.m.) Is there anyone to speak at this public hearing? Seeing no one, we'll close the public hearing. (2:09 p.m.)

2:10 P.M. - PUBLIC HEARING – LL INTRO. 6-12 – REAPPORTIONMENT

Chairman Gould: We'll now open up the first public hearing on Local Law Intro. 6-12. (2:10 p.m.) Is there anyone to speak at this public hearing? Seeing no one, we'll close the public hearing. (2:11 p.m.)

PUBLIC HEARING – 2013 TENTATIVE BUDGET & SEWER DISTRICT ASSESSMENT ROLLS

Chairman Gould: Is there anyone to speak at this public hearing concerning the 2013 budget? (2:12 p.m.) Seeing no one, we'll close the public hearing. (2:13 p.m.)

RENEW & AMEND:

RES. NO. 209-11- Authorizing Sale of Tax Parcel 49.06-3-43 in the Village of Silver Creek or Assignment of County's Right to Tax Deed (See page 265 of 2011 Journal for text)

MOVED by Legislator Barmore, SECOND by Legislator Croscut to renew and amend.

Unanimously Carried

Chairman Gould: Now we need a motion to amend it.

MOVED by Legislator Runkle, SECOND by Legislator Himelein to amend by changing the closing date to September 1, 2013.

Unanimously Carried

RES. NO. 209-11- R/C Vote – 24 Yes; 1 Absent – Unanimously Adopted as amended

RES. NO. 141-12 – Participant's Share of 2013 Chautauqua County Self-Insurance Plan Costs (See page 184 for text)

MOVED by Legislator Runkle, SECOND by Legislator Himelein to renew.

Unanimously Carried

MOVED by Legislator Croscut, SECOND by Legislator DeJoe to amend to change amount for the Town of Dunkirk to \$18,671.29 and City of Dunkirk to \$226,020.93.

Unanimously Carried

RES. NO. 141-12 – Unanimously Adopted as amended

MOTION: (On file w/ 10/24/12 Leg. Data)

13-12 - Motion Urging the NYS Legislature to Honor Home Rule Sales Tax Requests in Order to Meet the Intent of Home Rule Authority Granted to Counties in the State Constitution – Unanimously Adopted – October 24, 2012

RES. NO. 190-12
Confirm Appointment – STOP DWI Advisory Board

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the STOP-DWI Advisory Board:

| | |
|---|---|
| Legislator George Borrello 1014 S. Shore Drive Irving, N.Y. 14081 | Filling the term of Frank "Jay" Gould Term Expires: 12/31/13 |
|---|---|

Signed: Wendel, Whitney, Hemmer, Coughlin

Unanimously Adopted – October 14, 2012

RES. NO. 191-12

Confirm Appointment & Re-Appointments - Chautauqua County Youth Board

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following appointment and re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Youth Board.

Appointment:

| | |
|--|---|
| Victoria Patti 224 Buffalo St. Jamestown, N.Y. 14701 | Filling the term of Donna Flinchbaugh Term Expires: 12/31/13 |
|--|---|

Re-Appointments:

| | |
|---|------------------------|
| Adam Dolce 415 Woodrow Ave. Dunkirk, N.Y. 14048 | Term Expires: 10/31/15 |
|---|------------------------|

| | |
|---|------------------------|
| Rachel Ludwig 5128 Spring St. Asheville, N.Y. 14710 | Term Expires: 10/31/15 |
|---|------------------------|

| | |
|---|------------------------|
| Janet Privitera-Bonasera 9612 Porter Rd. Fredonia, N.Y. 14063 | Term Expires: 10/31/15 |
|---|------------------------|

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – October 24, 2012

RES. NO. 192-12

Authorizing the Granting of Easements to National Fuel Gas Distribution Corporation for Construction of the Millennium Parkway Project

By Public Facilities & Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, by resolutions 128-06, 105-11 and 120-11 the County committed to participate in the cost of various phases of the Millennium Parkway project, PIN 5757.55; and

WHEREAS, to accommodate the construction of the Millennium Parkway project, National Fuel Gas Distribution Corporation needs to relocate an existing pipeline and other associated equipment onto lands owned by Chautauqua County at the corner of Bucknor and Talcott Streets in the City of Dunkirk (tax map parcel 79.16-1-3); and

WHEREAS, the County and National Fuel Gas Distribution Corporation have agreed to the size and location of a new easement which meets the needs of National Fuel Gas Distribution Corporation; and

WHEREAS, National Fuel Gas Distribution Corporation may in the future need additional easements in furtherance of the Millennium Parkway Project; therefore, be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents and agreements on behalf of Chautauqua County with National Fuel Gas Distribution Corporation for all easements necessary to allow completion of the Millennium Parkway Project.

Signed: Himelein, Horrigan, Stewart, DeJoe, Erlandson, Runkle, Borrello, Wendel, Nazzaro, Heenan

Adopted – October 24, 2012 – Legislator Cornell voted "no"

RES. NO. 193-12

Authorize County Executive to Accept New York State Grant to "Extend (1,000 ft.) Runway 24 and Parallel Taxiway, including Nav aids – Construction" at the Chautauqua County Dunkirk Airport

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Dunkirk Airport: PIN# 5905.75; and

"Extend (1,000 ft) Runway 24 & Parallel Taxiway including Nav aids – Construction"
FAA AIP Project No. 3-36-0022-45-12; and

WHEREAS, the NYSDOT is offering a matching grant to the Federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, Chautauqua County has committed funds in its existing capital budget for the local share of project costs based on the federal share being 95% as follows:

| | |
|---------|-------------|
| Federal | \$3,800,000 |
| State | \$ 100,000 |

| | |
|---------------|-------------|
| Local | \$ 100,000 |
| Total Project | \$4,000,000 |

WHEREAS, the project funding needs to be amended based on the federal share now being 90%. The adjusted project funding is as follows:

| | |
|---------------|--------------|
| Federal | \$ 2,769,105 |
| State | \$ 153,839 |
| Local | \$ 153,839 |
| Total Project | \$ 3,076,783 |

WHEREAS, if the County of Chautauqua and /or the FAA notifies the NYSDOT that the County has requested and received an increase in Federal funding for the project based on increased eligible costs and has authorized the proportionate increase in local funding the State share noted above shall be increased proportionately up to a maximum increase of 15%; and

WHEREAS, investments earnings are exceeding expectations and the projected surplus could be used to cover the additional local costs; therefore be it

RESOLVED, That Chautauqua County enters into an agreement with the State of New York for financial assistance for the project described above at the Chautauqua County Airport at Dunkirk; and further be it

RESOLVED, That the County Executive is authorized to execute all necessary documents and agreements on behalf of Chautauqua County with New York State, FAA, engineers and contractors in connection with this project; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---|-----------|
| A.9950.----.9 | Interfund Transfers – Transfer to Capital | \$ 53,839 |
|---------------|---|-----------|

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|--|-----------|
| A.9950.9999.R240.1RSV | Use of Money & Property–Int & Earn: Cap. Resrv | \$ 53,839 |
|-----------------------|--|-----------|

DECREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|----------------|--|------------|
| H.5610.25672.4 | Contractual – Runway 6/24 Extension: Dunkirk | \$ 923,217 |
|----------------|--|------------|

INCREASE CAPITAL REVENUE ACCOUNTS:

| | | |
|------------------------|--|-----------|
| H.5610.25672.R359.7001 | NYS Aid: Airport Capital Grants | \$ 53,839 |
| H.5610.25672.R503.1000 | Interfund Transfer – Interfund Transfers | \$ 53,839 |
| | | 107,678 |

DECREASE CAPITAL REVENUE ACCOUNT:

| | | |
|------------------------|---|-------------|
| H.5610.25672.R459.2000 | Federal Aid: Airport Federal Capital Grants | \$1,030,895 |
|------------------------|---|-------------|

RESOLVED, That a certified copy of this resolution be filed with the NYS Commissioner of Transportation by attaching to it any necessary documents in connection with this project.

Signed: Himelein, Horrigan, Stewart, DeJoe, Erlandson, Runkle, Borrello, Wendel, Nazzaro (A&C – Heenan voting “no”)

Adopted w/ Legislators Ahlstrom, Cornell, Heenan, Hoyer, Nazzaro, Rogers, Runkle, Whitney voting “ no” - October 24, 2012

RES. NO. 194-12

Authorizing the Implementation and Funding in the First Instance 100% of the Federal-Aid Eligible Costs of a Transportation Federal Aid Project, to Fully Fund the Local Share of Federal-Aid Eligible and Ineligible Project Costs, and Appropriating Funds Therefore

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Bridge Maintenance Project, PIN 5760.37 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, estimated to be \$240,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, local funds are available in account D-5112.390 to cover the Non-Federal share; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the project PIN 5760.37 with existing funding in account D.5112.390;

NOW, THEREFORE, the County Legislature of the County of Chautauqua, duly convened does hereby

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is hereby further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That the sum of \$240,000 is hereby appropriated from D5112.390 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering and Construction & Construction Inspection phases exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissions of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, This Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – County Bridge Program \$192,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002 Federal Aid - Surface Transp Program \$192,000

Signed: Himelein, Horrigan, Stewart, DeJoe, Erlandson, Runkle, Borrello, Wendel, Nazzaro, Heenan

Unanimously Adopted – October 24, 2012

RES. NO. 195-12

Authorize County to Accept Aid to Defense Grant

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Division of Criminal Justice Services for Aid to Defense; and

WHEREAS, the grant award covers the period from April 1, 2012 to March 31, 2013 and provides funding in the amount of Fourteen Thousand Dollars and No/100 Dollars (\$14,000.00); and

WHEREAS, these funds have been appropriated in the current budget; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State Grant will cease to continue if said State Aid is abolished or discontinued.

Signed: Wendel, Whitney, Hemmer, Coughlin, Runkle, Borrello, Nazzaro, Heenan, DeJoe, Himelein

Unanimously Adopted – October 24, 2012

RES. NO. 196-12

State Homeland Security Program for Fiscal Year 2012

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds of \$137,250 from the FY2012 State Homeland Security Program (SHSP); and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in the Chautauqua County area thru projects and initiatives that comply with the Federal grant guidelines and supports the implementation of the State Homeland Security Strategy; and

WHEREAS, the grant period runs from September 1, 2012 through August 31, 2014; and

WHEREAS, funds will be added to the 2013 budget in subsequent resolutions once the County is ready to expend them; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign and execute all necessary agreements to accept the award.

Signed: Wendel, Whitney, Hemmer, Coughlin, Runkle, Borrello, Nazzaro, Heenan, DeJoe, Himelein

Unanimously Adopted – October 24, 2012

RES. NO. 197-12

Authorize Execution of the New York State Office of Homeland Security & Emergency Services for Terrorism Prevention

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York approved the application for Office of Homeland Security & Emergency Services Program Grant for terrorism prevention FY 2012; and

WHEREAS, the State of New York will provide funding in the amount of \$45,750.00 for the initial contract period from September 1, 2012 to August 31, 2014 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security & Emergency Services Program Grant in the initial amount of \$45,750.00 with no local share; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|------------------|--------------------------|----------|
| A.3020.IECG---.1 | Personal Services – IECG | \$29,280 |
| A.3020.IECG---.8 | Employee Benefits - IECG | 16,470 |
| | | \$45,750 |

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|------------------|----------|
| A.3020.IECG.R438.9IEC | Federal Aid: IEC | \$45,750 |
|-----------------------|------------------|----------|

Signed: Wendel, Whitney, Hemmer, Coughlin, Runkle, Borrello, Nazzaro, Heenan, DeJoe, Himelein

Unanimously Adopted – October 24, 2012

RES. NO. 198-12

Authorize Execution of Grant Agreement with the New York State Division of Criminal Justice Services for Narcotics Control

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York has approved the application for the Byrne JAG Grant; and

WHEREAS, the State of New York will provide funding in the amount of \$75,000 for the initial contract period from July 1, 2013 to June 30, 2014 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract and all necessary intermunicipal agreements for the Byrne JAG Grant in the amount of \$75,000 with no local share.

Signed: Wendel, Whitney, Hemmer, Coughlin, Runkle, Borrello, Nazzaro, Heenan, DeJoe, Himelein

Unanimously Adopted – October 24, 2012

RES. NO. 199-12

Accept Grant Funding and Increase Appropriation Accounts for Community Transformation Grant – Small Communities

By Human Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Health Department has been awarded \$450,000 in grant funding for the Chautauqua County Health Department Community Transformation Grant – Small Communities for the period 9/30/12 to 9/29/14; and

WHEREAS, the Health Department desires to participate in this public health initiative to address critical chronic disease issues as outlined in Public Health; and

WHEREAS, the Health Department will work with a predetermined leadership team and coalition to implement a multi-sector plan in the early child care, school, and community settings within the areas identified by NYSDOH as being high need; and

WHEREAS, initiatives undertaken by the Health Department through this grant will result in documented long-term healthcare-related savings for our county and a better quality of life for our residents; and

WHEREAS, the 2012 Chautauqua County Adopted Budget does not include funding for the 2012 portion of these grant activities; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the above-named grantor for so long as the Department of Health continues to be funded by this program, and to execute such other documents as may be necessary for implementation of this initiative, and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with agencies, organizations, school districts and other municipal entities as necessary to carry out the objectives and requirements of these grant programs; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2012 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|-------------|--------------------------------------|--------------|
| A.4010.HE.4 | Contractual – Health Education | \$52,250 |
| A.4010.HE.5 | Fixed Contractual – Health Education | <u>4,000</u> |
| | | \$56,250 |

ESTABLISH & INCREASE REVENUE ACCOUNT:

| | |
|---|----------|
| A.4010.HE.R440.1000 Federal Aid – Public Health Grant | \$56,250 |
|---|----------|

Signed: Tarbrake, Horrigan, Hoyer, James, Hemmer, Runkle, Borrello, Wendel, Nazzaro, Heenan, DeJoe, Himelein

Unanimously Adopted – October 24, 2012

RES. NO. 200-12

Authorizing the Acceptance of Funds from the United States Army Corps of Engineers (USACE) to Develop a Submerged Aquatic Vegetation Management Plan (SAVMP) Manual

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua Lake is an important economic resource for Chautauqua County that has been negatively impacted by nuisance submerged aquatic vegetation (SAV); and

WHEREAS, the Chautauqua County Department of Planning and Economic Development (CCPED) and the Chautauqua Lake Management Commission (CLMC) are currently developing a submerged aquatic vegetation management plan (SAVMP) for Chautauqua Lake as recommended by the Chautauqua Lake Watershed Management Plan; and

WHEREAS, Chautauqua County has been awarded funding in the amount of \$51,501.66 from the United States Army Corps of Engineers (USACE) to assist with the development of an SAVMP manual; therefore be it

RESOLVED, That the County Executive is authorized to officially accept the funds from USACE in the amount of \$51,501.66 and to execute all agreements and take all other actions necessary to implement the grant including use of the funding to develop an SAVMP Manual; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2012 Budget.

INCREASE APPROPRIATION ACCOUNT:

| | |
|--|----------|
| A.8020.WTRS.4 Contractual – Watershed Administration | \$51,502 |
|--|----------|

ESTABLISH & INCREASE REVENUE ACCOUNT:

| | |
|--|----------|
| A.8020.WTRS.R490.2001 Federal Aid: SAVMP | \$51,502 |
|--|----------|

Signed: Croscut, Ahlstrom, Rogers, Borrello, Runkle, Wendel, Nazzaro, Heenan, DeJoe, Himelein

Unanimously Adopted – October 24, 2012

RES. NO. 201-12

Authorize Transfer of Tax Foreclosure Properties to Chautauqua County Land Bank Corporation and Various Adjoining Landowners

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, New York State Governor Andrew Cuomo announced that Chautauqua County's application to create a land bank corporation (Land Bank) was one of five applications in the State to be approved by Empire State Development (ESD) in the first round of applications reviewed under the State's land bank legislation; and

WHEREAS, the first year plan for the Land Bank included provision for the County transferring at least six (6) tax foreclosure properties to the Land Bank; and

WHEREAS, pursuant to Resolution 135-12, one (1) tax foreclosure property at 648 East Sixth Street in the City of Jamestown that was initially identified for transfer to the Land Bank was conveyed directly to CODE, Inc. in order to facilitate grant funding for demolition; and

WHEREAS, pursuant to Resolution 149-12, the following three (3) tax foreclosure properties containing distressed or at risk structures were authorized for transfer to the Land Bank:

1. 84 Risley Street, Fredonia, New York – Tax ID # 113.14-2-58
2. 768 Eagle Street, Dunkirk, New York – Tax ID # 96.06-2-39
3. 412 Dove Street, Dunkirk, New York – Tax ID # 79.14-8-30; and

WHEREAS, three (3) additional tax foreclosure properties containing distressed or at risk structures have become available for transfer to the Land Bank due to the failure of the auction purchasers to complete their purchases; and

WHEREAS, it is the recommendation of the Land Bank board of directors that seven (7) vacant properties that failed to sell at either the County auction or back-up sale be conveyed to adjoining property owners with the closing costs paid utilizing the County's Land Bank seed money contingent upon the vacant parcel(s) being merged for future real property tax purposes with the adjoining neighboring landowners' improved parcel(s) where possible; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties containing distressed or at risk structures to the Chautauqua County Land Bank Corporation for the purchase price of \$1.00 and upon such other terms and conditions negotiated by the County Executive:

1. 132 Water Street, Jamestown, New York – Tax ID # 387.12-1-55
2. 111 Hazzard Street, Jamestown, New York – Tax ID #387.15-8-33
3. 35 Tower Street, Jamestown, New York – Tax ID #387.12-4-71

and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following vacant tax foreclosure properties to adjoining neighboring landowners for the purchase price of \$1.00 with the closing costs paid utilizing the County's Land Bank seed money contained in Trust Account TA.98CCHN, contingent upon the vacant parcel(s) being merged for future real property tax purposes with the adjoining neighboring landowners' improved parcel(s) where possible:

1. 217 Allen Street, Jamestown, New York – Tax ID #387-15-3-4
2. 225 Tower Street, Jamestown, New York – Tax ID #387-12-4-41
3. 24 Richmond Place, Jamestown, New York – Tax ID #387.06-6-32

Underline Indicates New Language, Strikethrough Indicates Deletion

4. Vega Street, Jamestown, New York – Tax ID #388.05-3-5
5. 100 Barrows Street, Jamestown, New York – Tax ID #387.12-3-58
6. Union Street, Westfield, New York – Tax ID # 210.05-2-57
7. Route 20, Town of Sheridan, New York – Tax ID # 98.05-1-18

Signed: Cornell, DeJoy (Failed in A.S. w/ Scudder & Tarbrake voting "no")

Adopted – R/C Vote: 22 Yes; 2 No; 1 Absent: (No's: Runkle, Scudder) - October 24, 2012

RES. NO. 202-12
Quit Claim Deed

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-11; therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

| Offer Number | Municipality | Property Location | Purchaser | Foreclosed Owner | Offer Amount | Taxes Owing |
|--------------|-----------------|--------------------|----------------------|--------------------------|--------------|--------------|
| PA-18-2012 | City of Dunkirk | 437 S Roberts Road | William Cambria | Goetz Angela | \$ 1,500.00 | \$ 8,926.50 |
| PA-66-2012 | Jamestown | 524 Allen St | Terry B. Jones | Rosier Thomas L | \$ 50.00 | \$ 204.60 |
| PA-68-2012 | Jamestown | Barrows St | Terry B. Jones | Adams Charles B | \$ 50.00 | \$ 353.67 |
| PA-70-2012 | Jamestown | 314 Allen Street | Alicia Figueroa | Dean Allen D | \$ 500.00 | \$ 1,015.27 |
| PA-83-2012 | Jamestown | 76 Victoria Avenue | Taylor P Bennett | Wright Randy | \$ 3,001.00 | \$ 10,759.87 |
| PA-95-2012 | Jamestown | 441 Winsor Street | Taylor P Bennett | Smith Tracey L | \$ 1,001.00 | \$ 1,728.50 |
| PA-412-2011 | Ellicott | Wilson Street | Mark R. Geise | Carlson Ronald G | \$ 201.00 | \$ 401.45 |
| PA-328-2010 | Pomfret | North Shore Park | Constance M Griffith | M&T Mortgage Corporation | \$ 498.00 | \$ 1,025.21 |
| PA-251-2012 | Ripley | Bames Road | Elizabeth A Rotunda | Demarco Dan Jr | \$ 1,500.00 | \$ 10,668.84 |
| TOTALS | | | | | \$ 8,301.00 | \$ 35,083.91 |

Signed: Scudder, Tarbrake, DeJoy (A.S. Cornell voting "no")

Unanimously Adopted – R/C Vote: 24 Yes; 1 No - October 24, 2012

Chairman Gould: We will now open the public hearing for the 2013 Tentative Budget and Sewer District Assessment Rolls. Is there anyone here to speak to the public hearing?

My name is Lee (*inaudible*) resident in Lakewood, 140 Winch Road. I'm a realtor as well as a resident and I wish to speak to the issue of the budget and the taxes. I would commend any consideration towards tax reduction. We see it on a daily basis from out of town buyers. They like the property cost, they love the area, they love the attributes, we get to the point of taxes and they say we think there is a typo here and they are shocked and dismayed. Some people turn around and stay or go somewhere else, some people bitter it out. It is an issue. I see it in business and I see it personally. I thank you for your consideration and patients.

Chairman Gould: Anyone else to speak to the public hearing? Seeing none, I will now close the public hearing.

RES. NO. 203-12

Consider 2013 Tentative Budget, with the Changes Listed Below, and Presenting Same to the County Executive for His Consideration and Action

By Audit & Control Committee:

At the Request of Legislators Runkle, Nazzaro, DeJoe, Borrello, Wendel, Heenan, Himelein:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2013 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended changes to the tentative budget; therefore be it

RESOLVED, That the 2013 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

| | | |
|------------|--|-------------|
| A.----.878 | Reserved Fund Balance-Reserve for Capital | \$ 230,000 |
| A.----.909 | Fund Balance, Unreserved Fund Balance-Fund Balance | \$4,927,100 |

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|---|------------|
| A.4010.HE.4 | Contractual – Health Education | \$ 153,000 |
| A.9950.----.9 | Interfund Transfers – Transfer to Capital | \$ 230,000 |

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

| | | |
|-----------------------|-----------------------------------|------------------|
| A.4010.HE.R440.1000 | Federal Aid – Public Health Grant | \$ 203,000 |
| A.1310.9999.R111.0000 | Sales Taxes-Sales Tax | \$ 259,459 |
| A.1310.9999.R111.OCTY | Sales Taxes-County Share | <u>\$ 60,541</u> |
| | | \$ 523,000 |

DECREASE REVENUE ACCOUNT:

| | | |
|-----------------------|---|-------------|
| A.1310.9999.R503.1000 | Interfund Transfers: Interfund Transfer | \$6,300,000 |
|-----------------------|---|-------------|

Amend Exhibit E-1 to increase capital funding for Transportation project number 25604 by \$230,000 to \$700,000; and be it further

RESOLVED, That the 2013 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$63,949,977 and an estimated Full Value Rate of \$9.40.

Signed: Runkle, Borrello, Wendel, Nazzaro, Heenan, DeJoe, Himelein

MOVED by Legislator Croscut, SECONDED by Tarbrake to Amend by Substitution

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2013 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended changes to the tentative budget; therefore be it

RESOLVED, That the 2013 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

| | | |
|-----------------|--|-------------|
| A.----.878 | Reserved Fund Balance-Reserve for Capital | \$ 230,000 |
| A.----.909 | Fund Balance, Unreserved Fund Balance-Fund Balance | \$5,241,411 |
| A.----.889.GS45 | Fund Balance, MIS Res: GASB 45 | \$1,000,000 |

DECREASE APPROPRIATION ACCOUNTS:

| | | |
|----------------|---------------------------------------|------------|
| A.6102.----.4 | Contractual – Medical Assistance MMIS | \$ 250,000 |
| EH.4530.----.1 | Personal Services – County Home | \$ 20,000 |
| EH.4530.----.8 | Employee Benefits – County Home | \$ 11,000 |
| | | \$ 281,000 |

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|---|------------|
| A.4010.HE.4 | Contractual – Health Education | \$ 153,000 |
| A.9950.----.9 | Interfund Transfers – Transfer to Capital | \$ 230,000 |
| | | \$ 383,000 |

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

| | | |
|-----------------------|-------------------------------------|-------------|
| A.4010.HE.R440.1000 | Federal Aid – Public Health Grant | \$ 203,000 |
| A.1310.9999.R111.0000 | Sales Taxes-Sales Tax | \$ 259,459 |
| A.1310.9999.R111.OCTY | Sales Taxes-County Share | \$ 60,541 |
| A.6010.----.R461.0000 | Federal Aid – Social Services Admin | \$ 250,000 |
| EH.4530.REV.3020.1000 | Room & Board – Medicare A | \$ 375,000 |
| EH.4530.REV.3020.3000 | Room & Board - Medicaid | \$ 50,000 |
| EH.4530.REV.3020.0000 | Room & Board- Private Pay | \$ 50,000 |
| | | \$7,719,411 |

DECREASE REVENUE ACCOUNTS:

| | | |
|------------------------|---|-------------|
| A.1310.9999.R503.1000 | Interfund Transfers: Interfund Transfer | \$6,300,000 |
| EH.4530.REV.R3020.3300 | Intergovernmental Transfer – Medicaid IGT | \$ 500,000 |
| | | \$6,800,000 |

Amend Exhibit E-1 to increase capital funding for Transportation project number 25604 by \$230,000 to \$700,000; and be it further

RESOLVED, That the 2013 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$62,135,666 and an estimated Full Value Rate of \$9.14.

Adopted – as amended - R/C Vote: 19 Yes; 4 No; 2 Absent – (No's: Ahlstrom, Croscut, Tarbrake, Wendel) – October 24, 2012

LOCAL LAW
INTRODUCTORY NO. 4-12
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN
FOR COUNTY OFFICERS AND EMPLOYEES
(re: Department of Health and Human Services)

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan to designate salary ranges for new titles in the County's new Department of Health and Human Services resulting from the merger of the County's Department of Social Services and Department of Health.

Section 2. Salary Levels.

The title of Director of Health and Human Services shall be placed in Range 13 (\$69,386 - \$106,689) of the Management Salary Plan. The title of Deputy Public Health Director shall be placed in Range 8 (\$54,804 - \$84,111) of the Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Adopted by Legislature: 10/24/12 R/C Vote: 24 Yes; 1 Absent
Public Hearing by County Executive: 11/8/12
Adopted as Local Law 4-12

LOCAL LAW
INTRODUCTORY NO. 5-12
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING A COUNTY LEGISLATURE FOR THE COUNTY OF CHAUTAUQUA
REAPPORTIONED ON THE BASIS OF THE 2010 FEDERAL CENSUS

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

SECTION 1. This Local Law is intended to establish legislative districts in the County of Chautauqua substantially equal in population based upon the 2010 Federal Census figures so as to prevent impairment of constitutionally protected rights. It is further intended to fulfill the mandates of the County Charter and to repeal and supersede Local Law Number 7-2002.

SECTION 2. There is hereby created in and for the County of Chautauqua a County Legislature which shall be the elective governing body of the County of Chautauqua. The representatives elected from the various County Legislative Districts, as herein established, shall be known collectively as the County Legislature.

SECTION 3. County Legislators shall be elected at general elections to be held in odd-numbered years from the districts herein established. The first election of County Legislators under this Local Law will be held at the general election to be held in the month of November, 2013. The term of office of all County Legislators, except to fill a vacancy, shall be two (2) years commencing on the first day of January of the year next following their election.

SECTION 4. The County Legislature shall consist of nineteen (19) legislators. One legislator shall be elected from each of the nineteen (19) districts as herein described.

SECTION 5. Each County Legislator shall have one vote in the County Legislature.

SECTION 6. All references to roads, railroad right of ways, creeks, lakes, rivers, municipal boundary lines, and other geographical features shall relate to such features as they existed on October 12, 2012.

SECTION 7. The Legislative Districts shall consist of the 2010 United States Census Blocks identified in Appendix A to this Local Law. Each district's group of census blocks are further described as set forth below. In the event of an inconsistency between Appendix A and the written description set forth below, the apparent geographic intent of the United States Census Bureau in the formulation of the listed census blocks shall govern.

District 1 shall be composed of all of the Town of Hanover.

District 2 shall be composed of all that portion of the Town of Dunkirk located west of the City of Dunkirk and all that portion of the City of Dunkirk situate within the following described boundaries: BEGINNING at the intersection of the centerline of Central Avenue at its intersection with the southern boundary line of the City of Dunkirk; thence westerly and northerly continuously along the boundary line of the City of Dunkirk to its intersection with the shoreline of Lake Erie; thence generally northeasterly continuously along the shoreline of Lake Erie to its intersection with the centerline of Roberts Road as if the centerline of Roberts Road were extended northwesterly to the shoreline; thence southeasterly along the extended centerline of Roberts Road and the existing centerline of Roberts Road to its intersection with the centerline of South Beagle Street; thence southerly along the centerline of South Beagle Street to its intersection with the centerline of East Second Street; thence westerly along the centerline of East Second Street to its intersection with the centerline of South Zebra Street; thence southerly along the centerline of South Zebra Street to its intersection with the centerline of the CSX Railroad tracks as if the centerline of South Zebra Street were extended to the centerline of the CSX Railroad tracks; thence westerly along the centerline of the CSX Railroad tracks to its intersection with the centerline of Main Street; thence southerly along the centerline of Main Street to its intersection with the centerline of the Norfolk Southern Railroad tracks; thence westerly along the centerline of the Norfolk Southern Railroad tracks to its intersection with the centerline of Central Avenue; thence southerly along the centerline of Central Avenue to its intersection with the southern boundary line of the City of Dunkirk, being the point or place of beginning.

District 3 shall be composed of all the portions of the City of Dunkirk and the Town of Dunkirk not included in District 1.

District 4 shall be composed of all of the Towns of Ripley and Westfield.

District 5 shall be composed of all of the Towns of Clymer, French Creek, Mina, and Sherman and all that portion of the Town of North Harmony situate within the following described boundary: BEGINNING in the northwest corner of the boundary line of the Town of North Harmony; thence easterly along the northern boundary line of the Town of North Harmony to its intersection with the shoreline of Chautauqua Lake; thence southerly and southeasterly along the shoreline of Chautauqua Lake to its intersection with the east boundary line of the Town of North Harmony; thence southerly

along the east boundary of the Town of North Harmony to the centerline of New York State Route 394; thence westerly along the centerline of New York State Route 394 to its intersection with the centerline of Fardink Road; thence southerly along the centerline of Fardink Road to its intersection with the centerlines of both County Touring Route 43 and Stoneledge Road; thence westerly along the centerline of Stoneledge Road to its intersection with the centerline of Butts Road; thence northerly along the centerline of Butts Road to its intersection with the centerline of Steinhoff Road; thence westerly along the centerline of Steinhoff Road to its intersection with the centerline of Carpenter-Pringle Road; thence southerly along the centerline of Carpenter-Pringle Road to its intersection with the centerline of County Touring Route 35; thence northwesterly along the centerline of County Touring Route 35 to its intersection with the centerline of Erickson Road; thence southerly along the centerline of Erickson Road to its intersection with the centerline of Baker Road; thence westerly along the centerline of Baker Road to its intersection with the centerline of Wall Street; thence westerly and northerly along the centerline of Wall Street to its intersection with a point north of Eggleston Hill Road; thence westerly and northerly along United State Census Block line(s) to its intersection with the centerline of Eggleston Hill Road; thence westerly along the centerline of Eggleston Hill Road to its intersection with the western boundary line of the Town of North Harmony; thence northerly along the western boundary line of the Town of North Harmony to its intersection with the northwest corner of the boundary line of the Town of North Harmony, being the point or place of beginning.

District 6 shall be composed of all of the Town of Harmony and all that portion of the Town of North Harmony not included in District 5 and all that portion of the Town of Busti not included in District 7.

District 7 shall be composed of all that contiguous portion of the Town of Ellicott situated south of Chautauqua Lake and west of the City of Jamestown, and all that portion of the Town of Busti situate within the following described boundaries: BEGINNING at the northeast corner of the boundary line of the Village of Lakewood on the shoreline of Chautauqua Lake; thence southerly along the east boundary line of the Town of Busti to its intersection with the centerline of County Touring Route 30; thence westerly along the centerline of County Touring Route 30 to its intersection with the centerline of County Touring Route 69; thence northerly along the centerline of County Touring Route 69 to its intersection with the centerline of Holly Lane; thence easterly and northerly along the centerline of Holly Lane to its intersection with the centerline of County Touring Route 32; thence easterly along the centerline of County Touring Route 32 to its intersection with the centerline of Grandview Avenue; thence northerly along the centerline of Grandview Avenue to its intersection with the centerline of Mapleview Avenue; thence northerly along the centerline of Mapleview Avenue to its intersection with the south boundary line of the Village of Lakewood; thence westerly along the south boundary line of the Village of Lakewood to the southwest corner of the Village of Lakewood; thence northerly along the west boundary line of the Village of Lakewood to its intersection with the centerline of New York State Route 394; thence easterly along New York State Route 394 to its intersection with the centerline of Green Street; thence northerly along the centerline of Green Street to its intersection with the centerline of Erie Street; thence northeasterly along the centerline of Erie Street to its intersection with the centerline of Brook Street; thence northerly and northwesterly along the centerline of Brook Street to its intersection with the centerline of West Summit Street; thence northeasterly along the centerline of West Summit Street to the centerline of Gifford Avenue; thence northerly along the centerline of Gifford Avenue to the shoreline of Chautauqua Lake as if the centerline of Gifford Avenue were extended northerly to said shoreline; thence easterly along the shoreline of Chautauqua Lake to the northeast corner of the boundary line of the Village of Lakewood on the shoreline of Chautauqua Lake, being the point or place of beginning.

District 8 shall be composed of: (1) all of the Village of Falconer; (2) all that portion of the Town of Ellicott that is situated south of the Village of Falconer and east of the City of Jamestown; (3) all that portion of the Town of Ellicott that is situated south of Interstate 86 and north of Chautauqua Lake, the City of Jamestown, and the Village of Falconer; and (4) all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the northeast corner of the

boundary line of the City of Jamestown bordering on the Village of Falconer; thence southerly along the eastern boundary line of the City of Jamestown to its intersection with the centerline of Buffalo Street; thence westerly along the centerline of Buffalo Street to its intersection with the centerline of Newton Avenue; thence southwesterly and westerly along the centerline of Newton Avenue to its intersection with the centerline of Sturges Street; thence northerly along the centerline of Sturges Street to its intersection with the centerline of Buffalo Street; thence northwesterly and westerly along the centerline of Buffalo Street to its intersection with the centerline of North Main Street; thence northerly along the centerline of North Main Street to the centerline of Fluvanna Avenue; thence northwesterly along the centerline of Fluvanna Avenue to its intersection with the western boundary line of the City of Jamestown; thence northerly and generally easterly along the boundary line of the City of Jamestown in a continuous manner to the northeast corner of the boundary line of the City of Jamestown bordering on the Village of Falconer, being the point or place of beginning.

District 9 shall be composed of all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the centerline of Hazzard Street at its intersection with the southern boundary line of the City of Jamestown; thence northerly along the centerline of Hazzard Street to its intersection with the centerline of Cole Avenue; thence westerly along the centerline of Cole Avenue to its intersection with the centerline of Howard Street; thence northerly along the centerline of Howard Street and Howard Street Extension to its intersection with the centerline of Newland Avenue; thence westerly along the centerline of Newland Avenue to its intersection with the centerline of South Main Street; thence northerly along the centerline of South Main Street to its intersection with the centerline of Prather Avenue; thence easterly along the centerline of Prather Avenue to its intersection with the centerline of Foote Avenue; thence northerly along the centerline of Foote Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of Institute Street; thence northerly along the centerline of Institute Street to its intersection with the centerline of East First Street as if Institute Street extended across the existing railroad tracks; thence westerly along East First Street to its intersection with the centerline of Pine Street; thence northerly along the centerline of Pine Street to its intersection with the centerline of East Second Street; thence easterly along the centerline of East Second Street to its intersection with the centerline of Cross Street; thence southeasterly along the centerline of Cross Street to its intersection with the centerline of Chandler Street; thence easterly along the centerline of Chandler Street to its intersection with the centerline of Winsor Street; thence southerly along the centerline of Winsor Street to its intersection with the centerline of Allen Street; thence northeasterly along the centerline of Allen Street to its intersection with the centerline of Scioto Street; thence easterly along the centerline of Scioto Street to its intersection with the centerline of Hedges Avenue; thence northerly along the centerline of Hedges Avenue to its intersection with the centerline of Benedict Avenue; thence easterly along the centerline of Benedict Avenue to its intersection with the centerline of Harris Avenue; thence southerly along the centerline of Harris Avenue to its intersection with the centerline of Willard Street; thence easterly along the centerline of Willard Street to its intersection with the eastern boundary line of the City of Jamestown; thence southerly along the eastern boundary line of the City of Jamestown to the southeastern corner of the City of Jamestown; thence westerly along the southern boundary line of the City of Jamestown to its intersection with the centerline of Hazzard Street, being the point or place of beginning.

District 10 shall be composed of all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the centerline of Hazzard Street at its intersection with the southern boundary line of the City of Jamestown; thence northerly along the centerline of Hazzard Street to its intersection with the centerline of Cole Avenue; thence westerly along the centerline of Cole Avenue to its intersection with the centerline of Howard Street; thence northerly along the centerline of Howard Street and Howard Street Extension to its intersection with the centerline of Newland Avenue; thence westerly along the centerline of Newland Avenue to its intersection with the centerline of South Main Street; thence northerly along the centerline of South Main Street to its intersection with the centerline of Prather Avenue; thence easterly along the

centerline of Prather Avenue to its intersection with the centerline of Foote Avenue; thence northerly along the centerline of Foote Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of Institute Street; thence northerly along the centerline of Institute Street to its intersection with the centerline of Harrison Street; thence westerly along the centerline of Harrison Street to its intersection with the centerline of Steele Street; thence westerly along the centerline of Steele Street to its intersection with the centerline of Sprague Street; thence southerly and westerly along the centerline of Sprague Street to its intersection with the centerline of Front Street; thence easterly along the centerline of Front Street to its intersection with the centerline of Francis Street; thence southerly along the centerline of Francis Street to its intersection with the centerline of Palmer Street; thence easterly along the centerline of Palmer Street to its intersection with the centerline of Chapman Street; thence southerly along the centerline of Chapman Street to its intersection with the centerline of Baker Street; thence westerly along the centerline of Baker Street to its intersection with the centerline of Colfax Street; thence southerly along the centerline of Colfax Street to its intersection with the centerline of McKinley Avenue; thence easterly along the centerline of McKinley Avenue to its intersection with the centerline of Norwood Avenue; thence southerly along the centerline of Norwood Avenue to its intersection with the centerline of Newland Avenue; thence westerly along the centerline of Newland Avenue to its intersection with the centerline of Huxley Street; thence northerly along the centerline of Huxley Street to its intersection with the western boundary line of the City of Jamestown as if the western boundary line of the City of Jamestown extended to the centerline of Huxley Street before said boundary line turns due north at a right angle; thence generally westerly and southerly along the western boundary line of the City of Jamestown to the southwest corner of the boundary line of the City of Jamestown; thence easterly along the centerline of the boundary line of the City of Jamestown to its intersection with the centerline of Hazzard Street, being the point or place of beginning.

District 11 shall be composed of all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the centerline of Fluvanna Avenue and the northwest boundary line of the City of Jamestown; thence southeasterly along the centerline of Fluvanna Avenue to its intersection with the centerline of North Main Street; thence southerly along the centerline of North Main Street to its intersection with the centerline of East Seventh Street; thence easterly along the centerline of East Seventh Street to its intersection with the centerline of Pine Street; thence southerly along the centerline of Pine Street to its intersection with the centerline of East First Street; thence easterly along the centerline of East First Street to its intersection with the centerline of Institute Street; thence southerly along the centerline of Institute Street to its intersection with the centerline of Harrison Street as if Institute Street extended across the existing railroad tracks; thence westerly along the centerline of Harrison Street to its intersection with the centerline of Steele Street; thence westerly along the centerline of Steele Street to its intersection with the centerline of Sprague Street; thence southerly and westerly along the centerline of Sprague Street to its intersection with the centerline of Front Street; thence easterly along the centerline of Front Street to its intersection with the centerline of Francis Street; thence southerly along the centerline of Francis Street to its intersection with the centerline of Palmer Street; thence easterly along the centerline of Palmer Street to its intersection with the centerline of Chapman Street; thence southerly along the centerline of Chapman Street to its intersection with the centerline of Baker Street; thence westerly along the centerline of Baker Street to its intersection with the centerline of Colfax Street; thence southerly along the centerline of Colfax Street to its intersection with the centerline of McKinley Avenue; thence easterly along the centerline of McKinley Avenue to its intersection with the centerline of Norwood Avenue; thence southerly along the centerline of Norwood Avenue to its intersection with the centerline of Newland Avenue; thence westerly along the centerline of Newland Avenue to its intersection with the centerline of Huxley Street; thence northerly along the centerline of Huxley Street to its intersection with the western boundary line of the City of Jamestown as if the western boundary line of the City of Jamestown extended to the centerline of Huxley Street before said boundary line turns due north at a right angle; thence westerly to the western boundary line of the City of Jamestown; thence continuously along the western and northern boundary line of the City of

Jamestown to its intersection with the centerline of Fluvanna Avenue, being the point or place of beginning.

District 12 shall be composed of all of the Towns of Arkwright, Charlotte, Cherry Creek, Ellington, and Villenova, and all that portion of the Town of Gerry situated north of the following described legislative district boundary line dividing the Town of Gerry: BEGINNING at the intersection of the east boundary line of the Town of Gerry with Cassadaga Creek just south of Cassadaga Creek's intersection with Mill Creek; thence generally northeasterly along Cassadaga Creek to its intersection with Mill Creek; thence generally northeasterly along Mill Creek to a fork in the creek; thence continuing northeasterly along tributaries to Mill Creek until its intersection with the centerline of Damon Hill Road; thence southerly along the centerline of Damon Hill Road to its intersection with County Touring Route 50; thence northerly along the centerline of County Touring Route 50 to its intersection with the centerline of Elwell Road; thence east and northeasterly along the centerline of Elwell Road to its intersection with the centerline of Herrick Road; thence northerly along the centerline of Herrick Road to its intersection with County Touring Route 50; thence easterly along the centerline of County Touring Route 50 to its intersection with the east boundary line of the Town of Gerry, being the endpoint of said legislative district boundary line dividing the Town of Gerry.

District 13 shall be composed of all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the centerline of North Main Street with the centerline of Buffalo Street; thence southerly along the centerline of North Main Street to its intersection with the centerline of East Seventh Street; thence easterly along the centerline of East Seventh Street to its intersection with the centerline of Pine Street; thence southerly along the centerline of Pine Street to its intersection with the centerline of East Second Street; thence easterly along the centerline of East Second Street to its intersection with the centerline of Cross Street; thence southeasterly along the centerline of Cross Street to its intersection with the centerline of Chandler Street; thence easterly along the centerline of Chandler Street to its intersection with the centerline of Winsor Street; thence southerly along the centerline of Winsor Street to its intersection with the centerline of Allen Street; thence northeasterly along the centerline of Allen Street to its intersection with the centerline of Scioto Street; thence easterly along the centerline of Scioto Street to its intersection with the centerline of Hedges Avenue; thence northerly along the centerline of Hedges Avenue to its intersection with the centerline of Benedict Avenue; thence easterly along the centerline of Benedict Avenue to its intersection with the centerline of Harris Avenue; thence southerly along the centerline of Harris Avenue to its intersection with the centerline of Willard Street; thence easterly along the centerline of Willard Street to its intersection with the eastern boundary line of the City of Jamestown; thence northerly along the eastern boundary line of the City of Jamestown to its intersection with the centerline of Buffalo Street; thence westerly along the centerline of Buffalo Street to its intersection with the centerline of Newton Avenue; thence southwesterly and westerly along the centerline of Newton Avenue to its intersection with the centerline of Sturges Street; thence northerly along the centerline of Sturges Street to its intersection with the centerline of Buffalo Street; thence northwesterly and westerly along the centerline of Buffalo Street to its intersection with the centerline of North Main Street being the point or place of beginning.

District 14 shall be composed of all of the Towns of Chautauqua and Stockton.

District 15 shall be composed of all of the Town of Ellery, all that portion of the Town of Gerry situated south of the legislative district boundary line described in District 12 above, and all that portion of the Town of Ellicott not included in Districts 7 and 8.

District 16 shall be composed of all of the Towns of Carroll, Kiantone, and Poland.

District 17 shall be composed of all that portion of the Village of Fredonia not included in District 19.

District 18 shall be composed of all of the Town of Portland and all that portion of the Town of Pomfret not included in Districts 17 and 19.

District 19 shall be composed of all of the Town of Sheridan and all that portion of the Town of Pomfret situate within the following described boundaries: BEGINNING at the intersection of the northeast corner of the boundary line of the Town of Pomfret and the west boundary line of the Town of Sheridan; thence westerly along the northern boundary line of the Town of Pomfret to its intersection with the centerline of Main Street/Birchwood Drive; thence southerly along the centerline of Main Street/Birchwood Drive to its intersection with the centerline of Middlesex Drive; thence westerly along the centerline of Middlesex Drive to its intersection with the centerline of Central Avenue; thence southerly on Central Avenue to its intersection with the centerline of Forbes Place; thence easterly along the centerline of Forbes Place to its intersection with the centerline of Lambert Avenue; thence southerly along the centerline of Lambert Avenue to its intersection with the centerline of Curtis Place; thence westerly along the centerline of Curtis Place to its intersection with the centerline of Central Avenue; thence southerly along the centerline of Central Avenue to its intersection with the centerline of Temple Street; thence southeasterly along the centerline of Temple Street to its intersection with the centerline of County Touring Route 73 (Water Street); thence continuing southeasterly along the centerline of County Touring Route 73 to its intersection with the centerline of Howard Street; thence southwesterly along the centerline of Howard Street to its intersection with the centerline of Seymour Street; thence southeasterly along the centerline of Seymour Street to its intersection with the southern boundary line of the Village of Fredonia; thence easterly along the southerly boundary of the Village of Fredonia to its intersection with the centerline of Porter Avenue; thence southerly along the centerline of Porter Avenue to its intersection with the centerline of Wilson Road; thence northeasterly along the centerline of Wilson Road to its intersection with the centerline of New York State Route 60; thence crossing New York State Route 60 and proceeding easterly along the centerline of Straight Road to its intersection with the eastern boundary line of the Town of Pomfret; thence northerly along the eastern boundary line of the Town of Pomfret to its intersection with the northeast corner of the boundary line of the Town of Pomfret and the west boundary line of the Town of Sheridan, being the point or place of beginning.

The maps of the enumerated districts referred to above, as well as a map showing the Legislative Districts into which the entire County is herein divided, shall be filed with the clerk of the Chautauqua County Legislature and shall remain on file and said maps shall be considered and hereby are made a part of this Local Law.

SECTION 8. This Local Law, upon taking effect, shall repeal Local Law No. 7-2002 except that County Legislators elected in the year 2011 shall continue to represent the Legislative Districts established in Local Law 7-2002 until January 1, 2014. The Legislative Districts established in Local Law 7-2002 shall continue to be the Legislative Districts of Chautauqua County for the purpose of filling vacancies in the County Legislature prior to January 1, 2014.

SECTION 9. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly adjudged invalid.

SECTION 10. This Local Law shall become effective forty-five (45) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with the Municipal Home Rule Law.

Public Hearing Held by Legislature: 10/24/12
Defeated by Legislature: 10/24/12

R/C Vote: 11 Yes; 13 No; 2 Absent
(No's: Barmore, Borrello, Croscut,
Heenan, Hemmer, Himelein, Horrigan,
Runkle, Scudder, Stewart, Tarbrake,
Wendel, Gould)

LOCAL LAW
INTRODUCTORY NO. 6-12
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING A COUNTY LEGISLATURE FOR THE COUNTY OF CHAUTAUQUA
REAPPORTIONED ON THE BASIS OF THE 2010 FEDERAL CENSUS

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

SECTION 1. This Local Law is intended to establish legislative districts in the County of Chautauqua substantially equal in population based upon the 2010 Federal Census figures so as to prevent impairment of constitutionally protected rights. It is further intended to fulfill the mandates of the County Charter and to repeal and supersede Local Law Number 7-2002.

SECTION 2. There is hereby created in and for the County of Chautauqua a County Legislature which shall be the elective governing body of the County of Chautauqua. The representatives elected from the various County Legislative Districts, as herein established, shall be known collectively as the County Legislature.

SECTION 3. County Legislators shall be elected at general elections to be held in odd-numbered years from the districts herein established. The first election of County Legislators under this Local Law will be held at the general election to be held in the month of November, 2013. The term of office of all County Legislators, except to fill a vacancy, shall be two (2) years commencing on the first day of January of the year next following their election.

SECTION 4. The County Legislature shall consist of nineteen (19) legislators. One legislator shall be elected from each of the nineteen (19) districts as herein described.

SECTION 5. Each County Legislator shall have one vote in the County Legislature.

SECTION 6. All references to roads, railroad right of ways, creeks, lakes, rivers, municipal boundary lines, and other geographical features shall relate to such features as they existed on October 12, 2012.

SECTION 7. The Legislative Districts shall consist of the 2010 United States Census Blocks identified in Appendix A to this Local Law. Each district's group of census blocks are further described as set forth below. In the event of an inconsistency between Appendix A and the written description set forth below, the apparent geographic intent of the United States Census Bureau in the formulation of the listed census blocks shall govern.

District 1 shall be composed of all that portion of the Town of Dunkirk located west of the City of Dunkirk and all that portion of the City of Dunkirk situate within the following described boundaries: BEGINNING at the intersection of the centerline of Central Avenue at its intersection with the southern boundary line of the City of Dunkirk; thence westerly and northerly continuously along the boundary line of the City of Dunkirk to its intersection with the shoreline of Lake Erie; thence generally northeasterly continuously along the shoreline of Lake Erie to its intersection with the centerline of Roberts Road as if the centerline of Roberts Road were extended northwesterly to the shoreline; thence southeasterly along the extended centerline of Roberts Road and the existing centerline of Roberts Road to its intersection with the centerline of South Beagle Street; thence southerly along the centerline of South Beagle Street to its intersection with the centerline of East Second Street; thence westerly along the centerline of East Second Street to its intersection with the centerline of South Zebra Street; thence southerly along the centerline of South Zebra Street to its intersection with the

centerline of the CSX Railroad tracks as if the centerline of South Zebra Street were extended to the centerline of the CSX Railroad tracks; thence westerly along the centerline of the CSX Railroad tracks to its intersection with the centerline of Main Street; thence southerly along the centerline of Main Street to its intersection with the centerline of the Norfolk Southern Railroad tracks; thence westerly along the centerline of the Norfolk Southern Railroad tracks to its intersection with the centerline of Central Avenue; thence southerly along the centerline of Central Avenue to its intersection with the southern boundary line of the City of Dunkirk, being the point or place of beginning.

District 2 shall be composed of all the portions of the City of Dunkirk and the Town of Dunkirk not included in District 1.

District 3 shall be composed of all that portion of the Town of Pomfret not included in Districts 4 and 5.

District 4 shall be composed of all that portion of the Town of Pomfret situate within the following described boundary: BEGINNING at the intersection of the centerline of Temple Street with the northern boundary line of the Village of Fredonia; thence southeasterly along the centerline of Temple Street to its intersection with the centerline of Water Street; thence southeasterly along the centerline of Water Street to its intersection with the centerline of Liberty Street; thence southeasterly along the centerline of Liberty Street to its intersection with the centerline of Porter Avenue; thence southerly along the centerline of Porter Avenue to its intersection with the southeast corner of the boundary line of the Village of Fredonia; thence generally northerly along the eastern boundary line of the Village of Fredonia to its intersection with the northeast corner of the boundary line of the Village of Fredonia; thence westerly along the northern boundary line of the Village of Fredonia to its intersection with the centerline of Temple Street, being the point or place of beginning.

District 5 shall be composed of all of the Towns of Arkwright, Cherry Creek, Sheridan, and Villenova, and all that portion of the Town of Pomfret situate within the following described boundary: BEGINNING in the southeast corner of the boundary line of the Town of Pomfret; thence westerly along the southern boundary line of the Town of Pomfret to its intersection with the centerline of New York State Route 60; thence northerly along the centerline of New York State Route 60 to its intersection with the centerline of Webster Road; thence westerly along the centerline of Webster Road to its intersection with the centerline of Porter Avenue; thence northerly along the centerline of Porter Avenue to its intersection with the southeast corner of the boundary line of the Village of Fredonia; thence northerly along the eastern boundary line of the Village of Fredonia to its intersection with the northeast corner of the boundary line of the Village of Fredonia; thence easterly along the northern boundary line of the Town of Pomfret to its intersection with the northeast corner of the boundary line of the Town of Pomfret; thence southerly along the entire eastern boundary line of the Town of Pomfret to the southeast corner of the boundary line of the Town of Pomfret, being the point or place of beginning.

District 6 shall be composed of all of the Town of Hanover.

District 7 shall be composed of all of the Towns of Portland and Stockton and all that portion of the Town of Chautauqua situate within the following described boundaries: BEGINNING at the northeast corner of the boundary line of the Town of Chautauqua; thence southerly along the eastern boundary line of the Town of Chautauqua to its intersection with the centerline of County Touring Route 54; thence westerly along the centerline of County Touring Route 54 and its continuation to its intersection with a creek in the hamlet of Hartfield known as "Big Inlet" on certain USGS topographical maps; thence continuing along said creek and tributaries following the line of census blocks to its intersection with the northern boundary line of the Town of Chautauqua; thence northeasterly along the northerly boundary line of the Town of Chautauqua to its intersection with the northeast corner of the boundary line of the Town of Chautauqua, being the point or place of beginning.

District 8 shall be composed of all the Towns of Ellery and North Harmony.

District 9 shall be composed of all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the centerline of South Main Street with the southern boundary line of the City of Jamestown; thence westerly along the southern boundary line of the City of Jamestown to its intersection with the centerline of Forest Avenue; thence northerly along the centerline of Forest Avenue to its intersection with the centerline of Barrett Avenue; thence northerly along the centerline of Barrett Avenue to its intersection with the centerline of Dearborn Street; thence westerly along the centerline of Dearborn Street to its intersection with the centerline of Charles Street; thence northerly along the centerline of Charles Street to its intersection with the centerline of McKinley Avenue; thence westerly along the centerline of McKinley Avenue to its intersection with the centerline of Colfax Street; thence northerly along the centerline of Colfax Street to its intersection with the centerline of Baker Street; thence easterly along the centerline of Baker Street to its intersection with the centerline of Chapman Street; thence northerly along the centerline of Chapman Street to its intersection with the centerline of Palmer Street; thence westerly along the centerline of Palmer Street to its intersection with the centerline of Francis Street; thence northerly and westerly along the centerline of Francis Street to its intersection with the centerline of Sprague Street; thence easterly and northerly along the centerline of Sprague Street to its intersection with the centerline of Steele Street; thence easterly along the centerline of Steele Street to its intersection with the centerline of Harrison Street; thence continuing easterly along the centerline of Harrison Street to its intersection with the centerline of Institute Street; thence southerly along the centerline of Institute Street to its intersection with the centerline of Allen Street; thence easterly along the centerline of Allen Street to its intersection with the centerline of Foote Avenue; thence southerly along the centerline of Foote Avenue to its intersection with the centerline of Arnold Street; thence easterly along the centerline of Arnold Street to its intersection with the centerline of Maple Street; thence southerly along the centerline of Maple Street to its intersection with the centerline of Everett Avenue; thence easterly along the centerline of Everett Avenue to its intersection with the centerline of Elm Street; thence southerly along the centerline of Elm Street to its intersection with the centerline of Camp Street; thence easterly along the centerline of Camp Street to its intersection with the eastern boundary of the City of Jamestown; thence southerly along the eastern boundary of the City of Jamestown to its intersection with the southeast corner of the boundary line of the City of Jamestown; thence westerly along the southerly boundary of the City of Jamestown to its intersection with the centerline of South Main Street, being the point or place of beginning.

District 10 shall be composed of all that portion of the Town of Busti and all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the northwest corner of the boundary line of the Village of Lakewood on the shoreline of Chautauqua Lake; thence southerly along the western boundary line of the Village of Lakewood to its intersection with the southwest corner of the Village of Lakewood; thence easterly along the southern boundary line of the Village of Lakewood to its intersection with the centerline of Mapleview Avenue; thence southerly along the centerline of Mapleview Avenue to its intersection with the centerline of Grandview Avenue; thence southerly along the centerline of Grandview Avenue to its intersection with the centerline of County Touring Route 32; thence westerly along the centerline of County Touring Route 32 to its intersection with the centerline of Holly Lane; thence southerly and westerly along the centerline of Holly Lane to its intersection with the centerline of County Touring Route 69; thence southerly along the centerline of County Touring Route 69 to its intersection with a point depicted on the District 10 map filed with the Clerk of the County Legislature that is a short distance south of Cowing Road; thence easterly along the district boundary line depicted on said map to its intersection with the centerline of Shadyside Road a short distance south of Cowing Road; thence northerly along the centerline of Shadyside Road to its intersection with the centerline of Cowing Road; thence easterly along the centerline of Cowing Road to a point depicted on said District 10 map at which Trask Road turns in a northerly direction; thence continuing generally easterly and southerly past such point as depicted on such District 10 map traversing across Orr Street Extension to a point in the centerline of Forest Avenue Extension; thence continuing northwesterly along the centerline of Forest Avenue Extension a short distance to its intersection with the centerline of Mitchell Road; thence southeasterly and easterly along the centerline of Mitchell Road to the centerline of County Touring Route 28; thence

northeasterly along the centerline of County Touring Route 28 to its intersection with the eastern boundary line of the Town of Busti; thence northerly along the eastern boundary line of the Town of Busti to its intersection with the southern boundary line of the City of Jamestown; thence westerly along the southern boundary line of the City of Jamestown to its intersection with the centerline of Forest Avenue; thence northerly along the centerline of Forest Avenue to its intersection with the centerline of Barrett Avenue; thence northerly along the centerline of Barrett Avenue to its intersection with the centerline of Dearborn Street; thence westerly along the centerline of Dearborn Street to its intersection with the centerline of Charles Street; thence northerly along the centerline of Charles Street to its intersection with the centerline of McKinley Avenue; thence westerly along the centerline of McKinley Avenue to its intersection with the centerline of Sampson Street; thence southerly along the centerline of Sampson Street to its intersection with the centerline of Newland Avenue; thence westerly along the centerline of Newland Avenue to its intersection with the centerline of Trenton Street; thence northerly along the centerline of Trenton Street to the centerline of Norton Avenue; thence westerly along the centerline of Norton Avenue to its intersection with the centerline of Huxley Street; thence northerly along the centerline of Huxley Street to its intersection with the centerline of Front Street; thence westerly along the centerline of Front Street to its intersection with the boundary line of the City of Jamestown; thence generally southerly and westerly along the western boundary line of the City of Jamestown to its intersection with the southwest corner of the boundary line of the City of Jamestown; thence westerly along the boundary line between the Town of Busti and Town of Ellicott to its intersection with the centerline of County Touring Route 45; thence northerly along the boundary line of the Town of Busti and the Town of Ellicott to its intersection with the shoreline of Chautauqua Lake; thence westerly along the shoreline of Chautauqua Lake to its intersection with the northwest corner of the boundary line of the Village of Lakewood on the shoreline of Chautauqua Lake, being the point or place of beginning.

District 11 shall be composed of all that portion of the City of Jamestown not included in Districts 9, 10, 12, and 13.

District 12 shall be composed of all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the centerline of Fluvanna Avenue with the boundary line of the City of Jamestown; thence generally northerly and westerly along the boundary line of the City of Jamestown to the northeast corner of the boundary line of the City of Jamestown; thence southerly along the eastern boundary line of the City of Jamestown to its intersection with the centerline of Buffalo Street; thence westerly along the centerline of Buffalo Street to its intersection with the centerline of Falconer Street; thence southwesterly along the centerline of Falconer Street to its intersection with the centerline of Thayer Street; thence southeasterly along the centerline of Thayer Street to its intersection with the centerline of Bush Street; thence southwesterly along the centerline of Bush Street to its intersection with the centerline of Winsor Street; thence northwesterly along the centerline of Winsor Street to its intersection with the centerline of East Seventh Street; thence westerly along the centerline of East Seventh Street to its intersection with the centerline of Grant Street; thence northerly along the centerline of Grant Street to its intersection with the centerline of East Eighth Street; thence westerly along the centerline of East Eighth Street to its intersection with the centerline of Lakeview Avenue; thence southerly along the centerline of Lakeview Avenue to its intersection with the centerline of East Eighth Street; thence easterly along the centerline of East Eighth Street to its intersection with the centerline of North Main Street; thence northerly along the centerline of North Main Street to its intersection with the centerline of Fluvanna Avenue; thence northwesterly along the centerline of Fluvanna Avenue to its intersection with the boundary line of the City of Jamestown, being the point or place of beginning.

District 13 shall be composed of that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the easterly boundary line of the City of Jamestown with the centerline of Buffalo Street; thence westerly along the centerline of Buffalo Street to its intersection with the centerline of Falconer Street; thence southwesterly along the centerline of Falconer Street to its intersection with the centerline of Thayer Street; thence southeasterly along the

centerline of Thayer Street to its intersection with the centerline of Bush Street; thence southwesterly along the centerline of Bush Street to its intersection with the centerline of Winsor Street; thence northwesterly along the centerline of Winsor Street to its intersection with the centerline of East Seventh Street; thence westerly along the centerline of East Seventh Street to its intersection with the centerline of Grant Street; thence northerly along the centerline of Grant Street to its intersection with the centerline of East Eighth Street; thence westerly along the centerline of East Eighth Street to its intersection with the centerline of Lakeview Avenue; thence southerly along the centerline of Lakeview Avenue to its intersection with the centerline of East Eighth Street; thence easterly along the centerline of East Eighth Street to its intersection with the centerline of North Main Street; thence southerly along the centerline of North Main Street to its intersection with the centerline of East Seventh Street; thence easterly along the centerline of East Seventh Street to its intersection with the centerline of Pine Street; thence southerly along the centerline of Pine Street to its intersection with the centerline of East First Street; thence easterly along the centerline of East First Street to its intersection with the centerline of Institute Street; thence southerly along the centerline of Institute Street as if Institute Street extended in a continuous manner over or under the existing railroad tracks to its intersection with the centerline of Allen Street; thence easterly along the centerline of Allen Street to its intersection with the centerline of Foote Avenue; thence southerly along the centerline of Foote Avenue to its intersection with the centerline of Arnold Street; thence easterly along the centerline of Arnold Street to its intersection with the centerline of Maple Street; thence southerly along the centerline of Maple Street to its intersection with the centerline of Everett Avenue; thence easterly along the centerline of Everett Avenue to its intersection with the centerline of Elm Street; thence southerly along the centerline of Elm Street to its intersection with the centerline of Camp Street; thence easterly along the centerline of Camp Street to its intersection with the eastern boundary of the City of Jamestown; thence northerly along the eastern boundary line of the City of Jamestown to its intersection with the centerline of Buffalo Street, being the point or place of beginning.

District 14 shall be composed of all of the Towns of Charlotte, Ellington, and Gerry, and all that portion of the Town of Ellicott situated north of the following legislative district boundary line between District 14 and District 15: BEGINNING at the intersection of the centerline of Interstate 86 and the western boundary line of the Town of Ellicott; thence easterly along the centerline of Interstate 86 to its intersection with Moon Brook; thence northerly along Moon Brook to its intersection with the centerline of Horton Road; thence easterly along the centerline of Horton Road to its intersection with the centerline of Hough Hill Road; thence easterly and southerly along the centerline of Hough Hill Road to its intersection with the centerline of County Touring Route 380; thence southerly along the centerline of County Touring Route 380 to its intersection with the centerline of Lafayette Street; thence easterly along the centerline of Lafayette Street to its intersection with a point as depicted on the District 14 map filed with the Clerk of the County Legislature; thence traversing across and around Interstate 86 as depicted on said map to a point in the north boundary line of the Village of Falconer; thence easterly along the northern boundary line of the Village of Falconer to its intersection with the eastern boundary line of the Town of Ellicott.

District 15 shall be composed of all that portion of the Town of Ellicott not included in District 14.

District 16 shall be composed of all of the Towns of Carroll, Kiantone, and Poland.

District 17 shall be composed of all of the Towns of Clymer, French Creek, and Harmony, and all that portion of the Town of Busti not included in District 10.

District 18 shall be composed of all of the Towns of Mina and Sherman and all that portion of the Town of Chautauqua not included in District 7.

District 19 shall be composed of all of the Towns of Ripley and Westfield.

The maps of the enumerated districts referred to above, as well as a map showing the Legislative Districts into which the entire County is herein divided, shall be filed with the clerk of the Chautauqua County Legislature and shall remain on file and said maps shall be considered and hereby are made a part of this Local Law.

SECTION 8. This Local Law, upon taking effect, shall repeal Local Law No. 7-2002 except that County Legislators elected in the year 2011 shall continue to represent the Legislative Districts established in Local Law 7-2002 until January 1, 2014. The Legislative Districts established in Local Law 7-2002 shall continue to be the Legislative Districts of Chautauqua County for the purpose of filling vacancies in the County Legislature prior to January 1, 2014.

SECTION 9. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly adjudged invalid.

SECTION 10. This Local Law shall become effective forty-five (45) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with the Municipal Home Rule Law.

Public Hearing Held by Legislature: 10/24/12
Adopted by Legislature: 10/24/12

R/C Vote: 15 Yes; 9 No; 2 Absent
(No's: Ahlstrom, Cornell, Coughlin,
DeJoe, DeJoy, Hoyer, James, Rogers,
Whitney)

45 Day Permissive Referendum – Effective 12/8/12
Sent to State: 1/24/13
Adopted as Local Law: 1-13

2nd Privilege of the Floor

My name is Bonnie Peters, I live at 8237 Glassglow Road and I know that over the last few months you guys have seen me up here to talk every opportunity that I am given. So I wanted you guys to know because I am sure you guys all missed me last week that I did want to be here. I was out of the area so I wasn't able to be here but, I do want to say what I heard was that you guys are taking this to heart, you are understanding what the County Home means to this community, to this County. That is what we're asking you guys. We're not coming to you as CSEA people, we are coming to you as taxpayers. As people who live in this County, who work in this County, who spends our money in this County. That is what we want you guys to realize, what is the impact if the Home is sold? What is the impact to the other people who own businesses in this community? What is the impact of the money that our community spends? Some of you guys own businesses, you know that. What is it actually going to do? So, I think when you are talking about it, I think you really need to remember everything that we have talked about over the last few months and again, any questions, you guys obviously at this point know how to get ahold of me. Thank you.

MOVED by Legislator Ahlstrom, SECONDED by Legislator Barmore and duly carried the meeting was adjourned. (9:41 p.m.)

Regular Meeting
 Chautauqua County Legislature
 6:30 P.M.
 Wednesday, November 28, 2012
 Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent Duff)

Legislator Barmore delivered the prayer and pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Wendel and duly carried the minutes were approved. (10/24/12)

Privilege of the Floor

No one chose to speak at this time.

COMMENDATIONS:

MAPLE GROVE RED DRAGON
 LADIES CROSS COUNTRY TEAM
 BY LEGISLATOR HERRIGAN
 &
 SOUTHWESTERN CENTRAL SCHOOL
 GIRLS TENNIS DOUBLES TEAM
 BY
 LEGISLATOR WENDEL & LEGISLATOR TARBRAKE

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
 NO VETOES FROM 10/24/12

COMMUNICATIONS:

1. Letter – County Executive – Re: Changes to 2013 Tentative Budget
2. Letters (3) – County Executive – Re: Appts. to IDA, Sports Fishery, Environmental Mangemt. Council
3. Letter – S&CCLSD – Re: Appts. to Sewer Board
4. Report – Fn. Director Marsh – October 2012 Investment Report
5. Refunding Bond Certificate Dates October 30, 2012
6. Quarterly Report – NYS Small Business Development Center – (7/1-9/30/12)
7. Letter – Assemblyman Giglio – Ack. Receipt of Motion 13-12
8. Letter – Dept. of State – Re: Ack. Receipt of LL 3-12

RES. NO. 204-12

Confirm Appointment - Chautauqua County Youth Board

By Legislator Tarbrake:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Youth Board.

Appointment:

| | |
|---|--------------------------------|
| Abigail Jopek 11 Wood St. Westfield, N.Y. 14787 Term Expires: 12/31/13 | Filling the term of Iris Weary |
|---|--------------------------------|

Signed: Tarbrake

Unanimously Adopted – November 28, 2012

RES. NO. 205-12

Confirm Appointments – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Board of Directors of the South & Center Chautauqua Lake Sewer District has recommended the following appointments; therefore be it

RESOLVED, That the Chautauqua County Legislature confirm the following appointments to the South & Center Chautauqua Lake Sewer Districts Board:

| | |
|--|--------------------------|
| Ms. Karen Rine 87 Longview Ave. WE Jamestown, N.Y. 14701 Term Expires: 12/31/18 | Replacing Dudley Ericson |
|--|--------------------------|

| | |
|---|--------------------------|
| Mr. Vincent Horrigan 225 Lakeside Dr. Bemus Point, N.Y. 14712 Term Expires: 12/31/18 | Replacing Frank J. Gould |
|---|--------------------------|

Signed: Himelein, DeJoe, Horrigan, Erlandson

Unanimously Adopted – November 28, 2012

RES. NO. 206-12

Board Appointments – North County Industrial Water District No. 1 & North County Industrial Sewer District No. 1

By Public Facilities Committee:
At the Request of Chairman Frank J. Gould:

WHEREAS, North County Industrial Water District No. 1 was created by Resolution 245-78 and North County Industrial Sewer District No. 1 was created by Resolution 246-78; and

WHEREAS, Resolutions 245-78 and 246-78 provide that the duration of the terms of the Water District and Sewer District Board Members is six (6) years; and

WHEREAS, Resolution 178-05 provides that the membership of each of the boards shall be five members; and

WHEREAS, the two Boards share the same members; therefore be it

RESOLVED, That the following individuals shall serve on both the North County Industrial Water District No. 1 and the North County Sewer District No. 1 Boards.

Brian Puroi – Chairman
10932 S. Roberts Rd.
Dunkirk, N.Y. 14048
Term Expires: 12/31/15

James Crowell
2931 W. Sheridan Dr.
Dunkirk, N.Y. 14048
Term Expires: 12/31/18

Edward Divine
618 Main Street
Dunkirk, NY 14048
Term Expires: 12/31/18

Mark Wojcinski
10922 S. Roberts Road
Dunkirk, NY 14048
Term Expires: 12/31/18

Juan Pagan
10764 Bennett Rd.
Dunkirk, N.Y. 14048
Term Expires: 12/31/15

Signed: Himelein, DeJoe, Horrigan, Erlandson

Unanimously Adopted – November 28, 2012

RES. NO. 207-12

Confirm Re-Appointments - Chautauqua County Environmental Management Council

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Environmental Management Council:

Re-Appointments

Robert Sundell
19 Chestnut Street
Jamestown, NY 14701
Term Expires: 12/31/15

David Wilson
6878 Route 380
Stockton, NY 14784
Term Expires: 12/31/15

Signed: Croscut, Ahlstrom, Rogers, Heenan, Borrello

Unanimously Adopted – November 28, 2012

RES. NO. 208-12

Confirm Appointment – Chautauqua County Sports Advisory Board

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive Gregory J. Edwards has submitted the following appointment to the Chautauqua County Legislature for action; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Sports Fishery Advisory Board.

| | |
|------------------------|--------------------------------------|
| Taylor West | Position last held by Richard Larson |
| 56 E. Terrace Ave. | |
| Lakewood, N.Y. 14750 | |
| Term Expires: 12/31/14 | |

Signed: Croscut, Ahlstrom, Rogers, Heenan, Borrello

Unanimously Adopted – November 28, 2012

RES. NO. 209-12

Confirm Appointment - Chautauqua County Industrial Development Agency

By Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Industrial Development Agency.

| | |
|-------------------------|----------------------------------|
| Hans Auer | Filing term of David Maternowski |
| 34 Maple St. | |
| Bemus Point, N.Y. 14712 | |
| Term Expires: 12/31/15 | |

Signed: Croscut, Ahlstrom, Rogers, Heenan, Borrello

Unanimously Adopted – November 28, 2012

RES. NO. 210-12

CARTS – Section 5311 Operating Assistance Continuing Agreements

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States; and

WHEREAS, Chautauqua County may make application annually to the New York State Department of Transportation for such federal aid for operating assistance for a Project to provide public mass transportation service on a continuing basis in Chautauqua County; and

WHEREAS, Chautauqua County desires to enter into a continuing agreement with the State of New York for the undertaking of the Project; therefore be it

RESOLVED, That the County Executive is authorized to sign the following:

- 1) A continuing agreement between the County of Chautauqua and the State of New York providing for the undertaking of the Project and authorizing annual grant Applications for such Section 5311 funds;
- 2) Any and all agreements between the County of Chautauqua and any third party sub-contractors necessary to complete the Project.

Signed: Himelein, DeJoe, Horrigan, Erlandson

Unanimously Adopted – November 28, 2012

RES. NO. 211-12

Legislative Intent to Borrow Funds for Radio Narrowbanding Project

By Legislator Wendel & Audit & Control Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Federal Communications Commission (FCC) has mandated the narrowbanding of public safety radio systems to improve spectrum efficiency; and

WHEREAS, the County of Chautauqua has made application for a Round 2 Statewide Interoperable Communications Grant through the New York State Division of Homeland Security and Emergency Services; and

WHEREAS, it is anticipated that the County's mandated narrowbanding upgrades may be accomplished through a consortium arrangement with neighboring counties such as Erie, Cattaraugus, and/or Allegany counties; therefore be it

RESOLVED, That it is the intent of the Chautauqua County Legislature, upon the finalization of project costs and revenue sources, to adopt bonding legislation in an amount sufficient to fund the County's local share of the narrowbanding project to comply with FCC requirements; and be it further

RESOLVED, That the Chautauqua County Sheriff and Chautauqua County Executive are requested to take all necessary steps to advance the project, including finalizing of grant agreements, consortium arrangements, and an implementation budget in order to enable the bonding of the project.

Signed: Wendel, Runkle, Nazzaro, Himelein, DeJoe

Unanimously Adopted – November 28, 2012

RES. NO. 212-12
Pre-Disaster Mitigation Competitive Grant FY 2012

By Legislator Wendel and Audit & Control Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County through the efforts of the Office of Emergency Services will receive a sub-grant award from NYS Division of Homeland Security & Emergency Services(DHSES) and the Federal Emergency Management Agency(FEMA) for the updating and implementation of our Multi-Jurisdictional Multi-Hazard Mitigation Plan; and

WHEREAS, funding has been made available in an amount not to exceed the total project cost of \$58,250; with a Federal share of \$43,687.50 and a required 25% non-Federal matching share of \$14,562.50; and

WHEREAS, the non-Federal Share can be funded within the existing budget; and

WHEREAS, a September 3, 2014 project completion deadline has been established; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign and execute all necessary agreements to accept the award; and be it further

RESOLVED, That the Director of Finance is authorized and direct to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|----------------------------------|----------|
| A.3010.----.4 | Contractual – Emergency Services | \$43,688 |
|---------------|----------------------------------|----------|

ESTABLISH AND INCREASE REVNUUE ACCOUNT:

| | | |
|----------------------|---|----------|
| A.3010.----R430.5008 | Federal Aid: FEMA-Pre-Disaster Mitigation | \$43,688 |
|----------------------|---|----------|

Signed: Wendel, Runkle, Nazzaro, Himelein, DeJoe

Unanimously Adopted – November 28, 2012

RES. NO. 213-12
Re-Allocation of R-FIRE Scholarship Funds to Training Center Capital

By Legislator Wendel and Audit & Control Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the 2012 Office of Emergency Services budget includes funds that had been accrued from prior years to cover R-FIRE contracts with JCC students in the program; and

WHEREAS, outstanding contracts for R-FIRE students will require less funding than previously accrued; and

WHEREAS, the Office of Emergency Services would like to utilize the funds for Capital Improvements to the Murphy Fire Training Center located in Dunkirk and the Taylor Fire Training Center in Jamestown to facilitate needed Capital Improvements to enhance education and training for the paid and volunteer firefighter of Chautauqua County; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2012 budget:

DECREASE APPROPRIATION ACCOUNT:

A.3010.----.4 Contractual – Emergency Services \$75,000

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Transfer to Capital – Interfund Transfers \$75,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3410.510.4 Contractual – Training Center Enhance \$75,000

INCREASE CAPITAL REVNUUE ACCOUNT:

H.3410.510.R503.1000 Interfund Transfers – Interfund Transfer \$75,000

Signed: Wendel, Runkle, Nazzaro, Himelein, DeJoe

Unanimously Adopted – November 28, 2012

RES. NO. 214-12

Adjust Appropriations – Coroner's Department

By Legislator Wendel and Audit & Control Committee:
At the Request of Chairman Frank J. Gould:

WHEREAS, it is necessary to adjust the Chautauqua County Coroner's budget appropriations to cover future autopsies and related charges; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following budgetary changes; and be it further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.909 Fund Balance, Unreserved Fund Balance – Fund Balance \$15,000

INCREASE APPROPRIATION ACCOUNT:

A.1185.4 Contractual- Medical Examiners & Coroners \$15,000

Signed: Wendel, Runkle, Nazzaro, Himelein, DeJoe

Unanimously Adopted – November 28, 2012

RES. NO. 215-12

Funding Local Share of Police Consolidation Study with City of Jamestown

By Legislator Wendel and Audit & Control Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 95-07, the County Legislature made an invitation to all municipal governments in the County to participate in the evaluation of the potential consolidation of governmental services; and

WHEREAS, Resolution 95-07 further provided that it is the intent of the County Legislature to commit the County's share of the funds necessary to undertake such evaluation studies; and

WHEREAS, pursuant to Resolution 125-07, the County Legislature authorized a law enforcement consolidation exploration team to work with the City of Jamestown to explore consolidation of City and County law enforcement services; and

WHEREAS, the City of Jamestown successfully obtained a \$400,000.00 grant for potential police consolidation efforts through New York State's Local Government Efficiency Program, and said grant requires a 10% local share; and

WHEREAS, after issuance of a request for proposals in 2011, the City of Jamestown upon recommendation of the City-County law enforcement consolidation exploration team awarded a \$168,000.00 contract to the Center for Governmental Research, Inc. (CGR) to perform an evaluation of a potential consolidation of City and County law enforcement services, and it is appropriate that the County split the 10% local share portion with the City; therefore be it

RESOLVED, That the County of Chautauqua shall contribute 5% of the contractual cost of the CGR study up to the maximum sum of \$8,400.00, and be it further

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of \$8,400.00 from the County's undesignated fund balance, and be it further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

| | |
|---|------------|
| A.-----909 Fund Balance, Unreserved Fund Balance – Fund Balance | \$8,400.00 |
|---|------------|

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNT:

| | |
|----------------------------------|------------|
| A.3110.----4 Contractual – Other | \$8,400.00 |
|----------------------------------|------------|

Signed: Wendel, Runkle, Nazzaro, Himelein, DeJoe

Unanimously Adopted – November 28, 2012

RES. NO. 216-12
Distribution of Mortgage Taxes

By Legislator Barmore and Audit & Control Committee:
At the Request of County Executive Gregory J. Edwards:

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due the pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

April 1, 2012 through
September 30, 2012

| TOWNS | | CITIES | |
|---------------|---------------------|--------------|-------------------|
| Arkwright | 8,788.86 | Dunkirk | 52,574.84 |
| Busti | 55,069.04 | Jamestown | 74,879.81 |
| Carroll | 14,823.11 | | |
| Charlotte | 4,304.95 | TOTAL | 127,454.65 |
| Chautauqua | 59,496.08 | | |
| Cherry Creek | 6,098.42 | | |
| Clymer | 9,616.35 | | |
| Dunkirk | 10,568.42 | | |
| Ellery | 58,784.40 | | |
| Ellicott | 53,628.83 | | |
| Ellington | 4,451.83 | | |
| French Creek | 7,863.25 | | |
| Gerry | 22,578.32 | | |
| Hanover | 38,510.82 | | |
| Harmony | 8,900.29 | | |
| Kiantone | 10,789.19 | | |
| Mina | 11,266.40 | | |
| North Harmony | 21,047.56 | | |
| Poland | 13,244.02 | | |
| Pomfret | 50,222.23 | | |
| Portland | 16,200.76 | | |
| Ripley | 8,210.23 | | |
| Sheridan | 9,279.98 | | |
| Sherman | 8,545.22 | | |
| Stockton | 9,685.19 | | |
| Villanova | 5,567.24 | | |
| Westfield | 18,193.02 | | |
| TOTAL | \$545,734.01 | | |

| VILLAGES | |
|----------------------------|----------------------|
| Bemus Point | 3,857.57 |
| Brocton | 1,472.21 |
| Cassadaga | 1,875.52 |
| Celoron Cherry Creek | 3,237.15 695.56 |
| Falconer | 6,377.28 |
| Forestville | 1,354.03 |
| Fredonia | 26,351.45 |
| Lakewood | 17,327.72 |
| Mayville | 4,791.38 |
| Panama | 1,103.62 |
| Sherman Silver Creek | 1,693.61 4,709.65 |
| Sinclairville | 1,315.15 |
| Westfield | 6,698.84 |
| TOTAL | 82,860.74 |

GRAND TOTAL \$756,049.40

Signed: Barmore, Runkle, Nazzaro, Himelein, DeJoe

Unanimously Adopted – November 28, 2012

RES. NO. 217-12

Approve Corrective Action Plan (CAP) for Submission to Office of State Comptroller (OSC)

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of the State Comptroller (OSC) periodically audits all municipalities in New York State; and

WHEREAS, OSC recently completed a 2010-2011 audit and issued audit recommendations for the County; and

WHEREAS, the County at its option may provide OSC a Corrective Action Plan (CAP) detailing the County's implementation of plans of action in response to OSC's audit recommendations; therefore be it

RESOLVED, That the County Legislature hereby approves the CAP on file with the Clerk of the County Legislature in response to OSC's 2010-2011 audit recommendations; and be it further

RESOLVED, That the Director of Finance is requested to submit the CAP to OSC on behalf of the County.

Signed: Runkle, Nazzaro, Himelein, DeJoe

Unanimously Adopted – November 28, 2012

RES. NO. 218-12

Acceptance of 200% of Poverty Alternatives to Incarceration Grant

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Office of Probation is eligible to receive New York State Division of Criminal Justice Services grant funding to implement a 200% of Poverty Alternatives to Incarceration program for an amount of up to \$165,473 annually for an initial three-year period, contingent upon the availability of state funding and the successful negotiation and agreement to terms for a contract; and

WHEREAS, funds will be used to provide programs to eligible individuals with families whose income does not exceed 200 percent of the federal poverty level. Programming will incorporate evidence-based cognitive behavioral treatment in order to address errors in thinking that lead to offending behaviors. Programming will also provide job readiness skills that lead to job placement and retention; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to accept the grant funds and to execute all agreements and documents necessary for acceptance of such funds, for so long as such funding is available to the County.

Signed: Runkle, Nazzaro, Himelein, DeJoe

Unanimously Adopted – November 28, 2012

RES. NO. 219-12

Making Appropriations for the Conduct of County Government for Fiscal Year 2013

At the Request of Chairman Frank J. Gould:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2013 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 203-12 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 203-12 and has returned the same along with the budget and such statement regarding the budget and changes made thereon; and

WHEREAS, in accordance with Section 8.07 of the Administrative Code the Budget Director is authorized to make any corrections in the budget as may be required due to any typographical, mathematical or technical errors, after conditional adoption of the budget; and

WHEREAS, there is now adopted, pursuant to law, a County budget for the fiscal year beginning January 1, 2013; therefore be it

RESOLVED, That the total amount specified in such budget as adopted for all objects of expenditures set forth therein be and hereby are appropriated for such items.

Signed: Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 A – November 28, 2012

RES. NO. 220-12
Authorize Tax Levy

At the Request of Chairman Frank J. Gould:

WHEREAS, there has been adopted a budget for the fiscal year of 2013; and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2013 therefore be it

RESOLVED, That this Legislature hereby levies:

1. Upon all the taxable property in the County, upon the valuation as equalized by it, the sum specified in said budget for all purposes chargeable to the entire county;

2. Upon all the taxable property in the Chautauqua County Social Services District, upon the valuation as equalized by it, the sum specified in said budget for Social Services purposes;
3. Upon all the taxable property liable therefore, the sum specified in the budgets for the Chautauqua County Health District;
4. Upon all the taxable property of the participating towns in respective amounts set out against each participant of the Chautauqua County Self-Insurance Plan in Resolution 141-12 adopted July 25, 2012.
5. Upon the property on which school taxes are uncollected as of November 31, 2013, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2013, the amount of such uncollected village taxes;

Upon all the taxable property of the several towns and cities, upon the valuation as equalized by it any and all amount charged against any and all said towns and cities during the year 2013 pursuant to law or resolution of this Legislature.

Signed: Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 A – November 28, 2012

RES. NO. 221-12
Authorize Levy of Town Taxes

At the Request of Chairman Frank J. Gould:

RESOLVED, That there shall be assessed, levied upon and collected from the taxable real property situated in the Towns of Chautauqua County outside of any incorporated village wholly or partially located therein, the amounts to be raised by taxes for Highway Funds – Outside Village and other Part-Town Functions as specified in the Town Budgets and directed by the Town Boards to be raised; and be it further

RESOLVED, That there shall be assessed and levied upon and collected from the real property liable therefore within the respective Fire, Fire Protection, Fire Alarm, Lighting and Improvement Districts, in said Towns, the amounts for the purpose of such districts as shown and specified in annual budgets; and be it further

RESOLVED, That the amounts to be raised by tax for all other purposes as specified in said annual budgets shall be assessed levied upon and collected from the taxable property of said town as authorized by the Town Boards except as otherwise provided by law; and be it further

RESOLVED, That such taxes and assessments when collected shall be paid to the Supervisor of the several towns, to be distributed by them in the manner provided by law.

Signed: Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 A – November 28, 2012

RES. NO. 222-12
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Frank J. Gould:

RESOLVED, That the Clerk of the Legislature be directed to include in current tax rolls, all charges which may properly be a lien against real property when certified as due and unpaid by the Town Boards of the various towns in the County.

Signed: Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 A – November 28, 2012

RES. NO. 223-12
Authorize Levy of Omitted Taxes

At the Request of Chairman Frank J. Gould:

RESOLVED, That the Clerk of this Legislature be instructed to extend the proper tax for the previous year against any omitted tax properly entered upon any of the assessment rolls for the present year as directed by the respective Town Boards or County Legislature in which said property is located.

Signed: Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 A – November 28, 2012

RES. NO. 224-12
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Frank J. Gould:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2013 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2013 presented by the Board of Directors of the North Chautauqua Lake Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated therein.

Signed: Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 A – November 28, 2012

RES. NO. 225-12
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Frank J. Gould:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2013 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2013 presented by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated herein.
Signed: Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 A – November 28, 2012

RES. NO. 226-12

Authorize Levy of Unpaid Sewer User Charges & Civil Penalties – North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Frank J. Gould:

WHEREAS, the Director of Finance has transmitted a list of those residents or property owners within the county who are in arrears in the payment of charges made under Section 266 of the County Law for a period of 30 days or more after the last day fixed for payment of such charges without penalty in accordance with the requirements of Section 266 (3) of the County Law, and civil penalties outstanding pursuant to Chautauqua County Local Law 6-94; and

WHEREAS, this Legislature is mandated to levy such sums against the properties liable; now therefore be it

RESOLVED, That the county sewer charges and civil penalties contained in the list received by this body from the Director of Finance of Chautauqua County are hereby levied against the properties liable and the amount of such charges shall be stated in a separate column in the annual tax rolls of the various municipalities under the name of "County Sewer Charges" or "County Sewer Penalty".

Signed: Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 A – November 28, 2012

RES. NO. 227-12

Fixing Equalization Rates for 2013

At the Request of Chairman Frank J. Gould:

WHEREAS, Pursuant to Resolution #216-96 the County of Chautauqua elected to establish Equalization Rates for the several towns and cities in the County of Chautauqua in accord with Title 2, Article 8 of the Real Property Tax Law; and

WHEREAS, the New York State Office of Real Property Services has completed its determination of the equalization rates to be utilized in apportioning the 2013 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2013 tax rolls in the following towns and cities:

| | | | |
|---------------|--------|-----------------|--------|
| Arkwright | 55% | Harmony | 98% |
| Busti | 100% | Jamestown, City | 100% |
| Carroll | 100% | Kiantone | 98% |
| Charlotte | 100% | Mina | 100% |
| Chautauqua | 100% | North Harmony | 96% |
| Cherry Creek | 100% | Poland | 99% |
| Clymer | 100% | Pomfret | 20.21% |
| Dunkirk, Town | 73.50% | Portland | 54.00% |
| Dunkirk, City | 82.00% | Ripley | 100% |
| Ellery | 100% | Sheridan | 70% |
| Ellicott | 100% | Sherman | 100% |
| Ellington | 97% | Stockton | 100% |
| French Creek | 100% | Villanova | 65.00% |
| Gerry | 100% | Westfield | 80.00% |
| Hanover | 98.00% | | |

Signed: Gould

Unanimously Adopted – November 28, 2012

2nd Privilege of the Floor

My name is Bonnie Peters, I live at 8237 Glassglow Road, Cassadaga. I try to address you guys every legislative meeting so you don't forget who I am. So, tonight, first off I want to say that I know that you are aware but I want to tell it to you again that recently we lost our long time President Rose Conti and we have our new President, David Fagerstrom and in doing so, it changed all of CSEA's executive board. I wanted you guys to know that. Since Rose has left, things have changed for us. One of the things is that, I, and the other people on the board did not know that we needed to send a letter to the Legislative office for it to become a part of the Legislative meeting, to be read if so chose. So, I want to take a little bit of my time to be able to read to you some of the information that each of you will have gotten in the letters that CSEA sent to each of the Legislators. So we started off by saying, Dear Legislator: CSEA cannot stand by and allow the County Executive to turn his back on good faith recommendations made by the Legislature's Ad Hoc Committee on the County Home and the Center for Governmental Research, CRG report. In order to help ensure the economic viability of the County Home, CSEA is willing to sit down with the County and work out terms and conditions of employment for nursing home workers separate from those of other County employees. It is important that these negotiations be done hand in hand with full funding of the Home, including IGT match and implementation of other cost saving and revenue enhancing recommendations found in the Center for Governmental Research, CRG report. To that end, we have sent a letter to Mr. Edwards asking for these negotiations to begin immediately. This extraordinary offer demonstrates our commitment to the nursing home residents and the taxpayers of our County who demand quality long term care and access to the care that only the County Home provides. It was signed by Penny Gleason our Labor Relations Specialist. I apologize to each one of you for not knowing that I needed to submit that ahead of time to get it to become a part of the notes. I also want to thank you guys for letting me talk

in front of you. If I don't talk to each one of you before, have a Merry Christmas, a Happy New Year but know that my doors are always open, you can always call and talk to me and more than likely, you guys will be hearing from me individually between now and then. Thank you each one and thank you Mr. Chairman.

My name is Antoinette Snyder and I am just here to ask you to hold off on selling the County Home. Give it a chance. You had a good study done, there is a lot of good recommendations there and if you are going to sell it, please, please find a different buyer. There are too many questions going on with this one. If you really, really want to sell it, look further but hold off please. It isn't a good choice right now. Wait, and please look further, just hold off awhile, please.

My name is Susan Baldwin and I'm from Villanova. I just wanted to say pretty much the same thing. I googled the Chicago Tribune and Rothner and came up with yet again, dreadful things. It doesn't take more than a couple, look, look, look, the whole thing is full of the bad boy club that he belongs to and was as you noticed, proud of it last month when he was here. I also googled the nursing homes that Marcus & Millichap had approached frequently and had the same script how the nursing home was a money pit and it had to be taken away, get rid of it fast and if these nursing homes, if you google Horace Nye in Essex County, they just done it, Marcus and Millichaps recommendation for the purchaser. I don't know if it happened to be Rothner's because I couldn't get that far into it but immediately shut down almost half of the Medicaid beds in Horace Nye so take a look at that and think about it. And think about what they are putting in your taxpayer dollars to these people for them. I also know that at least one job has been taken away from the list of employment at the County Home for \$64,000 and by that math, it ought to be like \$100,000 so that is an annual savings of that much because of the benefits that they get. I also was there the day before Thanksgiving and they are using those tablets that Mr. Hellwig thought would take them 2 years to figure out because they are just, you know, have six thumbs. They have figured it out and they are using them. So, that isn't as much of a money pit and I do think that they need a chance because these are scripts that these other people are saying the same thing. So if you look on all of these other nursing homes that have been approached by Marcus & Millichap. I did talk to an administrator who said that they approached all the County nursing homes and said that they had over 50 buyers for each one and this is how to sell them. So you got to figure, you might have been played guys but have a Merry Christmas.

Legislator Cornell: In light of the information that we have learned from the CSEA in their interest in establishing a separate bargaining situation or a separate negotiating unit for the County Home employees as was read in the letter that was sent out to the Legislators last week, I am wondering if the County Executive could please report back to the Legislature his decision in response to the request to sit down within the next few weeks. Thank you.

Legislator Hoyer: I just request that when the contract for the sale of the Home to the Rothner group, Altitude, when it comes out that the Legislature be given at least a month to read it and have available to it someone to interpret what is written and sufficient time to discuss it, open ended. Thank you.

Chairman Gould: Is there anyone else to speak to the 2nd privilege of the floor? Seeing no one –

MOVED by Legislator Croscut, SECONDED by Legislator DeJoe to adjourn and duly carried. (6:58 p.m.)

Regular Meeting
 Chautauqua County Legislature
 6:30 P.M.
 Wednesday, December 19, 2012
 Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator Cornell delivered the prayer and pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Himelein and duly carried the minutes were approved. (11/28/12)

Privilege of the Floor

No one chose to speak at this time.

COMMUNICATIONS:

1. Letters (7) – County Executive – Re: Appts. & Re-Appts. to Airport Comm.; Planning Bd.; Youth Bd.; Disaster Preparedness Comm.; Emerg. Medical Servs. Council; NYS Fish & Wildlife Mangmt. Bd.; STOP DWI Bd.
2. Memo – Atty. Gustafson – Re: RPTL Article 7 Tax Assessment Challenges
3. Report – Fn. Director Marsh – Re: November 2012 Investment Report
4. Report – Budget Director Crow – Re: Nov. 2012 Budget Performance
5. Pricing Schedule – Chaut. County Landfill – Pricing Change Effective 1/1/13
6. Financial Overview – Landfill (January-September 2012)
7. Letter – Legstrs. DeJoe & DeJoy to Co. Exec. – Re: "Jobs Report"
8. Correspondence (3) – Between Co. Exec. & CSEA – Re: County Home
9. Res. – Niagara Co. – Re: Strengthen Laws Protecting Children from Child Predators
10. Letter – NYS Dept. of State – Ack. Receipt of LL 4-12
11. Fact Sheet – NYSDEC – Former Roblin Steel Site Cleanup
12. Letter – ProAct Prescription Drug Discount Card Program
13. Thank You Card from Legislator Duff – Re: Flowers
14. Letter – Mason Funeral Home – Re: Add'l. Charge for Removal Suit Where Applicable
15. CSEA Proposals – Re: County Home
16. Dashboard Report – Fn. Dir. Marsh – Re: Electric Plant

Legislator Cornell: I would like a summarized version please of number 15.

Clerk Tampio: This is a letter received from CSEA, Western Region Office, 120 Pineview Drive, Amherst, N.Y. 14228. Addressed to Joseph Porpiglia, HR Director, Chautauqua County, Gerace Office Building, Rm.144, Mayville, N.Y. 14757

Dear Mr. Porpiglia: The County Executive has instructed CSEA by letter dated November 28, 2012 to submit proposals to the County negotiating team concerning any changes CSEA is willing to make concerning work rules, pay and benefits to keep the County Nursing Home economically viable. Mr. Edwards also required that CSEA make recommendations for revenue enhancement. As to this last requirement CSEA will defer to the report issued by the Center for Governmental Research. CSEA has studied that report and whole heartedly supports the recommendations for revenue enhancements stated therein.

Please accept this letter as an explanation of the proposals CSEA has prepared prior to entering into negotiations with the County over terms and conditions of employment for employees of

the Chautauqua County Home. This explanation is meant to be an overview only and CSEA will more fully explain our calculations when we actually sit down to negotiate. CSEA trusts that the County will make the same commitment to the employees of the County Home as the County Home employees have demonstrated by proposing the following concessions.

CSEA's proposals for the County Home which are attached will provide the County Home with substantial savings over the term of the contract which would run from January 1, 2012 through December 31, 2015. These proposals were developed based on surveys of County Home employees and any agreement reached would be subject to ratification by the County Home members of CSEA.

An explanation of each proposal and the cost savings they will generate (where we had data to calculate them) follows, however we would like to point out a few salient points. First, obviously contract year 2012 has passed and there will not be a cost savings from the areas that we will discuss except for wages which remain at 2011 rates. Secondly, the source of information used for our analysis primarily came from the study done by the Center for Governmental Research (CGR) and documents provided by the County to CSEA during negotiations for an overall contract for Unit 6300. Every attempt will be made to identify where the information was obtained as we discuss each area.

Thirdly, where we did not have data to calculate savings we will indicate that, but still identify areas where we believe savings can be found. Finally financial figures have been rounded to the nearest dollar and fractions to the nearest whole amount.

The general areas of discussion are; (and with the Legislature's permission, I will summarize the general areas) listed below.

1. Wages: CSEA is proposing a wage freeze from all four years of the contract.
2. Increments. CSEA is proposing no increments be given to eligible employees from the date of ratification to the end of the contract. The savings to the County Home based on the average annual salary of \$36,613 would be estimated as \$76,887 per year of savings.
3. Longevity. CSEA is proposing a freeze on the increases in longevity to which employees will be eligible to receive based on increased years of service for the duration of the contract. The savings from his proposal is estimated at \$3,840 per year.
4. Substitute Employees. All together this proposal between filling regular FTE's and sick leave fill in would save the County Home, \$148,890 per year.
5. Health Insurance. Assuming 20% of the County Nursing Home employees elected the HDHP, by category of coverage single, two person, or family, the potential savings would be as follows. It listed per single, two person and family for a total of \$80,040. CSEA has also proposed that all new hires enroll in the HDHP.
6. Sick Leave. CSEA has made a number of proposals regarding sick leave. One proposal deals with the elimination of the sick leave bonus with a savings of \$15,065.
7. Other items:
 - A. Holidays. CSEA is proposing to eliminate Good Friday and Election Day. By eliminating these two holidays the County Home should save \$52,678 per year.
 - B. Uniform Allowance: CSEA has also proposed the elimination of the uniform allowance which will save the County \$29,500 annually.
 - C. Curtailment of Overtime. CSEA has also proposed the roll-back of call-out pay, flexing an employee's schedule for holidays so that they do not incur overtime and the requirement to work the shift immediately prior to and post-holidays discussed above but did not have data to calculate the savings.

D. The Chautauqua County Home Fund. CSEA has also proposed that employees be allowed to contribute to the Chautauqua County Home Fund through payroll deductions. CSEA is prepared to provide the details of the calculations cited in this letter as we progress through the negotiating process.

Thank you for your consideration in this matter. Very truly yours, Penny Gleason, Labor Relations Specialist with copies to Unit 6300 Negotiating Team, Roger Sherrie Director CSERA Region 6 and Gregory Edwards, Chautauqua County Executive.

There is also an attached section of that letter that had a section called miscellaneous and I will read that in its entirety at this point.

1. Provide Payroll Deduction for contributions to the Chautauqua County Home Fund.
2. Eliminate reimbursement of nursing license fees.
3. Create a committee to implement a safe patient handling program to reduce incidents of employee injury and therefore Worker's Compensation costs.
4. The terms of this agreement will become effective upon ratification of each constituent party. CSEA will only agree to present any agreement reached with the County if the County agrees to continue operating the Chautauqua County Home as a public nursing home.
5. The County must agree that if the County Home is sold to a private not-for-profit or a private for-profit owner/operator, the terms of this Agreement will become null and void and the terms and conditions of employment for employees the Chautauqua County Home covered by this agreement will revert back to the terms and conditions of the Unit 6300 contract in effect during the pendency of that sale.

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 11/28/12

RES. NO. 228-12

Confirm Re-Appointment – New York State Fish & Wildlife Management Board

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Fish and Wildlife Management Board.

James Rizzo
8000 Thayer Rd.
Portland, N.Y. 14769
Term Expires: 12/31/14

Landowner Representative

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – December 19, 2012

RES. NO. 229-12

Confirm Re-Appointments – Chautauqua County Airport Commission

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Airport Commission.

David Himelein, Chmn.
2153 Shadyside Rd.
P.O. Box 617
Findley Lake, N.Y. 14736
Term Expires: 12/31/14

Vincent Horrigan
225 Lakeside Dr.
Bemus Point, N.Y. 14712
Term Expires: 12/31/142

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – December 19, 2012

RES. NO. 230-12

Confirm Re-Appointment – Parks Commission

By Public Facilities Committee:
At the Request of Chairman Frank J. Gould:

WHEREAS, Chairman Gould has submitted the following re-appointment for action by the Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following re-appointment to the Chautauqua County Parks Commission.

Howard I. Brook
211 Myrtle Street
Jamestown, N.Y. 14701
Term Expires: 12/31/15

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – December 19, 2012

RES. NO. 231-12

Confirm Replacement Directors of Chautauqua County Land Bank Corporation

By Administrative Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 65-12, the County Legislature confirmed the initial Board of Directors of the Chautauqua County Land Bank Corporation that included a member representing local foundations and a member representing local banks; and

WHEREAS, after further consideration, the local foundations have suggested that no foundation member should be included on the Board because the foundations may in the future consider making grants or other financial assistance to the Land Bank; and

WHEREAS, William Morrill, the former Real Property Tax Director of the County, has expressed interest in serving on the Land Bank Board of Directors and has extensive experience with the County's tax foreclosure process; and

WHEREAS, the member of the Land Bank Board of Directors representing the banking community, Daniel Reinigna, will be unable to serve but another employee of Lake Shore Savings Bank, Brian Lydic, has expressed interest serving on the Board; therefore be it

RESOLVED, That Resolution 65-12 is hereby amended to provide that William Morrill, 3252 Marks Road, Sherman, NY 14781, and Brian Lydic, 5144 West Shorewood Drive, Dunkirk, NY 14048 shall serve as initial members of the Board of Directors of the Chautauqua County Land Bank Corporation for two (2) year terms in place of the planned local foundation and banking representatives.

Signed: Barmore, Scudder, Tarbrake, DeJoy, Cornell

Unanimously Adopted – December 19, 2012

RES. NO. 232-12

Confirm Appointments & Re-Appointments – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointments and re-appointments for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and re-appointments to the Chautauqua County Emergency Medical Services Council.

Jen Bostaph (Replacing Cindy Goodwill as Fire Battalion 4 Representative)
649 Bentley Hill Rd.
Gerry, N.Y. 14740
Term Expires: 12/31/14

Douglas E. Conroe (At Large, South Representative)
4741 Whiteside Parkway Re-Appointment
P.O. Box 137
Maple Springs, N.Y. 14756
Term Expires: 12/31/15

Scott Delahoy (Replacing Jan Hallberg as Fire Battalion 4 Representative)
3476 Pest Rd.
Bemus Point, N.Y. 14712
Term Expires: 12/31/14

Ron Hasson (SUNY JCC Representative)
5345 Rt. 474 Re-Appointment
Ashville, N.Y. 14710

Term Expires: 12/31/15

Scott Hultquist
2739 Church St.
Eden, N.Y. 14057
Term Expires: 12/31/15

(Replacing Pat Myers as Lakeshore Hospital Representative)

Daniel Imfeld
3944 Hillview Dr.
Lakewood, N.Y. 14750
Term Expires: 12/31/15

(At-Large Representative)
Re-Appointment

Tina Jones
4321 Harris Hill
Falconer, N.Y. 14733
Term Expires: 12/31/15

(Replacing Dan Hickman as American Red Cross Representative)

Christopher Manning
12860 Erie St.
P.O. Box 65
Irving, N.Y. 14081
Term Expires: 12/31/15

(Replacing Stan Kelly as At-Large North Representative)

Susan Kupkowski
3507 Werle Rd.
Dunkirk, N.Y. 14048
Term Expires: 12/31/15

(At-Large North Representative)
Re-Appointment

Laura Logan
248 Maple Ave.
P.O. Box 337
Cassadaga, N.Y. 14718
Term Expires: 12/31/15

(Replacing Mike Przybycien as Fire Battalion 1 Representative)

Samuel B. Salemme
217 Dearing Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/15

(Paid Firefighter South Representative)
Re-Appointment

Benjamin Siracuse
16 Barker St.
Fredonia, N.Y. 14063
Term Expires: 12/31/14

(Filing the term of Dan Aldrich as Brooks Hospital
Representative)

Phil Wilson
438 Oak Hill Rd.
Frewsburg, N.Y. 14738
Term Expires: 12/31/15

(Replacing Mike Sisson as Commercial Ambulance Representative)

Sheri Winne
3636 Rt. 430
Bemus Point, N.Y. 14712
Term Expires: 12/31/13

(Filling term of Kevin Fox as At-Large North Representative)

Signed: Wendel, Whitney, Hemmer, Coughlin

Unanimously Adopted – December 19, 2012

RES. NO. 233-12
Confirm Re-Appointment – STOP DWI Advisory Board

By Public Safety Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the STOP-DWI Advisory Board:

Paula DeJoy
219 Barrows St.
Jamestown, N.Y. 14701
Term Expires: 12/31/14

Signed: Wendel, Whitney, Hemmer, Coughlin

Unanimously Adopted – December 19, 2012

RES. NO. 234-12
Confirm Re-Appointments – Chautauqua County Disaster Preparedness Commission

By Public Safety Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Disaster Preparedness Commission.

Andrew Hill
4599 Bayview Rd.
Bemus Point, N.Y. 14712
Term Expires: 12/31/15

Dan Imfeld
3944 Hillview Dr.
Lakewood, N.Y. 14750
Term Expires: 12/31/15

Signed: Wendel, Whitney, Coughlin, Hemmer

Unanimously Adopted – December 19, 2012

RES. NO. 235-12
Confirm Re-Appointments - Chautauqua County Youth Board

By Human Services Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Youth Board.

| | |
|--|--|
| Michael Haddad 246 Hallock St. Jamestown, N.Y. 14701 Term Expires: 12/31/15 | Patricia Munson 4425 Chautauqua Blvd. Lakewood, N.Y. 14750 Term Expires: 12/31/15 |
|--|--|

Signed: Tarbrake, Horrigan, Hoyer, Hemmer

Unanimously Adopted – December 19, 2012

RES. NO. 236-12
Confirm Re-Appointments - Chautauqua County Planning Board

By Legislator Fred C. Croscut:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Planning Board:

| | |
|--|--|
| Maureen Morabito 123 Main St. Silver Creek, N.Y. 14136 Term Expires: 12/31/15 | John Penhollow 5575 Fenner Rd. Sinclairville, N.Y. 14782 Term Expires: 12/31/15 |
|--|--|

Signed: Croscut, Ahlstrom

Unanimously Adopted – December 19, 2012

RES. NO. 237-12
CARTS Section 5311 Consolidated Capital Grant Application

By Public Facilities Committee:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Section 5311, Title 49 of the United States Code, the County of Chautauqua is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, for replacement of buses, bus shelter(s), maintenance equipment, display signage for passenger information to be located at the Jamestown Train Station, and other related equipment; and

WHEREAS, the aforementioned projects are to provide or assist in providing public transportation service for 2013-2014 in Chautauqua County including the cities of Jamestown and Dunkirk; and

WHEREAS, the County of Chautauqua and the State of New York have entered into a continuing agreement which authorizes the undertaking of the projects and payment of the Federal Share; therefore be it

RESOLVED, That the County Executive is authorized to act on behalf of the County of Chautauqua to sign the application and complete the above-described proposed projects; and be it further

RESOLVED, That the County Executive is authorized to sign any contracts or agreements between the County of Chautauqua and any third party sub-contractors necessary to complete the public transportation projects.

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – December 19, 2012

RES. NO. 238-12

Authorizing Acceptance of Grant Offer from the New York State Department of Transportation (NYSDOT) for the Rehabilitation of Guidance Signs at the Jamestown Airport

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Legislature, Airport Commission, NYSDOT and FAA have approved a project for the Chautauqua County Airport at Jamestown for the rehabilitation of guidance signs (PIN 5903.13); and

WHEREAS, the NYSDOT has offered a matching grant to the Federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, Chautauqua County had committed funds for a local share of the funding in its existing capital budget, the project costs are as follows:

| | |
|-----------------|--------------------|
| Federal - | \$ 213,820.50 |
| State - | \$ 8,300.00 |
| Local - | \$ <u>5,695.50</u> |
| Total Project - | \$ 227,816.00 |

WHEREAS, if Chautauqua County and/or the FAA notifies the NYSDOT that the project has requested and received an increase in Federal funding for the Project based on increased eligible costs, the State share noted above shall be increased proportionately up to a maximum increase of 15%; therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby accepts the grant offer from the NYSDOT for financial assistance for AIP Project #3-36-0048 at the Chautauqua County Airport at Jamestown; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary documents and agreements on behalf of Chautauqua County with New York State, FAA, engineers, and contractors in connection with this project; and be it further

RESOLVED, That a Certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Borrello, Nazzaro, Heenan

Adopted w/ Legislators Ahlstrom, Duff voting "no" – December 19, 2012

RES. NO. 239-12

Expanding County-Wide Public Facilities Shared Services Agreement to Address Derelict Structures

By Public Facilities, Administrative Services, and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards and Legislator Lori Cornell:

WHEREAS, as local governments increasingly seek to maintain and promote their commercial and residential areas, the presence of derelict structures can stand in the way of positive development and also pose a safety risk if not addressed in a timely manner; and

WHEREAS, many State and federal programs prioritize the elimination of slums and blight to help reinvigorate local communities, including the Community Development Block Grant (CDBG) program, the Local Waterfront Revitalization Program (LWRP), and the Main Street Program; and

WHEREAS, pursuant to Resolution 65-12, the County established the Chautauqua County Land Bank Corporation to combat community deterioration by facilitating the return of vacant, abandoned, and tax-delinquent properties to productive use; and

WHEREAS, various town and village public facilities personnel within Chautauqua County are undergoing training and certification for asbestos removal and other functions related to remediation or demolition of derelict structures; and

WHEREAS, by strategically managing the incoming waste stream, the County's landfill can absorb quantities of construction and demolition (C&D) waste from projects related to derelict structures with minimal impact on the landfill's operations; and

WHEREAS, pursuant to Resolutions 71-95 and 135-06, the County and 43 other local governments in Chautauqua County have previously entered into a formal county-wide shared services agreement for equipment, materials, and manpower that provides that participating municipalities are entitled to receive equipment, materials, and manpower of equivalent value at a later date from the municipality receiving their assistance; and

WHEREAS, the current county-wide public facilities shared services agreement implemented pursuant to Resolution 135-06 should be expanded to address activities relating to derelict structures within the County; therefore be it

RESOLVED, That the County Executive is authorized and empowered to amend the current county-wide public facilities shared services agreement to include the following items pertaining to derelict structures:

1. Waiver of Landfill Tipping Fees for C&D Waste. Each participating town and village shall receive an annual credit for tipping fees of eighty (80) tons of C&D waste at the County landfill which approximates the disposal tonnage for one (1) two-family home. The cities of Jamestown and Dunkirk shall annually receive four (4) credits and two (2) credits, respectively. A flexible system of

sharing of the annual credits amongst municipalities will be developed to maximize the projects to be addressed each year.

2. Use of Chautauqua County Sanitary Code. In concert with local government enforcement of building codes, zoning ordinances, and derelict structure laws, the County shall utilize the County Sanitary Code to assist in identifying and holding responsible parties liable for the expense and /or remediation of problem properties.

3. In Rem Tax Foreclosures and Land Bank. Where applicable, the County shall assist in obtaining title through tax foreclosure when needed by local governments to advance their funding awards, and utilize as appropriate the County Land Bank in connection with the potential resale or redevelopment of project properties.

4. Project Assistance and Support of Grant Applications and Funding Requests. The County shall provide technical assistance for projects where possible, and provide letters of support and assistance for individual and/or group grant applications and funding requests of participating local governments during future New York Western Region Consolidated Funding Reviews. The County shall provide when available equipment, materials, and manpower for derelict structure projects pursuant to the terms of the existing shared services agreement.

5. Other. As negotiated by the County Executive.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Barmore, Scudder, Tarbrake, DeJoy, Cornell, Borrello, Nazzaro, Heenan

Unanimously Adopted – December 19, 2012

RES. NO. 240-12
2012 Hazardous Material Grant Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded a Region Partnership Grant in the amount of \$47,000 under the 2012 Hazmat Grant Program which runs from October 24, 2012 thru August 31, 2014; and

WHEREAS, the 2012 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, Chautauqua County is the submitting partner for the grant and will act as the lead agency to manage the grant funds; and

WHEREAS, the grant will be used to purchase HazMat and Counter Terrorism equipment to enhance regional HazMat response capabilities; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign the necessary contracts and documents to accept the award.

Signed: Wendel, Whitney, Hemmer, Coughlin, Borrello, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – December 19, 2012

RES. NO. 241-12
 Homeland Security Grant for FFY09 – Adjust Accounts for 2012 Budget

By Public Safety and Audit & Control Committees:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2009 in the amount of \$244,810; and

WHEREAS, Resolution 95-10 authorized the County Executive to sign and accept the Homeland Security Grant Program 2009; and

WHEREAS, to meet the objectives of the program, funds are necessary at this time to purchase equipment according to the work plan for the grant; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2012 budgetary changes:

| | | |
|--|---------------------------------|---------|
| <u>INCREASE APPROPRIATION ACCOUNT:</u> | | |
| A.3010.----.2 | Equipment – Emergency Service | \$9,399 |
| <u>INCREASE REVENUE ACCOUNT:</u> | | |
| A.3010.----.R430.5004 | Federal Aid – Homeland Security | \$9,399 |

Signed: Wendel, Whitney, Hemmer, Coughlin, Borrello, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – December 19, 2012

RES. NO. 242-12
 Authorize Execution of the New York State Office of Homeland Security Grant for Operation Stone Garden FY12

By Public Safety and Audit & Control Committee:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York approved the application for Office of Homeland Security Program Grant for Operation Stone Garden; and

WHEREAS, the State of New York will provide funding in the amount of \$208,097.00. for the initial contract period from September 1, 2012 to August 31, 2014 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security Program Grant in the initial amount of \$208,097.00 with no local share.

Signed: Wendel, Whitney, Hemmer, Coughlin, Borrello, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – December 19, 2012

RES. NO. 243-12

Approve JCC Capital Project – Expansion and Renovation of the Artworks Area in the Hamilton Collegiate Center at the Jamestown Campus

By Legislator Fred C. Croscut:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Jamestown Community College (JCC) has been granted \$300,000 by the State University of New York (SUNY) for an expansion and renovation of the Artworks space in the Hamilton Collegiate Center of the Jamestown campus that will accommodate \$214,000 in equipment awarded to JCC through a Title III federal grant; and

WHEREAS, the JCC Regional Board of Trustees has approved the project at an estimated cost of no greater than \$750,000 and JCC has sufficient funds from existing capital and philanthropic sources for the local match without any additional monetary contribution by the County of Chautauqua; and

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the improvement of college facilities adopted by a community college regional board of trustees be approved by the legislative body of all local governments appointing members to such board of trustees; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the aforementioned JCC capital project for expansion and renovation of the Artworks area in the Hamilton Collegiate Center at the Jamestown campus.

Signed: Croscut, Ahlstrom

Unanimously Adopted – December 19, 2012

RES. NO. 244-12

Increase 2013 Probation Budget for Grant Funds

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution number 218-12 authorized acceptance of a New York State Division of Criminal Justice Services 200% of Poverty Alternatives to Incarceration Grant, and

WHEREAS, the grant amount is up to \$165,473 annually for an initial three-year period, contingent upon the availability of State funding and the successful negotiation and agreement to terms for a contract, and

WHEREAS, the funding for this grant was not included in the Probation Department's 2013 budget, now, therefore, be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following adjustment to the 2013 budget:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--------------------------------|---------------|
| A.3140.----.1 | Personnel Services – Probation | \$55,751 |
| A.3140.----.2 | Equipment – Probation | 1,888 |
| A.3140.----.4 | Contractual – Probation | 82,726 |
| A.3140.----.5 | Fixed Contractual – Probation | 600 |
| A.3140.----.8 | Employee Benefits – Probation | <u>24,508</u> |
| | | \$165,473 |

ESTABLISH & INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|--|-----------|
| A.3140.----.R331.0POV | St. Aid: Poverty Alternatives to Incarceration Grant | \$165,473 |
|-----------------------|--|-----------|

Signed: Tarbrake

Unanimously Adopted – December 19, 2012

MEMORIALS

JOHN "JACK" DILLENBURG

J. NORMAN HERBY

2nd Privilege of the Floor

Legislator Horrigan: I would again ask the attorney just a point of clarification of the Taylor Law as it applies to all the discussions about the CSEA negotiations. Could you refresh us please.

Mr. Abdella: You spoke earlier and I guess, in what respect would you like some advice?

Legislator Horrigan: What can be discussed? What we have here in communications and what the Legislator's received CSEA contract proposals and all I am asking is, what are the limits. I understand it's the Taylor Law. What can be discussed in negotiations or not or proposals. Could you just give us a little bit of a boundary there so we don't get in trouble? That is all I am wondering. I am speaking as a Legislator who received the information.

Mr. Abdella: Under the County Charter and pursuant to Civil Service Law, the County Executive is the designated negotiator of labor agreements for the County. The Legislature's role is to ratify or approve those agreements after the Executive has come to an agreement with a collective bargaining unit. In addition, the Legislature has a roll if the parties are unable to come to an agreement at the very end of the process. If there is an impasse and there is no success in reaching an agreement through mediation and then a fact finding stage and then sometimes there is what is called a super conciliation stage. The Legislature may have presented to it, at this point and time, the agreement with the CSEA is at impasse. We're in a fact finding stage and once a fact finders report is released, if that should happen, if the parties are still not at agreement, that would be shared with the Legislature and with the CSEA and with the County Executive and both the Union and the County Executive or his designee would be able to make a presentation to the Legislature regarding their reactions to the fact finding report. If we reach that stage, I would need to refresh my own memory but get you more detail on what those procedures would be. But I think for your purposes, the Legislature's role is not to participate in negotiations. You have a role as I describe at the end of the process where you will have certain abilities to react to a fact finders report to potentially impose a contract for a year although that has significant limitations on what you can do. But you will have

options if we reach that stage so, you are supposed to be a neutral and await any potential participation either to ratify a contract at a later date if the parties come to an agreement or have a role in the final impasse procedures after fact finding. So, I understand you have received a copy of a proposal, a negotiating proposal. My recommendation has to be that – you certainly have it, you can review it, but, you should not comment on it and await your role should it come to you after fact finding.

Legislator Cornell: Giving those facts then and that the County Executive is our designated negotiator, would the Chairman entertain the County Executive stepping forward please, and giving us some indication of what his next steps will be as the designated negotiator. Specifically his timeline for considering his latest proposal.

Mr. Abdella: Following up on what I just stated, I don't feel that the Legislature should be seeking to involve itself in the negotiating process. I think this communication has been received. The County Executive will have to decide how to respond to it. It's a request to essentially resume negotiations, at least part of it, even though the parties are at an impasse and in a fact finding stage. It may end up being incorporated into that fact finding process by the fact finder. But, I would not recommend the County Executive to engage in a conversation with the Legislature about negotiations. There has been PERP case law that has dealt with Legislature's involving themselves in negotiations and in some cases, been found to be either not a proper practice or PERP will start to recognize the Legislature as a negotiating entity for the County which would be contrary to the County Charter. So, I really do not recommend a discussion between the Legislature and the County Executive regarding negotiations.

Legislator Cornell: Sure, and not to suggest discussion or the Legislature's involvement at this point, I was more asking a point of information for the public at this point. I think the public is aware that the union has offered, I think, a very commendable and aggressive concessions in an effort to save their dollars. The union is offering to save taxpayer dollars, doesn't the public then deserve to know if the County Executive plans to entertain them. Is there a more appropriate way to ask the question? What are we going to do with this letter and we meaning our Chief negotiator.

Mr. Abdella: Well, I think that it is up to the negotiator to decide that pursuant to the statute. We're in fact finding right now. The next step legally is for the fact finder to issue a report and then the Legislature may have a role depending on what the parties do with it at that point. So, really by statute, it's vested in the Executive to decide and those negotiations are generally a confidential matter.

Legislator Cornell: O.k., then I will just leave it with time is obviously of essence here. They are proposing to save taxpayer dollars beginning in 2013 which is weeks away and if we are to do nothing, I would consider it a missed opportunity.

My name is Jeanie Polosito, Forestville, N.Y. I make these comments with the fact that I am a mental health expert and all of us have been overwhelmed with the sadness that occurred last week. I must say that hasten to put more SRO officers in the school is not the fix. It's only a superficial Band-Aid that does not get the core of the problem. Basically we have become a society of violence and this is the seeds that we sow by thinking it's more important to gain money through violence and things that that intriguing. You have people out there that don't have the necessary nurturing conditions and (*inaudible*) said we are who we are up until the age of 5. So many of the things that kids do, at that young age, get nurtured by our society. And we have a society that exposes so many people that may not have that balanced influx from their parents. You are subjecting these people to stuff that really plays havoc with their mind. I sometimes see Criminal Minds and totally shocked at that program making light of things that are really in need of some serious attention. It's criminal to infuse a child's brain with such horrific acts and they do not have common sense or that mental capacity to really understand how to best fit that into their world that is

practically nothing. I've worked with people like this and is a deep sadness to see something like that perpetrated on people but yet there is no real cure for this situation other than we being the humans that bring forth kindness, caring, and love. You have your Buffalo Psych Center that sequesters these people under lock and key and there is an active police force (*inaudible*) level of incarceration. To put a police officer on campus making people believe that they have that false sense of security is just that. It's false. We need to be our brother's keeper and a way of being kind and caring. When the birth of Christ comes this coming week, if you believe it or not, the children that were sacrificed in lieu of the fact that we had our sacrificial lamb, we need to remember that we are responsible for one another and being a smiling person, one that welcomes people is very essential to our own very existence. Thank you.

Legislator Nazzaro: I was just going to ask Mr. Abdella, we do and correct me if I am wrong, if we desire to discuss the status of the negotiations, can we not go into executive session? I realize that we cannot discuss the status in an open session because it is negotiations but do we not as a Legislature, have the right to call an executive session to discuss the status?

Mr. Abdella: Well as I said, yes, you can call an executive session to discuss collective bargaining but at this point, as I stated, it's not the Legislature's role to involve itself in negotiations.

Legislator Nazzaro: I find that troubling because I thought we, since we are the legislative body and I realize we do not sit at the table and we cannot negotiate, we should not engage in negotiations but at some point, in order to act on anything that is brought before this body, an agreement, that we need to know the facts. In order to get those facts, I would think that we would have to, so we don't get accused of negotiation that we would have to go into executive session. So I respectfully disagree with you.

Mr. Abdella: Certainly if you are presented, as I described the two roles before, if you are presented with an agreement between management and union, then certainly at that point, you need to and should analyze that agreement and investigate as you need to, to decide whether to ratify that agreement. Secondly, if at the end of the Civil Service Law process, fact finding has been completed, the reports issued, the parties still cannot come to an agreement then yes, at that point and time, you are presented where things stand at that final stage. But the problem and I think the reason the statute is designed the way it is, the problem with involvement prior to that is it can single to employees or others that there is something to be gained by communicating with Legislators regarding negotiations and it becomes very blurred as to who is negotiating the contract. So that is why the Public Employee Relations Board frowns on legislative involvement prior to those two stages that I described.

Legislator Nazzaro: I guess I have to accept your legal opinion. I don't have to like it but I will accept it. Thank you.

Legislator DeJoe: I would like to address my questions to Mr. Abdella. Just to preface, I have been involved with two super conciliations all the way up through fact finding, impasse, fact finding and been negotiating as a negotiator. Through that process, first of all, first question, is there a difference in negotiating in different facets or different entities, municipal entities, is there a difference between County negotiating, village and town negotiating's, school board negotiating or are they all considered under the same umbrella?

Mr. Abdella: Well, they are under the same rules but what is different I believe and I don't represent a school district and have not but it is my understanding in that case really the school board itself is viewed as both the executive and the legislative entities. Although they may designate the Superintendent as their negotiator, they are not set up like a County with a Chief Executive Officer with that distinction between the Executive branch and the Legislative branch.

Legislator DeJoe: And I ask that question as perhaps you're aware of 31 years on the school board. A number of school boards do appoint the Superintendent and in fact, they are

considered the chief negotiator and officer (*inaudible*) attorney or law offices. My district goes with a negotiating committee and when something happens during the process, we go into executive session, it's presented to the whole board, the progress and where they are at as far as the status. I was comparing both situations where the Legislature as the voting group to approve, to ratify a contract, would have the right to be apprised of the continuing of negotiations in executive session as far as what has happened. Not negotiating but being apprised of where they are at. And the concern that it comes from is the fact that in previous situations where a contract would be thrown in our desks and say that you have to vote on it tonight where you don't have the opportunity to review it. So, if you have any questions you would like to be able to ask them to be aware of what is going on and what happened to avoid that major part of the problem would be to be apprised of what is going on so that you could ask questions of the executive branch. You are not negotiating with the employees or whomever the employees, different employee unions but you are asking for the status, what has been done. Actually you are not getting involved in negotiations. Just being aware of what is going on so that you are not left out in the dark. At the same time, as a former County employee, the one who got through negotiations, the County Union, met on a regular basis to apprise the employees of the status so I find that so controversial or paradoxical in that as a union employee is well aware of it and my Legislator had no idea of what is going on. And it was like, don't you know what is happening in front of you because you are going to have to vote on it and be apprised of what is going on and have the opportunity to be well apprised before you vote. If you are going to vote, you better be well informed of it and not have a knee jerk reaction to it. So, my feeling or believe was that there would be some appraisal to the body of the Legislature in executive session so that they had some idea where we're at and what has happened and give some light instead of waiting until the last minute.

Mr. Abdella: As I say, the difference is that in the school district setting, the board holds both roles because there is no elected Chief Executive Officer. I think if the Legislature wants to request in executive session to receive an update from the County's negotiating team, I mean, we can look at that certainly as to what probably could be to speak to your concern about receiving a contract at the end and not being fully up to speed on what the issues are, yes, there are ways that we can address that. I think certainly it could be arranged to have, I mean, I would have to consult with our negotiating team as far as what ground rules have been put together because typically it maybe the fact – maybe because we're in fact finding there is more freedom but typically there is a ground rule not to share proposals publically or with others. At this stage yes, theoretically the two parties could share - their proposals could be shared with the legislative body and the public to bring you up to speed on where things stand.

Legislator Wendel: Yes, I guess to follow up with Mr. DeJoe, I would understand his position but I guess the question is, if this is going to be presented as to our knowledge or understanding of a contract, why are we given a portion of that contract? This is pertaining to County Home employees. We are negotiating with CSEA 6300 which incorporates all employees. That is my understanding. So I guess the question is why were we given this segment of negotiations or why just this information. Why were we not given the entire piece, if that is the case? I find it peculiar that we only get one part of it and didn't get the whole thing.

Legislator Cornell: I think I can take a stab at answering that question and that is because we're not considering these labor negotiations. We're not considering them as a Legislature at all. The County is not considering these labor negotiations in a box. We're being asked down the road, probably in a not too distant future whether or not to sell our County Home and the argument being made for the sale is that the County Home is too much of an expense to County taxpayers and much of that expense has to do with the cost of the labor at the County Home. Now if the labor at the County Home is offering a different story, then perhaps we're talking about a difference end line here. The question that nobody is saying and let me just put it very bluntly, how are we to consider whether or not to sell our County Home if we don't know what the end result is yet or whether an improved end is even going to be considered with regard to the cost of labor.

Chairman Gould: Anybody else under the second privilege of the floor?

MOVED by Legislator Ahlstrom, SECONDED by Legislator Croscut and duly carried the meeting was adjourned. (7:25 p.m.)

We, Janet Jankowski and Katherine Tampio, being Clerk of the Chautauqua County Legislature, 2012, do hereby certify that we have caused to be compared the foregoing proceedings of the Chautauqua County Legislature with original papers on file in my office and that they are in true and exact copy of the same.

**The 2012 Chautauqua County Budget can be viewed in the
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Mailed: 7/13/12

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