

**2014**  
**JOURNAL OF PROCEEDINGS**  
**OF THE**  
**CHAUTAUQUA COUNTY LEGISLATURE**  
**MAYVILLE, NEW YORK**

2010 Census Population  
for  
Chautauqua County 134,905

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**Frank J. Gould, III, Chairman..... Ashville, NY**  
**Kathy T. Tampio, Clerk .....Silver Creek, NY**

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## 2014 CHAUTAUQUA COUNTY LEGISLATURE

#1	(West Tn. of Dunkirk & Part of City)	<u>Keith D. Ahlstrom</u>	PO Box 254 Dunkirk, N.Y. 14048
#2	(East Tn of Dunkirk & Part of City)	<u>Shaun Heenan</u>	89 Seel Acres Dunkirk, N.Y. 14048
#3	(Parts of Pomfret & Village of Fredonia)	<u>Robert Scudder</u>	348 W. Main St. Fredonia, N.Y. 14063
#4	(East Village of Fredonia)	<u>Janet Keefe</u>	17 Green St. Fredonia, N.Y. 14063
#5	(Sheridan, Arkwright Villenova, East Pomfret & Tn. & Village Cherry Creek)	<u>Terry Niebel</u>	3199 E. Main St. Dunkirk, N.Y. 14048
#6	(Tn. of Hanover & Villages of Forestville & Silver Creek)	<u>George Borrello</u>	1014 South Shore Dr. Irving, N.Y. 14081
#7	(NE Tn of Chautauqua & Tns. of Stockton & Portland & Villages of Brocton & Cassadaga)	<u>John W. Runkle</u>	223 Dale Drive Cassadaga, N.Y. 14718
#8	(Tns. of Ellery & N. Harmony & Village of Bemus Point)	<u>Pierre Chagnon</u>	3714 Westman Rd. Bemus Point, N.Y. 14712
#9	(NE City of Jmstn.)	<u>Chuck Nazzaro</u>	236 Springdale Ave. Jamestown, N.Y. 14701
#10	(SW City of Jmstn. Village of Lakewood & Part Tn. Of Busti)	<u>Paul Wendel</u>	20 Hern Avenue Lakewood, N.Y. 14750
#11	(NW City of Jmstn.)	<u>David Wilfong</u>	39 Norton St. Jamestown, N.Y. 14701
#12	(North City of Jmstn.)	<u>Fred Larson</u> (Resigned 4/29/14) <u>Beth A. Kresge</u> (Effective 6/25/14)	641 Lakeview Ave. Jamestown, N.Y. 14701
#13	(Center City of Jamestown)	<u>Paula DeJoy</u> (Resigned 10/22/14) <u>Paul D. Whitford</u> (Effective 12/17/14)	219 Barrows Street Jamestown, N.Y. 14701

#14	(Tns. Of Charlotte, Gerry, Ellington & N. Ellington & Village of Sinclairville)	<u>Mark Tarbrake</u>	3151 Oak Ridge Circle Jamestown, N.Y. 14701
#15	(Tn. S. Ellicott & Villages of Celoron & Falconer)	<u>Lisa Vanstrom</u>	55 Plummer Ave. Jamestown, N.Y. 14701
#16	(Tns. of Poland, Carroll & Kiantone)	<u>Ronald Lemon</u>	49 N. Pearl St. Frewsburg, N.Y. 14738
#17	(Tns. of French Creek, Clymer, Harmony &) SW Busti & Village of Panama)	<u>Frank Jay Gould</u>	70 Hoag Road Ashville, N.Y. 14710
#18	(Tns. Mina & Sherman, Most of Chautauqua & Villages of Mayville & Sherman)	<u>David L. Himelein</u>	P. O. Box 617 Findley Lake, N.Y. 14736
#19	Tns, of Ripley & Westfield & Village of Westfield)	<u>John Hemmer</u>	7539 E. Rt. 20 Westfield, N.Y. 14787

## 2014 Committees Assignments

Administrative Services**3<sup>rd</sup> Monday at 5:00 P.M..**

Bob Scudder  
 Lisa Vanstrom  
 Paula DeJoy \*\*  
 David Himelein  
 P.J. Wendel

Audit & Control**3<sup>rd</sup> Thursday at 8:35 A.M.**

John Runkle  
 George Borrello  
 Chuck Nazzaro \*\*  
 Pierre Chagnon  
 Shaun Heenan

Human Services**3<sup>rd</sup> Wednesday at 5:00 P.M.**

Mark Tarbrake  
 Ron Lemon  
 Janet Keefe \*\*  
 Bob Scudder  
 David Wilfong

Planning & Econ. Developmt.**3<sup>rd</sup> Wednesday at 6:00 P.M.**

George Borrello  
 Pierre Chagnon  
 Keith Ahlstrom \*\*  
 Shaun Heenan  
 Terry Niebel

Public Facilities**3<sup>rd</sup> Monday at 4:00 P.M.**

John Hemmer  
 David Wilfong  
 Chuck Nazzaro \*\*  
 Paula DeJoy  
 David Himelein

Public Safety**3<sup>rd</sup> Wednesday at 4:00 P.M.**

P.J. Wendel  
 Terry Niebel  
 Janet Keefe \*\*  
 Beth Kresge  
 Mark Tarbrake

Committee Chairs Listed First  
 Vice Chair Listed Second  
 Ranking Member \*\*

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CHAUTAUQUA COUNTY DIRECTORY  
For the Year 2014  
COUNTY GENERAL

## COUNTY LEGISLATURE

Frank J. Gould, III, Chairman	Mayville
Katherine K. Tampio, Clerk	Mayville
Lori J. Foster, Deputy Clerk	Mayville

## COUNTY EXECUTIVE

Vincent W. Horrigan, County Executive	Mayville
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## 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 Davison- March, Assistant Attorney	Mayville
Allison B. Carrow, Assistant Attorney	Mayville

## AGING

Mary Ann Spanos, Director	Mayville
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## BUDGET

Kitty Crow, Director	Mayville
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## COUNTY CLERK

Larry Barmore, County Clerk	Mayville
Tracie Haskins, Deputy County Clerk	Mayville
Daniel Thompson, Director, Sealer Weights & Measures	Mayville

## COUNTY HOME

Tim Hellwig, Director (Resigned: 2/26/14)	Dunkirk
Andrea Snyder (Acting County Home Administrator) (2/24/14-12/31/14)	

## CORONERS

Warren H. Riles, Chief Coroner	Mayville
James Jackson	Mayville
John Sixbey	Mayville
Larry Wilcox	Mayville

## DIVISION OF PURCHASING

Tracy France, Deputy Director	Falconer
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ELECTION BOARD		
	Brian Abram, Commissioner (Republican)	Mayville
	Norman Green, Commissioner (Democrat)	Mayville
EMERGENCY SERVICES		
	Julius Leone, Director	Mayville
FINANCE		
	Susan Marsh, Director	Mayville
	James E. Caflich, Director of Real Property Tax Services	Mayville
HEALTH & HUMAN SERVICES		
	Christine Schuyler, Director	Mayville
HISTORIAN		
	Michelle Henry	Mayville
HUMAN RESOURCES		
	Joseph Porpiglia, Director	Mayville
INDUSTRIAL DEVELOPMENT		
	William Daly, Director (Retired: 5/31/14)	Jamestown
	Kevin Sanvidge (Effective 5/27/14)	
INSURANCE		
	Susan Marsh	Mayville
MENTAL HYGIENE SERVICES		
	Patricia Brinkman, Director	Mayville
PLANNING & DEVELOPMENT		
	William Daly, Director (Retired: 5/31/14)	Jamestown
	Kevin Sanvidge (Effective 5/27/14)	Jamestown
	Mark Geise, Deputy Director	Jamestown
PUBLIC FACILITIES		
	George Spanos	Falconer
SHERIFF		
	Joseph A. Gerace, Sheriff	Mayville
	Chuck Holder, Under Sheriff	Mayville

## VETERANS SERVICES

Gary Chilcott, Director

Jamestown

## JUDICIAL

## COUNTY COURT

Hon. John T. Ward, Judge

Mayville

## FAMILY COURT

Hon. Judith S. Claire, Judge

Mayville

## SUPREME COURT

Hon. Deborah Chimes, Judge

Mayville

## SURROGATE COURT

Hon. Stephen W. Cass, Judge

Mayville

## COMMISSIONER OF JURORS

Kathleen D. Krauza, Commissioner

Mayville

## DISTRICT ATTORNEY

David Foley

Mayville

## PROBATION

Linda Shields, Director (Retired: 5/1/14)  
Tom Narraway (Acting – 5/1/14)

Jamestown

## PUBLIC DEFENDER

Nathaniel L. Barone

Mayville



LOCAL LAW  
INTRODUCTORY NO. 12-13  
CHAUTAUQUA COUNTY

AUTHORIZING LEASE OF REAL PROPERTY FOR AN EXTENDED TERM  
TO CHAUTAUQUA COUNTY SOIL & WATER CONSERVATION DISTRICT

Adopted by Leg: 11/20/13 (45 Day Permissive Referendum)  
Public Hearing: 12/4/13 R/C Vote: 21 Yes; 4 Absent  
Adopted as LL 2-14

**See Page 388 in 2013 Journal for Text**

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EMERGENCY LOCAL LAW  
INTRODUCTORY NO. 14-13  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES (re: DIRECTOR OF NORTH CHAUTAUQUA LAKE  
SEWER DISTRICT)

Letter of Necessity in Effect: 12/18/13  
Adopted by Legislature: 12/18/13 R/C Vote: 22 Yes; 3 Absent  
Public Hearing by County Executive: 1/2/14  
Adopted as LL 1-14

**See Page 409 in 2013 Journal for Text**

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LOCAL LAW  
INTRODUCTORY NO. 1-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE USE OF BEST VALUE  
FOR AWARDING PURCHASE CONTRACTS

Laid on Desks: 1/22/14  
Adopted by Legislature: 2/26/14 R/C Vote: 18 Yes; 1 Absent  
Public Hearing Held by County Executive: 3/11/14  
Adopted as LL 3-14

**See Page 97 for Text**

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LOCAL LAW  
INTRODUCTORY NO. 2-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES (re: COMPLIANCE/PRIVACY OFFICER)

Mailed: 2/14/14  
Tabled in Legislature: 2/26/14  
No Action Taken: 3/26/14

**See Page 97 for Text**

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LOCAL LAW  
INTRODUCTORY NUMBER 3-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY SELF-INSURANCE PLAN AND  
PROVIDING FOR THE ADMINISTRATION THEREOF, PURSUANT TO  
ARTICLE 5 OF THE NYS WORKERS' COMPENSATION LAW

Laid on Desks: 3/26/14  
Adopted by Legislature: 4/23/14 R/C Vote: 18 Yes; 1 Absent  
Public Hearing by County Executive: 5/2/14  
Adopted as Local Law 5-14

**See Page 159 for Text**

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LOCAL LAW  
INTRODUCTORY NUMBER 4-14  
CHAUTAUQUA COUNTY

A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX

Adopted by Legislature: 3/26/14  
Public Hearing by Executive: 4/2/14 R/C Vote: 18 Yes; 1 Absent  
Adopted as Local Law 4-14

**See Page 140 for Text**

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LOCAL LAW  
INTRODUCTORY NUMBER 5-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER  
RE: FILLING OF VACANCIES IN THE COUNTY LEGISLATURE

Mailed: 6/13/14  
Tabled in Legislature: 6/25/14  
No action taken by Legislature: 7/23/14

**See Page 205 for Text**

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LOCAL LAW  
INTRODUCTORY NO. 6-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES (re: COMPLIANCE/PRIVACY OFFICER)

Mailed: 8/14/14  
Tabled in Legislature: 8/27/14  
No Action Taken: 9/24/14

**See Page 250 for Text**

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LOCAL LAW  
INTRODUCTORY NO. 7-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES (re: COMPLIANCE/PRIVACY OFFICER)

Mailed: 11/7/14  
Adopted by Legislature: 11/19/14  
Public Hearing by County Executive: 12/1/14  
Adopted as Local Law 6-14

R/C Vote: 18 Yes

**See Page 307 for Text**



## JOURNAL OF PROCEEDINGS

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Chautauqua County Legislature  
Organizational Meeting  
Wednesday, January 2, 2014, 4:00 p.m.  
Legislative Chambers, Mayville, N. Y.

Clerk Tampio called the Organizational Meeting to order at 4:08 p.m. and announced a quorum present. (Absent: Ahlstrom)

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Swearing in of New Legislature  
By  
Judge Judith Claire

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### Nominations for Chairman of the Legislature

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

Legislator Himelein: It is my distinct pleasure to nominate the man who has fairly and judicially led this body of Legislators for the past two years and who will maintain the same demeanor for the next two years. I therefore nominate Frank Jay Gould as Chairman of this Legislature.

Legislator Heenan: I would like to second that nomination for the Chairman of the Legislature, Chairman Gould.

Clerk Tampio: Are there any other nominations? Seeing none I will entertain a motion to close the nominations.

Legislator Tarbrake: Move to close the nominations.

Legislator Borrello: Second.

Unanimously Carried

Clerk Tampio: The nominee is Legislator Gould and we will now have a roll call vote. Please indicate your choice by stating the name of the nominee.

R/C Vote: 18 for Frank Jay Gould

Clerk Tampio: By receiving the required majority of votes, I declare Legislator Gould to be the newly elected Chairman of the Chautauqua County Legislature for 2014.

(Applause).

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### ACCEPTANCE SPEECH BY CHAIRMAN

Chairman Gould: I have a short acceptance speech that I would like to go through. Good afternoon ladies and gentleman of the County Legislature, newly elected County Executive Horrigan and members of the public and press. I would like to thank this body for your confidence and support to again lead this Legislature in 2014. In the last couple of years has proven to be challenging and the future holds much promise if we continue to act together. This body reflects the will of the people with fewer members and many new ones. The voters spoke loud and clearly for the direction they want us

## REGULAR SESSION

to go. We must heed their call. As your Chairman, I will do my best to make sure that their voices are heard through their Legislators in this Legislature. We will work together for the good for the people of this County. Mother Nature has blessed us today with lots of snow which helps our tourism. The skiers and snowmobilers will soon be flocking to this County. We are very fortunate that Governor Cuomo heard our collective voices to repower NRG and help our local economy. The single largest tax payer in Chautauqua County will continue to produce a dependable supply of electricity to power Chautauqua County residents, businesses and Western New York for years to come. This came be a cornerstone of our economic development efforts. We have a decision to make about the future of our County Home. It has been four years in the making. It is another opportunity for economic growth. While State relief on mandates have been lacking, there is a State recognition that property taxes are too high. Mandates drive property taxes and must be reformed or we will continue to lose those services. We have taken many necessary steps in County government to do more with less. We must reign in the spending and we have reigned in the spending which has resulted in significant savings for the taxpayers of the County. Again, I thank you for your support to lead this body and wish everybody a happy and healthy New Year. Again, thank you very much for your support. I will do my best to do the job you have elected me to do.

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1<sup>st</sup> Privilege of the Floor

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

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(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 2014 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: Himelein, Gould, Runkle, Wendel, Hemmer, Borrello, Tarbrake, Scudder, Chagnon, Lemon, Niebel, Vanstrom, Wilfong

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(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 2014 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, DeJoy, Nazzaro, Larson, Keefe, Heenan

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APPOINTMENT OF MAJORITY LEADER AND ASSISTANT

We, the undersigned being the Republican members of the Chautauqua County Legislature hereby designate Legislator David Himelein as the Leader of the Chautauqua County Legislature for the year 2014 in accordance with Local Law No. 6-1969 adopted on the 2<sup>nd</sup> day of January 1970.

And appoint, as the Assistant Leader, Legislator John Runkle.

Signed: Himelein, Gould, Runkle, Wendel, Hemmer, Borrello, Tarbrake, Scudder, Chagnon, Lemon, Niebel, Vanstrom, Wilfong

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JOURNAL OF PROCEEDINGS

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APPOINTMENT OF MINORITY LEADER AND ASSISTANT

We, the undersigned being the Democratic members of the Chautauqua County Legislature hereby designate Legislator Keith Ahlstrom as the Leader of the Chautauqua County Legislature for the year 2014 in accordance with Local Law No. 6-1969 adopted on the 2<sup>nd</sup> day of January 1970. And appoint, as the Assistant Leader, Legislator Shaun Heenan.  
Signed: Ahlstrom, DeJoy, Nazzaro, Larson, Keefe, Heenan

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RES. NO. 1-14  
Appointing Clerk of the Legislature

At the Request of: Chairman Frank "Jay" Gould, Legislators, Ahlstrom, Heenan, Scudder, Keefe, Niebel, Borrello, Runkle, Chagnon, Nazzaro, Wendel, Wilfong, Larson, DeJoy, Tarbrake, Vanstrom, Lemon, Himelein, Hemmer

RESOLVED, That Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective January 1, 2014, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$17,993.00 for 49% time.

Signed: Gould

Unanimously Adopted – January 2, 2014

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RES. NO. 2-14  
Appointing Deputy Clerk/Secretary to the Legislature

At the Request of: Chairman Frank "Jay" Gould, Legislators, Ahlstrom, Heenan, Scudder, Keefe, Niebel, Borrello, Runkle, Chagnon, Nazzaro, Wendel, Wilfong, Larson, DeJoy, Tarbrake, Vanstrom, Lemon, Himelein, Hemmer

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 2014 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 2014, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective January 1, 2014.

Signed: Gould

Unanimously Adopted – January 2, 2014

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RES. NO. 3-14  
Designation of Official Newspapers – 2014

At the Request of Chairman Frank J. Gould:

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

## REGULAR SESSION

214, paragraph 2 of the County Law, to be the official newspapers of Chautauqua County during the year 2014 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Gould

Unanimously Adopted – January 2, 2014

## RES. NO. 4-14

Delegate Authority to Approve Certain Correction of Errors (Refunds) to Chairman of Legislature

At the Request of Chairman Frank J. Gould:

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, 2014.

Signed: Gould

Unanimously Adopted – January 2, 2014

## EMERGENCY RES. NO. 5-14

Confirm Appointment – Acting County Executive

WHEREAS, pursuant to Section 3.04 of the Chautauqua County Charter, County Executive Vincent Horrigan has submitted the appointment of County Attorney Stephen Abdella to the position of Acting County Executive; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the position of Acting County Executive as follows:

Effective January 1, 2014  
 Stephen Abdella  
 276 Kiantone Road  
 Jamestown, NY 14701



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(Town of Kiantone)

Unanimously Adopted – January 22, 2014

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2<sup>nd</sup> Privilege of the Floor

My name is Vince Horrigan, Bemus Point, New York, County Executive. I want to first of all congratulate everyone for stepping forward at this important time for the County. I want to thank Steve Abdella for being the acting County Executive, doing double duty but I think for all of us, it's an exciting time. I noticed the empty chairs here which means we will all step up and provide some additional help and support for the benefit of the residents of our County. I think we all want to make a difference. The theme for me is going to be working together and I intend of doing that irregardless of parties or north or south or east or west. I am going to be reaching out, I am going to be pulling people together as best as we can and at the same time, I respect the division of government between the Executive and Legislative branch. So, I just want to thank you. This is an exciting time and I think that great days are ahead and this is going to be a good year. I just wanted to mention that as we start off on our new year.

Chairman Gould: Thank you very much. Anybody else to speak to the second privilege of the floor? Seeing no one, I will entertain a motion to adjourn.

MOVED by Legislator Larson, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (4:29 p.m.)

## REGULAR SESSION

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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, January 22, 2014  
Mayville, N.Y.

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Borrello)

Legislator Chagnon delivered the prayer and pledge of allegiance.

MOVED by Legislator Himelein, SECONDED by Legislator Larson and duly carried the minutes were approved. (1/2/14)

Privilege of the Floor

No one chose to speak.

COMMENDATIONS:

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MAPLE GROVE GIRLS CROSS COUNTRY  
BY  
LEGISLATORS TARBRAKE & CHAGNON

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HOPE PIETROCARLO  
BY  
LEGISLATORS TARBRAKE & CHAGNON

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COREY WEFING  
BY  
LEGISLATORS TARBRAKE & CHAGNON

PRESENTATION:

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RAY HEAD  
CHAUTAUQUA COUNTY SNOWMOBILE CLUB

COMMUNICATIONS:

1. Letter – Co. Exec. Horrigan – Re: Apptmt. as Acting County Executive
  2. Letters (14) – Co Exec. Horrigan & Acting Co. Exec. Abdella – Appts. to Various Boards & Commissions
  3. Report – Fn. Director Marsh – December 2013 Investment Report
  4. Internal Audit Report – Dept. of Fn. – Petty Cash Funds 2013
  5. Letter – NYS Sheriff's Assn. Inc. – Re: Projects Relating to Jails
  6. NYS Dept. of State – Ack. Receipt of LL 7-13
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JOURNAL OF PROCEEDINGS

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VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN  
NO VETOES FROM 1/2/14

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MOTION: (On file with 1/22/14 Legislature Data)  
1-14 Proclaiming February as Black History Month -- Unanimously Adopted

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RES. NO. 6-14  
Confirm Appointment & Re-Appointment - Chautauqua County Airport Commission

By Public Facilities Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, has submitted the following appointment and re-appointment for action by the Chautauqua County Legislature; therefore be it

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

New Appointment

Gregory Jones                      (Last Held by Richard Babbage)  
PO Box 430  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/15

Re-Appointment

Daniel P. Reininga  
86 Central Ave.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/15

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein

Unanimously Adopted – January 22, 2014

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RES. NO. 7-14  
Confirm Appointments - Chautauqua County Soil & Water Conservation District Board

By Public Facilities Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Soil and Water Conservation District Board.

Fred C. Croscut                      Filing Term of Robert Orr as Farm Bureau Rep.  
7504 Freeman Rd.  
Sherman, N.Y. 14781  
Term Expires: 3/31/15

Frank (Jay) Gould                      Position last held by Legislator Croscut  
70 Hoag Rd.  
Ashville, N.Y. 14710  
Term Expires: 12/31/14

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Lisa Vanstrom    Position last held by Legislator Heenan  
55 Plummer Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/14

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein

Unanimously Adopted – January 22, 2014

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RES. NO. 8-14  
Confirm Re-Appointment – Emergency Medical Services Council

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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.

Stephen E. Cobb    Fire Service Medical Representative  
49 Gardner St.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/16

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake

Unanimously Adopted – January 22, 2014

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RES. NO. 9-14  
Confirm Re-Appointments - Chautauqua County Fire Advisory Board

By Public Safety Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive, Stephen M. Abdella, 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.

1<sup>st</sup> Battalion  
E. Lawrence Barter  
9 Pine Drive  
Fredonia, NY 14063  
Term Expires: 01/31/15

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2<sup>nd</sup> Battalion

Ronald H. Trippy  
6755 S. Portage Rd.  
Westfield, N.Y. 14787  
Term Expires: 1/31/15

Lyle B. Holland  
47 Clinton Street  
Westfield, NY 14787  
Term Expires: 01/31/15

3<sup>rd</sup> Battalion

Scott Bailey  
PO Box 385  
29 Melvin Ave.  
Celoron, N.Y. 14720  
Term Expires: 1/31/15

4<sup>th</sup> Battalion

James R. Bostaph  
7151 North Rd.  
Cherry Creek, N.Y. 14723  
Term Expires: 1/31/15

Peter P. Samuelson  
4696 Maple Grove Road  
Bemus Point, NY 14712  
Term Expires: 01/31/15

Stephen E. Cobb  
49 Gardner St.  
Fredonia, N.Y. 14063  
Term Expires: 1/31/15

Ex-Officio – Deputy Fire Coordinator – EMS

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake

Unanimously Adopted – January 22, 2014

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RES. NO. 10-14

Confirm Appointment & Re-Appointments - Chautauqua County Disaster Preparedness Commission

By Public Safety Committee:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Disaster Preparedness Commission.

Re-Appointments

Ann McCarron Burns  
SUNY Fredonia  
University Police  
Gregory Hall  
Fredonia, N.Y. 14063  
Term Expires: 12/31/16

William A. Tucker  
5 Hilldale Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/16

New Appointment

Tina M. Jones  
4321 Harris Hill Rd.  
Falconer, N.Y. 14733

Position last held by Stacey Hannon

REGULAR SESSION

Term Expires: 12/31/15

Signed: Tarbrake, Ahlstrom, Wendel, Niebel, Keefe

Unanimously Adopted – January 22, 2014

RES. NO. 11-14

Confirm Appointment - Chautauqua County Health Board

By Human Services Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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.

Thomas A. Erlandson  
26 Valley View Drive  
Frewsburg, N.Y. 14738  
Term Expires: 12/31/19

Position last held by Aisling Heenan

Signed: Tarbrake, Scudder, Keefe, Lemon, Wilfong

Unanimously Adopted – January 22, 2014

RES. NO. 12-14

Confirm Re-Appointments - Chautauqua County Aging Advisory Board

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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.

Russell E. Diethrick Jr.  
153 Hallock St.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/16

David Larson  
3101 Straight Road  
Fredonia, NY 14063  
Term Expires: 12/31/16

Signed: Tarbrake, Scudder, Keefe, Lemon, Wilfong

Unanimously Adopted – January 22, 2014

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## RES. NO. 13-14

## Confirm Re-Appointment - Chautauqua County Youth Board

By Human Services Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Youth Board.

Victoria Patti  
2832 Elmhurst Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/16

Signed: Tarbrake, Scudder, Keefe, Lemon, Wilfong

Unanimously Adopted – January 22, 2014

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## RES. NO. 14-14

## Confirm Appointment - Chautauqua County Industrial Development Agency

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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.

Dr. Cory L. Duckworth	Filling term of Greg DeCinque
224 W. Summit Ave.	
Lakewood, N.Y. 14750	
Term Expires: 12/31/15	

Signed: Borrello, Heenan, Niebel, Larson, Chagnon

Unanimously Adopted – January 22, 2014

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## RES. NO. 15-14

## Confirm Re-Appointment – Conewango Watershed Commission

By Planning & Economic Development Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

## REGULAR SESSION

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

Carl (Pete) Smallback  
7276 North Rd.  
Cherry Creek, N.Y. 14723  
Term Expires: 12/31/16

Signed: Borrello, Heenan, Niebel, Larson, Chagnon

Unanimously Adopted – January 22, 2014

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RES. NO. 16-14

Confirm Re-Appointment - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella has submitted the following re-appointment to the Chautauqua County Legislature for action; therefore be it

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

Charles J. Spiesman  
73 Chautauqua Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/15

Signed: Borrello, Heenan, Niebel, Chagnon, Larson

Unanimously Adopted – January 22, 2014

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RES. NO. 17-14

Confirm Re-Appointment - Chautauqua County Planning Board

By Planning & Economic Development Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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:

Daniel R. Johnson  
1873 Hoag Road  
Ashville, N.Y. 14710  
Term Expires: 12/31/16

Signed: Borrello, Heenan, Niebel, Chagnon, Larson



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Unanimously Adopted – January 22, 2014

RES. NO. 18-14

Confirm Appointment – Southern Tier West Regional Planning & Economic Development Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan 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 Southern Tier West Regional Planning Board.

Vincent W. Horrigan                      Filling term of Gregory J. Edwards  
225 Lakeside Dr.  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/14

Signed: Borrello, Heenan, Niebel, Chagnon, Larson

Unanimously Adopted – January 22, 2014

RES. NO. 19-14

Authorize Public Hearing on Proposed Ground Lease with Severe Clear, Inc.

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Severe Clear, Inc. is interested in renewing the current ground lease agreement for their corporate hangar building at the Jamestown Airport; and

WHEREAS, the current lease expired on December 31<sup>st</sup> 2013; and

WHEREAS, the Airport Commission has recommended the acceptance of the negotiated lease; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to provisions of the General Municipal Law a public hearing shall be held at the meeting of the County Legislature on February 26, 2014 at 6:40 pm in Legislative Chambers, Gerace Office Building, Mayville, NY 14757 on the proposed ground lease of space at the Jamestown Airport with Severe Clear, Inc. for their corporate hangar building upon substantially the following proposed terms and conditions:

Rent. Two thousand dollars (\$2,000.00) annually, with a 2 percent increase per year thereafter.

Term. Ten (10) year term commencing January 1, 2014, with three (3) options to renew for additional ten (10) year terms, and a thirty (30) day cancellation notice by either party.

## REGULAR SESSION

Utilities. To be paid by the Tenant.

Use. Aircraft storage and related hangar use.

Other. As negotiated by the County Executive.

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this public hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein

Unanimously Adopted – January 22, 2014

## RES. NO. 20-14

Denying the State of New York Permission to Use the Name and Seal of the County of Chautauqua and County Officers for Purposes Related to the SAFE Act

By Public Safety Committee:

At the Request of County Legislators Runkle, Borrello, Scudder, Gould, Tarbrake, Vanstrom, Lemon, Wilfong, Wendel, and Niebel:

WHEREAS, the State of New York has passed a gun control law referred to as the SAFE Act; and

WHEREAS, the SAFE Act clearly indicates that the enforcement of this law is the responsibility of New York State; and

WHEREAS, the State has indicated an interest in using the Seal of the County of Chautauqua and the names of the offices of the Chautauqua County Sheriff and the Chautauqua County Clerk in pistol permit recertification notices; and

WHEREAS, the Chautauqua County Sheriff and Chautauqua County Clerk have voiced their strong objection to the State's use of the County Seal or reference to their offices; therefore be it

RESOLVED, That the Chautauqua County Legislature denies the State of New York permission to use the name, seal, letterhead, or address of the County or of any County officer regarding permit recertification or for any other purpose associated with the SAFE Act, and be it further

RESOLVED, That copies of this resolution should be transmitted to the office of the Governor of New York State, the Superintendent of State Police, New York State Senator Catharine Young, New York State Assemblyman Andrew Goodell, the New York State Association of Counties, and the legislative body of every county in the State of New York.

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake

Unanimously Adopted – January 22, 2014

JOURNAL OF PROCEEDINGS

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RES. NO. 21-14

Authorize Lease Agreement with Town of Chautauqua for Office Space for the Public Defender Office  
Family Court Division

By Public Safety and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, it would be advantageous for the County of Chautauqua to lease approximately 1536 square feet of office space on the second floor of the Chautauqua Municipal Building, 2 Academy Street, Mayville, County of Chautauqua, State of New York for use by the Chautauqua County Public Defender's Office Family Court Division; and;

WHEREAS, negotiations have been undertaken to obtain a lease agreement mutually beneficial to the County of Chautauqua and the Town of Chautauqua; now, therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with the Town of Chautauqua upon the following terms and conditions:

- 1) Premises. Approximately 1536 square feet of office space on the second floor of the Chautauqua Municipal Building.
- 2) Term. February 1, 2014 through January 31, 2016.
- 3) Rent. \$700 per month for approximately 1536 square feet.
- 4) Utilities. Town shall be responsible for cleaning services, heat, electricity and water. County shall be responsible for any other utilities.
- 5) Other. As negotiated by the County Executive.

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – January 22, 2014

RES. NO. 22-14

Authorize Execution of the New York State Office of Homeland Security and Emergency Services for  
Explosive Detection Canine Team Grant

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York approved the application for Office of Homeland Security and Emergency Services Program Grant for a Explosive Detection Canine Team; and

WHEREAS, the State of New York will provide funding in the amount of \$20,000 for the initial contract period from November 12, 2013 to August 31, 2015 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 \$20,000 with no local share; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2014 budgetary changes:

## REGULAR SESSION

INCREASE APPROPRIATION ACCOUNTS:

A.3110. ---.1	Personal Services - Sheriff Operations	\$ 6,000
A.3110. ---.2	Equipment - Sheriff Operations	8,500
A.3110. ---.4	Contractual - Sheriff Operations	5,000
A.3110. ---.8	Fringe Benefits - Sheriff Operations	500
		<u>\$20,000</u>

INCREASE REVENUE ACCOUNT:

A.3110.R438.9K9T	Federal Aid - Explosive Detection Canine Team	\$20,000
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Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – January 22, 2014

## RES. NO. 23-14

Authorize Execution of the New York State Office of Homeland Security and Emergency Services for Terrorism Prevention

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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 2013; and

WHEREAS, the State of New York will provide funding in the amount of \$50,000.00 for the initial contract period from September 1, 2013 to August 31, 2015 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 \$50,000.00. with no local share, and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---.1	Personal Services – Sheriff Operations	\$31,002.00
A.2110.---.8	Employee Benefits – Sheriff Operations	18,988.00

INCREASE REVENUE ACCOUNT:

A.3110.R438.9LTP	Federal Aid: Terrorism Prevention	\$50,000.00
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Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – January 22, 2014

## RES. NO. 24-14

Emergency Management Performance Grant for Fiscal Year 2013

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the total amount of \$106,698.00 with a fifty percent (50%) match from the County in the amount of \$53,349.00; and

WHEREAS, the grant is to help manage daily Emergency Management functions and to enhance planning, training, exercises, public preparedness, emergency alert and notification systems; and

WHEREAS, the grant period runs from October 1, 2012 through September 30, 2014, as may be amended; and

WHEREAS, funds were included in the 2014 budget; therefore be it

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

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – January 22, 2014

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RES. NO. 25-14

Adjust 2014 Probation and Health and Human Services Adopted Budget

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Office of Children and Family Services (OCFS) has clarified types of costs performed by county governmental entities outside of the Local Social Services Districts that may not be claimed to federal or state funding through OCFS; and

WHEREAS, one such type of unallowable cost includes the costs of probation department staff performing any activity other than providing preventive services in potential JD and PINS cases in accordance with an appropriate agreement and applicable statute, regulations and policies; and

WHEREAS, Chautauqua County Probation Department staff, as members of the Juvenile Services Team, do not meet the criteria for OCFS reimbursement; and

WHEREAS, the 2014 Chautauqua County Adopted Budget needs to be adjusted to reflect these changes; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3140.1 Personal Services - Probation	\$296,044
A.3140.8 Employee Benefits - Probation	<u>\$124,225</u>
	\$420,269

DECREASE APPROPRIATION ACCOUNTS:

A.6010.1 Personal Services – Social Services Admin	\$296,044
A.6010.8 Employee Benefits – Social Services Admin	<u>\$124,225</u>
	\$420,269

## REGULAR SESSION

Signed: Tarbrake, Scudder, Keefe, Lemon, Wilfong, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – January 22, 2014

## RES. NO. 26-14

Increase the Department of Health and Human Services 2014 Adopted Budget – Maternal Child Health Initiative Grant

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Department of Health has awarded grant funding to the Chautauqua County Department of Health & Human Services, Public Health Division, for the Maternal Infant Child Health Initiative for the term 10/01/13-09/30/18; and

WHEREAS, the Department of Health & Human Services desires to participate in this public health initiative to address critical prenatal, perinatal, infant and child health issues in Chautauqua County, and

WHEREAS, the Department of Health & Human Services will work with community partners to form a Maternal Child Health Coalition to implement evidence-based programming to engage high-need women and infants in health care and other supportive services appropriate to their needs and identify and address their medical, behavioral and psychosocial risk factors through timely and coordinated counseling, management, referral and follow-up; and

WHEREAS, initiatives undertaken by Public Health through this grant will result in documented increased access to prenatal care; decreased premature births, low birth weight babies and infant mortality rates; maintenance of healthy behaviors; reduction or elimination of risky behaviors; long-term healthcare-related savings for our county; and a better quality of life for our residents; and

WHEREAS, the 2014 Chautauqua County Adopted Budget does not include funding for the 2014 portion of these grant activities; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1	Personal Services – Public Health Nursing	\$123,616
A.4010.NURS.8	Employee Benefits - Public Health Nursing	\$ 66,847
A.4010.NURS.4	Contractual - Public Health Nursing	<u>\$ 40,200</u>
		\$230,663

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4010.NURS R440.1000	Federal Aid – Public Health Nursing	\$230,663
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Signed: Tarbrake, Scudder, Keefe, Lemon, Wilfong, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – January 22, 2014

JOURNAL OF PROCEEDINGS

RES. NO. 27-14  
Designating Records Management Officer

At the Request of Chairman Jay Gould:

WHEREAS, New York State Arts and Cultural Affairs Law § 57.19 requires local governments to designate a records management officer to initiate, coordinate and promote the systematic management of the local government's records in consultation and cooperation with other local officers; and

WHEREAS, retired Chautauqua County Clerk Sandra Sopak previously was designated as the County's records management officer and it is appropriate that the new County Clerk Larry Barmore be designated as the County's next records management officer; therefore be it

RESOLVED, That Chautauqua County Clerk Larry Barmore is hereby designated the records management officer for the County of Chautauqua pursuant to New York State Arts and Cultural Affairs Law § 57.19, effective immediately.

Signed: Gould

Unanimously Adopted – January 22, 2014

RES. NO. 28-14  
Confirm Appointment and Re-Appointment - Chautauqua County Coroners

At the Request of Legislators Runkle, Heenan and Himelein:

WHEREAS, two of the four offices of Coroner in Chautauqua become vacant on January 1, 2014; and

WHEREAS, the County Charter has vested in the County Legislature the power to appoint Coroners henceforth as the offices become vacant, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby reappoint and appoint the following persons as Chautauqua County Coroners for three year terms to expire December 31, 2016.

Re-Appointment  
Mr. John Sixbey  
645 Lakeview Ave.  
Jamestown, NY 14701

Appointment  
Mr. Lawrence J. Wilcox  
3150 Cable Rd.  
Fredonia, NY 14063

Signed: Runkle, Heenan, Himelein

Unanimously Adopted – January 22, 2014

REGULAR SESSION

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RES. NO. 29-14  
Confirm Appointment – Public Defender

At the Request of Legislators Runkle, Heenan, Ahlstrom:

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 two (2) years effective January 1, 2014 at an annual salary of \$75,000 for 90% time.

Signed: Runkle, Heenan, Ahlstrom

Unanimously Adopted - R/C Vote - 18 Yes; 1 Absent – January 22, 2014

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2<sup>nd</sup> Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Ahlstrom, SECONDED by Legislator Himelein and duly carried the meeting was adjourned. (6:58 p.m.)



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Special Legislature Meeting  
Wednesday, February 5, 2014 – 6:00 P.M.  
Gerace Office Building  
Mayville, N.Y.

RE: Presentation and Legislative Question & Answer Session w/ Representatives of  
VestraCare Regarding the Proposed Contract for Purchase of the Chautauqua County Home

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Chairman Gould called the meeting to order at 6:03 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: DeJoy, Runkle)

Legislator Wilfong delivered the prayer followed by the Pledge of Allegiance.

MOVED by Legislator Himelein, SECONDED by Legislator Tarbrake to go into executive session to discuss labor contracts. (6:05 p.m.)

MOVED by Legislator Larson, SECONDED by Legislator Tarbrake to come out of executive session. (6:42 p.m.) – *Unanimously Carried*

Chairman Gould: We are now into our work session. Would you like to read it?

Clerk Tampio: Presentation and Legislative question and answer with representatives of VestraCare regarding the proposed contract for purchase of the Chautauqua County Home.

Chairman Gould: We have with us tonight Ed Edward Farbenblum and Shannon Cayea. Would you like to give a short presentation?

Mr. Farbenblum: Good evening, (mic not turned on for approximately 20 seconds) a little bit about ourselves. We are an open book and we'll answer whatever questions you may have. My name is Edward. I'm a Health Care Attorney. I'm with VestraCare, a company formed by my father Martin Farbenblum and Dr. Anthony Bacci(?), who are, not to brag excessively, visionary in health care, very dedicated to building progressive, cutting edge, thriving, viable health care models that excel at quality of care and other things. Shannon was an Administrator at Susquehanna and now she runs multiple buildings as a Director of Operations. Shannon, do you want to tell a little bit about yourself.

Mrs. Cayea: Thank you for the lovely weather that you are hosting us in this evening. It's been fun ride.

Mr. Farbenblum: Yes, we faced life and limb to get there this evening. So go easy.

Mrs. Cayea: We were watching our emails all day today and that was the joke because I kept waiting for Vince's email to come across to say that we canceled and by the time we were in Buffalo, I tell you what. So, yes, I have been in long term care for approximately 25 years. I started as a nurse's aide working in a County facility not too terribly far from here throughout college. I began as a Social Worker, Director of Admissions, Assistant Administrator and ultimately Administrator for approximately the last 13 years. So, I have gone between Susquehanna nursing and our new facility in Kingston, New York in Ulster County for the last year and we're thrilled to have the opportunity to come up here and hopefully expand some of our programs that we're offering in the central region with you.

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Mr. Farbenblum: Just before we start taking questions let me talk a little bit about our vision for this facility and why we like this facility particularly. Our vision for all of our facilities are to use a skilled nursing facility as the backbone and corner stone of a continuum of care so that we can institute the other modalities of care that compliment skilled nursing so that we're offering the appropriate level of care for every resident or patient whether it be in the home through Home Care, less invasive, either independent living or assisted living all the way through really sub-acute nursing care. As far as the nursing facility itself, our vision really is about sub-acute. It's about expanded program lines and it's about that more difficult more acute resident who needs more hands-on, higher skilled level of care. We believe that this facility for a whole bunch of demographic reasons and physical plant reasons is ripe to be converted in that facility. The vision that we are planning. The 30 acres of land that come with it excites us because that means it means that there is ample opportunity for potential expansion should we need to. Ready for questions.

Legislator Larson: Could be that I only have this one short set of questions tonight. If I behave myself, it will be the only ones but, a lot of the employees at the County Home and a lot of good people in the community, especially in the North County, they genuinely don't understand how a private owner could run this facility at a profit yet the County can't. I just want to touch on two items to help those people understand why it's pretty simply how you could turn our loss into a profit in short order. First one I will start with is retirement. It's no fault of our employees, the CSEA union or the County government, administration, we cannot negotiate under New York law the New York State Retirement System. So, by in large, we pay roughly 18% of wage and salary into the retirement system. So in 2013, the County's retirement cost at the County Home was over \$1,400,000 at roughly 18% contribution. In your other health care facilities, I assume you have mostly a 401K type plan. Could you share with us within some parameters, 4%, 5%, 6%, what is your norm on the employer's contribution toward a 401K type retirement for your people?

Mr. Farbenblum: I will say it is true we do not offer a defined benefit plan. We have to find contribution 401K.

Legislator Larson: Almost nobody does anymore.

Mr. Farbenblum: And nobody can underwrite it.

Legislator Larson: So, I am not criticizing you or any other private employer.

Mr. Farbenblum: In our two other buildings reference as far as a 3% match of the employee's salary.

Mrs. Cayea: We have two different plans set up. The plan that we have set up at Susquehanna nursing is that we will match 100% up to the first 3% of what they put in and then 50 cents thereafter up to 6%. Whereas in Kingston it's 100% of 3%. They can go into 3% so we have two different plans set up so basically the way that it's been devised is that it is based on the request of the union. We do a lot of the negotiations through CSEA .

Legislator Larson: To help people here, to help the press and your answer doesn't surprise me. Somewhere between 3% and 6% is your experience with the employer total contribution toward your people's eventual retirement. Ours roughly, not under our control, ours is about 18%. So if our 18% is over a million four, if you even did 5%, that would be about \$400,000, you will save a million dollars if you change nothing else at the County Home. So for people that genuinely don't understand how you could make a profit there when we can't I offer them a cool one million dollars and that is recurring every year. The second thing is health insurance. The County paid almost \$2,800,000 in health insurance premiums last year for the County Home workers. Which based on the total payroll of \$8.5 million was 33% of wage went for health insurance. In your businesses, with a \$40,000 health

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worker, in general, what are you expect as the employer to be paying in health insurance? I don't think that you look to be paying a third of your wage base or your salary base in health insurance premiums. What do you try and aim toward?

Mrs. Cayea: Again, just so that I can help you guys, Susquehanna Nursing in Binghamton is a non-union entity. Whereas Kingston in Ulster County has CSEA so the benefits that we negotiate are very, very different. In addition to that, we also have to be responding to the Obama Care that is coming at us. We have been proactive in a sense that we offer two plans to our employees. We offer a high deductible affordable plan and with the high deductible plan, we put approximately \$1,200 a year into an HAS account so that catastrophic illness and so forth and be taken care of. That is at a cost to our staff of \$25.00 a week.

Legislator Larson: Your cost as an employer.

Mrs. Cayea: Our cost as an employer is I think roughly 75% of that premium.

Legislator Larson: So, if we pay close to 90% of our current bill and your business model is roughly 75% of a probably high deductible plan which is going to be a smaller total premium than what the County has now. There would be no problem with your firm saving at least \$500,000 to \$700,000 in health insurance as the employers share, right away.

Mrs. Cayea: Absolutely.

Mr. Farbenblum: I'm looking (*inaudible*) save money on the pension side and not on the health insurance side.

Legislator Larson: Well, our health insurance is sweet.

Mr. Farbenblum: We've seen sweeter.

Legislator Larson: I don't doubt that. But anyway –

Mrs. Cayea: Turnkey, absolutely. There is no doubt that we'll save substantial amounts of money between the pension and the health insurance.

Legislator Larson: As a lady and gentleman rough agreement, you could keep everything else the same and on those two items alone probably save \$1.5 million a year on operating costs.

Mr. Farbenblum: Let me add two points to that. First of all, a big part of our plan here is revenue enhancement but our analysis of your facility, you are letting substantial revenue opportunities slip through the cracks. We plan on pursuing those also. There are a lot of operators in the State where it's really about cost cutting. For us, to the maximum extent, we are going to enhance revenue that is both by increasing severity, by increasing the Medicare and private pay and so on and so forth. The other thing is just a little history of the benefits that we offer in Golden Hill. We sat down with CSEA about three months –

Legislator Larson: If I could just interrupt. I am not criticizing at all.

Mr. Farbenblum: I don't think that you are but I think this point it –

Legislator Larson: We have a lot of people out of the 135,000 in the County don't understand how you or others can make a profit there when we don't and –

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Mr. Farbenblum: I am going to extrapolate on something you said.

Legislator Larson: The simple answer is we have accounted for a million and a half at least right there difference between us.

Mr. Farbenblum: More importantly than that, it is the ability to negotiate. About three month before we purchase Golden Hill, we sat down with CSEA and we opened up the County's book to them and we said, "look, this facility made \$22 million dollars in revenue last year." It's going to need to spend on an ongoing basis "x" dollars on insurance, "x" dollars on durable medical equipment, "x" dollars on real estate taxes, subtracting all the necessities, we came down to about twelve something. I don't remember the exact numbers. We turned to the Union and said, "you tell us how to allocate it." This is what is in the budget for wages, you tell us how to allocate it. It's our ability to do that that makes a difference which is the point that you made and I thought that I would put a finer point on it.

Legislator Larson: But, these are things that if you have a union here, whatever union it might be, those are things that you don't know what the outcome is going to be yet. I am just trying to – just two simple things. That you or any private not-for-profit owner are not stuck with 18% contribution to a pension and you can save a million dollars right there keeping everybody at the same pay level they have now. The other thing is, as a private employer, there is no way that you are going to find yourselves spending almost \$2.8 million dollars in your health insurance premiums for the employees of that Home. So, it's no mystery to me we are not losing cash, quite as much has been talked about but it's losing. Good for you. We hand the keys to you sometime by December of this year, if that happens. You are a million and a half to the good before you change anything else. So it is no mystery to me and I was just trying to help that it's not a mystery to the employees of the Home, it's not a mystery to people that feel badly about the County maybe selling this, how could you do something that we can't do and there is two simple answers. The one is absolutely clear on the pension and the health is pretty darn clear. So, that is probably it for me tonight.

Legislator Keefe: These 30 acres of land was donated to Chautauqua County for the welfare district of Chautauqua County for \$1.00 by Mr. Henry Lesch in 1959. To date, you are trying to purchase a man's dream to help the elderly and indigent of our County. Your agreement states, all current residents shall have the right to remain as long as there is a payment source for their residents. What about those in the home, the very population the County Home was created for, the indigent population. Will they be evicted?

Mrs. Cayea: No. Not at all. Actually, we've already had (*inaudible*) and I believe there were two residents in the facility that was Medicaid pending and I know that the department is assisting them in getting a funding source. I am a social worker by background. I am a bleeding heart and in no way shape or form do we intend on evicting any resident because of that. We will assist them in finding a payer source.

Legislator Keefe: As far back as I can go, the adopted tax rate caused by the County Home has been zero. So, we need to get something out of this and I am wondering what amount do you intend to pay in property tax? Do you pay true assessed value, your purchase price, or will you receive a tax reduction or tax exemptions?

Mr. Farbenblum: I think you are probably driving at the PILOT deal that we had at Ulster County. The Ulster County facility was in substantially worse condition when we purchased it and it requires, absolutely requires a substantial amount in capital expenditure. Close to our purchase price. We negotiated with the County a payment in lieu of taxes for 25 years. We have discussed that deal with Vince, that we have that deal in Ulster and I believe that we will not be seeking a PILOT deal here unless we are doing substantial construction so to that end we are a private taxpayer like any other which means that we will be paying assessed value. Unless you would like to change that for me?

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Legislator Keefe: No, absolutely not.

Mr. Farbenblum: Then I guess its assessed value.

Legislator Keefe: Why is the purchase price of the Home been reduced by \$500,000 since October ?

Mr. Farbenblum: I have a very close friend who is a real estate agent and he says always show a house in sunny weather. When we were up here in the summer it was beautiful but today this was just a - that was just for color. Look the truth is, I don't know how much of the history I should go into but the County had a previous deal which for whatever reason wasn't going to close. When Greg Edwards and the County's brokers, Marcus and Millichap with whom we have a relationship reached out to us. They spoke the facility up. We did diligence, we liked the facility, we did our valuation analysis and we came in at a value number that was substantially lower than the \$16.5 that they were in contract for. We offered that amount to Greg who rejected it. We went through a very, very quick scurry of negotiations and for motional reasons because we liked the facility and we think that it is very, very right for the sort of vision that we want, we came up to the \$16.5 with buyer's remorse almost immediately on the number. We got a second bite of the apple, the number came down somewhat and truth be told in the interim, there have been changes in reimbursement logic particularly the one that concerns us a lot is that the Governor's new budget freezes or reduces the amount of change that a severity affect will have on the rate sheet and this changes the economics somewhat. A development that developed in December. December is when the budget was first proposed? Yea, in December. So the landscape has changes somewhat. We have always been uncomfortable with the dollar amount. The truth be told, a number of County facilities have failed after being privatized and one of the reasons is because people pay too much and burden themselves excessively. In our analysis it's prime to make sure that we're building something that is sustainable for the long term. That is why we're aggressive about our numbers.

Legislator Keefe: Why has the net receivable that remained uncollected increased by \$35,000 since last October?

Mr. Farbenblum: I don't know. I was actually told yesterday that the number went up by, I want to say our attorney at Nixon Peabody, but I don't know why the net receivables have gone up. Again, \$35,000 is a negligible amount. I don't know if there is some grand conspiracy to raise them. I think it is the normal gyrations of -

Mrs. Cayea: Can I speak on that maybe and I don't know how it is here but in all counties, you are feeling that and I don't know if your Medicaid approval offices are closing locally but in Broome and Ulster County, what they are doing is, they are remoting all the Medicaid offices and the approval offices to Albany so we're all having larger account receivables as a result during the Medicaid pending process.

Legislator Keefe: Why has the IDA provision been added to the contract language? This suggest a tax PILOT program or exemption for a job creation promise.

Mr. Farbenblum: If you notice the Tax PILOT provision does not speak at all to a PILOT for the transaction, for the sale of the facility. It's speaks to a PILOT for a future capital expenditure because we plan on investing and we would like the County's support and help.

Legislator Keefe: Have you paid the 10% deposit?

Mr. Farbenblum: Yes we have.

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Legislator Keefe: Will you run the County Home yourselves or rent it to another organization or allow someone else to run it for you?

Mr. Farbenblum: O.k., this is my absolutely promise to you. The buck stops here. If you are a County Legislator in this County, you will have my cell phone number. When we are in control, you will have Shannon's cell phone number and if you have a problem, you call one of us.

Legislator Keefe: From what I have been told, the value of the Home is in its beds. Why are you only obliged to keep 200 beds in your contract and what happens to the other 16 beds?

Mr. Farbenblum: Steve. I don't know but I would like to keep all 216.

Mrs. Cayea: There are no beds to be given up.

Mr. Farbenblum: I can tell you there was a reason.

Legislator Keefe: But you don't have any idea of what the reason is.

Mrs. Cayea: But we would not want to give up any beds, I can promise you that.

Mr. Farbenblum: Off the top of my head, if I had to reconstruct our conversation from whenever this was drafted, we were concerned about the possibility that if we applied for assisted living beds to build on site that DOH might request that we surrender a certain number of skilled nursing beds in order to build assisted living beds. We'd like to ideally have 80 or so assisted living beds on site. Long term plans so to the extent that DOH might request a certain amount of surrender, I guess we left ourselves some wiggle room. Apparently not a provision that was important to either of us too much because we don't remember the details.

Legislator Keefe: The account receivable cost worry me. It appears the County had a lot to lose with this deal. As a matter of fact, if we do not receive the IGT grant, which we have not applied for, it appears we will be \$30,000 short after the deal with the account receivable costs and according to, from what I read in the contract, that can change and we could have to pay more for this. Could you explain how this could be a lucrative venture for the County?

Mr. Farbenblum: Lucrative venture, the receivables amount, assuming you count every receivable as a real dollar which is not because you are going to have a right off for bad receivables. If you look at your receivables more than half of them are more than six months stale. The contract doesn't allow for any guarantee of the old receivables. It's only for the good receivables. I mean it's 10% of the total purchase price, maybe that we're talking about. A little under 10% of the total. I mean the receivables is just a purchase price adjustment (*inaudible*) included asset of "x" amount. In all likelihood, you will get the full purchase price and then we'll collect the receivables going forward and there won't have to be any closing offset. As far as the IGT, I turn that back to you. Why didn't you apply for the IGT?

Legislator Keefe: I don't know. I wasn't here then.

Mr. Farbenblum: I encourage you to apply for the IGT. I think it is a win/win for you.

Legislator Keefe: I will let someone else ask you some questions now.

Legislator Tarbrake: Just one simple question. You talked about expansion and I would like to know what you are thinking in that regards and approximately how many employees you would be adding?

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Mrs. Cayea: Expansion of lower levels, at the nursing home, or what are your –

Legislator Tarbrake: At the nursing home.

Mr. Farbenblum: He means everything. Go through it piece by piece.

Mrs. Cayea: At the nursing home, you are really landlocked as far as beds go. So you can never go above 216 beds. That is why I am surprised I hadn't seen that in the contract but I am not a contract reader. So as far as programs go, what we will be looking to do is expansion of services and programs. We have a unique Parkinson's project that we have won national awards for in Binghamton and we're rolling it out in Kingston. Our intention is to also roll it out here. We have a congestive heart program, so we do a lot of cardiac rehab. We are also working on other comorbidities and by doing those programs you are adding services and you are also adding staff because the staff has to be educated as you are taking care of higher acuity residents so you need more nurses, you need more aides, and you need more support staff. Lower levels of care, we will wait to see what happens. There are 6,000 beds up for grab in New York State for assisted living. They were supposed to come out in March of 14' and it's been pushed to 15' now so we'll look to see if we can get some of those beds and then we'd begin doing a building project on that. So, obviously there would be an expansion of staff from that.

Mr. Farbenblum: We will apply when the DOH puts the next RFP out which isn't expected until 2015. We will apply for the maximum amount allowed at one site for -

Mrs. Cayea: There is a per county cap rate that they allow beds.

Mr. Farbenblum: And we just have to wait and see the RFP that the DOH puts out to see exactly what kind of constraints there are. We're not done, home care, day care.

Mrs. Cayea: He asked specifically about the nursing home. Other things that we're looking into and programs that we run in other sites is an Adult Medical Day Care and Social Day Care. Basically what it is, is, you drop parent or loved one off in the morning just like you would your child. We provide the medical services, showers, all that kind of stuff and then you pick them up in the evening. That is a program that we run in our other two locations. It goes from 7:00 a.m. to 5:00 p.m. We would be interested in doing that. For Social Day Care, there is nothing as far as what kind of nurses have to be provided and so forth. Medical Day Care though, there is licensing that you have to go through. You do have to provide nursing services, home care services, a dietician, therapy, and the whole nine yards so there would be additional staff necessary for that program as well. Also, we would be looking at a home care project.

Mr. Farbenblum: Before when Day Care was brought up, we really believe in Day Care. As good of care as a nursing home provides, everybody wants to stay home and it's great for them as long as they can. If you provide them the medical and nursing care that they need during the day in a remote location and the social interaction to keep them sharp and keep them excited about life and not depressed, people don't need to go into a nursing home as quickly. Good for business, bad for business, we believe in it from a care perspective.

Legislator Niebel: Ed and Shannon, first of all, thanks for being here this evening, we appreciate it. I do want to touch on a question that Legislator Keefe had asked earlier and that had to do with the PILOT IDA programs. In Ulster County you did have an IDA PILOT program with them. A 412a PILOT program.

Mr. Farbenblum: That is correct.

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Legislator Niebel: And that was for 25 years.

Mr. Farbenblum: Correct.

Legislator Niebel: The combined tax rate in Ulster County is roughly 52.8 cents per thousand. You paid \$11.2 million dollars for the facility. Actually you should be paying about \$600,000 per year in taxes but you are paying roughly one-fourth of that. Also in Otsego County you attempted to do a PILOT program there, however, you were unsuccessful in purchasing the nursing home. I read the paper. But, you are telling us that you are not applying for an IDA PILOT program here in Chautauqua County?

Mr. Farbenblum: What I want to say about Otsego, we did not apply for the PILOT. The County pre-applied for the PILOT before they put it out for bid. So, we had no –

Legislator Niebel: O.k., but in Ulster County -

Mr. Farbenblum: Let me tell you about the Ulster County facility. It was built in 1971 that was the last time it had a dollar of capital put into it. Period. The walls are cinder blocks and bare, the floors are cracked, the window sills are rotted. Before we do a dollar of program expansion, the place needs \$4 or \$5 million dollars of just basic capital and infrastructure. That is why we applied for a PILOT there.

Legislator Niebel: How much in capital improvements?

Mr. Farbenblum: We applied to the DOH at our limited review for 6 permits – four and a quarter is our first program that we are planning on doing. We applied to the DOH for permission to do \$6 million and that is before we do a dollar of expansion of services.

Legislator Niebel: Was the County thinking about doing \$15 to \$20 million dollars in capital improvements, had they retained the Home?

Mr. Farbenblum: There were reports floating around, I don't know what their final report –

Legislator Niebel: In that range.

Mr. Farbenblum: At some point before the economy tanked, the County was talking about rebuilding the building from scratch which we don't think is necessary because the building has good bones and really could be brought up to snuff.

Legislator Niebel: O.k., but in Ulster County you are paying roughly one-fourth the taxes that you would pay at full valuation at \$11.2 for the facility.

Mr. Farbenblum: And we're covenanting to put millions and millions of dollars into the building.

Legislator Niebel: I understand that.

Mr. Farbenblum: It was a tradeoff, right, we covenanted a specific dollar amount in our contract.

Legislator Niebel: O.k. This next question may not be directed to you or Shannon, but one of the problems that I am having and a number of other people are, there has never been an appraisal done on the Chautauqua County Nursing Home as far as I know. Can anybody, Jay or



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anybody here address the fact that we don't have an appraisal? We don't really know what the Chautauqua County Nursing Home is worth. You guys probably know. If you want to share that with us that would be fine.

Mr. Farbenblum: Valuation is an art, not a science. It's not something that you know. Sun rises at 4:22 a.m., or whatever.

Legislator Niebel: I understand that but we have never had an independent appraisal to know exactly what the County Nursing Home is worth. For example, if you or anybody else went to the Dunkirk Town Tax Roll, what do you think that you would find as far as an assessment, as far as the County Nursing Home?

Mr. Farbenblum: For the real property only?

Legislator Niebel: For the real property. Keep in mind and you are an attorney like my esteemed colleague over here, it's a wholly exempt property, its public property, so, the assessment on it, it's not going to really relate to the value. If you went and checked that, if you checked section 95.02, Block 1, Lot 15, do you know what you would find as far as a full market value?

Mr. Farbenblum: I don't but I should.

Legislator Niebel: One hundred six thousand four hundred. That means absolutely nothing.

Mr. Farbenblum: That was probably done in 1951 when it was donated.

Legislator Niebel: I am not sure when that was but –

Mr. Farbenblum: Fifty nine, sorry.

Legislator Niebel: O.k., for one dollar. But if you actually went to the Town Hall and talked to the Assessor down there and asked them if they have done a full valuation lately, they would tell you yes, more recently in 1997. Do you know what the commercial appraiser came up with for the Home at that time?

Mr. Farbenblum: I don't.

Legislator Niebel: Twenty three million dollars. That was before the \$18 million dollar building and renovation project that we had in 2004/2005. Assume that we depreciate that \$18, say we depreciate \$9 million that would still be \$32 million dollars for the Home.

Mr. Farbenblum: When I was in practice, I represented a gentleman who ran a very, very interesting business. For whatever reasons, he hit hard times. The business ended up in Chapter 11 and we had to divest certain assets and my firm represented him in the Chapter 11. One of the assets that we chose to divest was a factory that he owned and he kept on telling us that it was worth \$9 million dollars. We went to market and we hired brokers and we got offers between \$3 and \$4 million dollars. This guy kept on telling us that he knows that it's worth \$9 million dollars and after several months of this in open court, the Judge in the Eastern District of New York said to him, sir, we all live in a marketplace. In our minds it can be worth whatever we want it to but the market dictates what it is worth. Look, I don't know what to tell you. Right now, New York State has cap rates of around thirteen for skilled nursing facilities. That is business assets and real property, so, -

Legislator Niebel: O.k., this is just according to commercial appraiser back in 1997. Again, before the building renovation.

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Mr. Farbenblum: And by the way, before the new rate methodology. Remember, after Pataki became Governor we rolled away from cost plus reimbursement towards different rate methodology and now we're going towards regional pricing so we're two rate mythologies mechanisms away.

Legislator Niebel: O.k., so let's just put that figure of \$32 million out there. Again, I don't know if that is the value of the Home or not. But, what would you and Shannon, well, you, I guess, what you – you are not the financial person Shannon, you are the social worker, I know. The replacement value cost of a structure like that is – what would you say between \$225 - \$250 per square foot?

Mr. Farbenblum: No. You caught me in a great question. What is the replacement value? The replacement value isn't what dictates value right? Because nobody -

Legislator Niebel: No, but it is a way of applying value to an asset.

Mr. Farbenblum: No it's not.

Legislator Niebel: Sure it is. And if you did that – even if we took \$200 per square foot which I think is very low, times 154,000 square foot that would still give you about \$30,800,000.

Mr. Farbenblum: Replacement value is a terrible metric. We live in a market place. What dictates is what you can sell it for. That is what value means. Your brokers at Marcus & Millichap are the best in the country. They did a substantial report, they solicited aggressively. They had two deals that fell apart before we came along.

Legislator Niebel: I read the transcript of the October 9<sup>th</sup> meeting and I know that your buddy Josh called you up and said that he had a great deal for you here in Chautauqua County.

Mr. Farbenblum: He really had to twist my arm.

Legislator Niebel: Well, I don't know about that and as far as value –

Mr. Farbenblum: By the way, he didn't just call me up, he got on a plane and flew out and brought me up here. It was more than just calling me up.

Legislator Niebel: O.k., whatever. As far as value, I know what you are saying there but supposed we found a chamber pot in Jay Gould's barn and he decided to put it out by the road and sell it for a dollar. But, instead of doing that, we went out and talked to a certified antique appraiser and found out that it belonged to Jay's grandfather and Jay's grandfather (*cross talk*), no better than that Jay's grandfather who is famous and he owned a dozen nursing homes at the time. By going to a certified appraiser, we might find out that that chamber pot is worth a \$100. So really what we need to do is, we need to find an independent commercial appraiser to tell us exactly what the nursing home is worth.

Mr. Farbenblum: To the extent to what you are saying is that you have to be educated as to the market value before you make a decision, I agree with you. You have to be educated as to market value. How you become educated whether or not it's an appraiser or you rely on the boys from Chicago or you do your own market research that's your business. I did my own valuation. We have a proforma, we have a sense of what we think its worth. Let me turn the question back to you. Coming in for 50% of your net worth, if I buy it for \$20 million dollars, will you invest with me?

Legislator Niebel: Is that an offer for \$20 million?

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Mr. Farbenblum: Yea, you come in for 50% maybe.

Legislator Niebel: Let me do my due diligence here.

Mr. Farbenblum: So you don't actually believe in the numbers because I am \$12 million dollars lower than your number and you now have to do diligence.

Legislator Niebel: You are what?

Mr. Farbenblum: Twelve million dollars. You were saying \$32 million dollars, I'm at \$20. I'm \$12 million dollars lower than your number.

Legislator Niebel: At some point and time, I would like to talk to you about the \$16 million dollar offer because the \$16 million includes everything. The personal property, the gas well. What do you value the gas well at?

Mr. Farbenblum: I have no idea how to underwrite the gas well. I underwrote the skilled nursing facility and I think that we put a nominal place holder, I can't remember if it was \$2 or \$400,000 for the gas well.

Legislator Niebel: Except for the gas well is in a – it's a high probability of being a high producing gas well. The gas bills down at the County Nursing Home is right around \$200,000 a year. The expectant life of this gas well, as far as I know, is at least 20 years, 30 years, possibly even 40 years. So, even if we took 10 years and multiplied it times \$200,000 it would be worth \$2 million dollars for the gas well alone and we haven't even gotten to the personal property.

Mr. Farbenblum: You didn't have a discount rate. You just multiplied – you have to discount the present value.

Legislator Larson: Two percent inflation.

Mr. Farbenblum: Two percent is your discount rate? Cost of capital at least.

Legislator Niebel: Well, we spent \$300,000 just to drill it so it has to be worth –

Mr. Farbenblum: No, we already established it. Plus the *(inaudible)* isn't a good proxy for value.

Legislator Niebel: It's worth something whether it's a million or \$2 million dollars you are getting a gas well in addition to the real property.

Mr. Farbenblum: What I will say is that I am completely unequipped to comment on the gas well. We do have an engineering firm that we will be turning to, to make sure that it is safe. Amongst other things, we have underwritten the gas well as a liability. I want you to know that our bank, our primary bank refuses to lend on any property that has a gas well and that hydro fracking is a dirty word in this State apparently so it does have its drawbacks.

Legislator Niebel: It doesn't have to be fracked, it's already there.

Mr. Farbenblum: But it was fracked.

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Legislator Niebel: Well it was but all it has to be is connected and metered now. The fracking is already done.

Mr. Farbenblum: Again, to no adverse effect to know risk or so on and so forth.

Legislator Larson: Almost every gas well in this County was fracked, so we're very use to it.

Legislator Niebel: I guess my last question is, what about the personal property? How much is personal property worth down at the County Home?

Mr. Farbenblum: To tell you the truth, one of the things that we were looking at is that the furniture is substantially dated and the computer systems are about not to be HIPPA compliant. When does the new rate take affect?

Mrs. Cayea: April.

Mr. Farbenblum: April, so as of April, your I.T. equipment is all worthless to us.

Legislator Niebel: That is the I.T. equipment. What about the stainless steel sinks, what about all the equipment in the kitchen, what about the hospital beds, what about the vehicles down there?

Mr. Farbenblum: We are anticipating spending a lot of money to replace the hospital beds, dressers and so on and so forth because they are substantially worn and dated.

Legislator Niebel: But the personal property is still worth close to a half a million dollars isn't it?

Mr. Farbenblum: I don't think that we're putting it that high. Look, for valuation purposes, it's more important to think about these things as enterprise, right? We're not opening a garage sale, we're not opening up and saying, listen we have a \$32 million dollar building, half a million dollar of personal property, these computers we can sell. We're not selling it off. We're keeping it as an enterprise, right and as such, the valuation should look at it as a business enterprise value and that means, doing a proforma, figuring out a cap rate or doing a DCF or whatever valuation method you want to use. But it means value it as an enterprise.

Legislator Niebel: I understand that but were we to take the personal property, we could sell it off and we could make a half a million dollars or whatever figure you want to agree on.

Mr. Farbenblum: And leave your residents where? I am just curious.

Legislator Niebel: What I am suggesting is that you are getting quite a deal having the personal property put in with the real property.

Mr. Farbenblum: I am getting an enterprise that's value is based on a multiple of potential earnings or discounted cash flow potential earnings, however you do it.

Legislator Niebel: And we're not going to know exactly how much the personal property is worth because sometime after the agreement is signed, we will have an appraisal done. Did I read that in your agreement, page 4, perhaps, so we will have an appraisal done –

*(Cross talk)*

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Mr. Farbenblum: I don't know that we're actually going to do an appraisal.

Legislator Niebel: Well, it calls for an appraisal to determine the allocation between the real property and the personal property which I - look, I find a little ironic that in that proposal or that stipulation, we're actually going to pay for half of that appraisal and I find that ironic seeing how we never paid for an appraisal before we decided to sell the property.

Mr. Farbenblum: It affects both parties as to how purchase price is allocated between real property, personal property, enterprise values, so on and so forth.

Legislator Niebel: Well, it affects you guys more as far as sales tax as far as personal property I would think.

Mr. Farbenblum: It bites either way, it's either transfer of tax or sale and use tax. Look, it is what it is.

Legislator Vanstrom: If the well poses so much of a problem, I would please ask that your attorney consult our attorney and see if you could donate the gas well back to us at no cost to the County if it's going to cause a big liability.

Mr. Farbenblum: It's still on the site.

Legislator Vanstrom: I know.

Mr. Farbenblum: If that thing blows up, whoever owns it, it's still 52 feet from my building.

Legislator Vanstrom: They don't blow up often.

Mr. Farbenblum: They don't blow up often is exactly it.

Legislator Vanstrom: Our County has a lot of rural areas and a lot of those areas have gas service to them in a tank for their sole purpose of heating and fueling their homes out in our rural areas. We have a lot of rural areas here. We only have two extremely urban areas. We have the City of Dunkirk and the City of Jamestown and outside of that we have our village but other than that we are definitely cow country, we have a lot of beautiful rural areas -

Mr. Farbenblum: And beautiful vineyards.

Legislator Vanstrom: We have beautiful vineyards, beautiful shoreline, you name it, we have it all.

Mr. Farbenblum: And the Institute.

Legislator Vanstrom: Well, beyond that, that is just a tiny little piece of this country here. We have a lot more than that to offer. But, if it's such a liability that you need to donate it back to our County -

Mr. Farbenblum: I don't think that it solves my liability problems. It's still there. If it blows up it doesn't matter who owns it.

Legislator Vanstrom: It hasn't blown up so far.

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Mr. Farbenblum: That's good. We are commissioning an engineering report to find out the specific contours of the liability. We anticipate it not being terrible but it is something that gave me both pause and (*inaudible*). Mr. Abdella can tell you the odd phone calls that he got from me and from my attorney, Nixon Peabody about that gas well. Again, I'm not –

Legislator Vanstrom: Have you ever lived in the country where there is no service for natural gas.

Mr. Farbenblum: The tank is different than a well.

Legislator Vanstrom: I understand. Have you ever lived in a rural area?

Mr. Farbenblum: I have not lived in a rural area.

Legislator Vanstrom: Where there is a lack of heat and sources of that kind of energy.

Legislator Larson: I like that esteem colleague comment so my esteem colleague Legislator Niebel did open a line of questioning that Attorney Abdella knows that I was interested in so this is an opportunity to ask it. Once you agree to allocate the \$16 million among various assets, whatever figure you agree to with the County on the real property, if the Town Assessor excepts that value or less, can we have your gentleman's agreement that for a descent period of years, your firm or whoever you assign this to eventually, that you won't challenge, you won't grieve that assessment as long as it's the same or less as you agreed in the allocation? The reason I ask is as a County Legislator there is no reason most of my fellow Legislators would know but we have a policy in this County, I believe County Attorney Abdella, that if there is a challenge of a million or more of assessment the County comes in and helps these little towns fight off those challenges. So it would be ironic if the Home were put on the rolls at \$10 million dollars by allocation, your agreement, and two years from now there is a grievance by your firm or whoever to reduce it to seven and a half, we would be spending County money to defend an assessment that you had agreed to in the allocation. So if the Town Assessor is the same or less as you have allocated, could we have your gentleman's agreement that for a descent period of years you won't grieve us.

Legislator Niebel: Let's write it right into the agreement Fred.

Legislator Larson: Well –

Legislator Niebel: You are more trusting than I am.

Mr. Farbenblum: Here's what our promise – I am going to say this lawyerly and then you are going to push me a little harder and then I will say it a little more sharply. If it's a reasonable assessment, we won't grieve it. Now, if it's an assessment that we agreed to, we probably think it's reasonable so we will not grieve an assessment that we have agreed to.

Legislator Larson: Fair enough. Thank you.

Legislator Niebel: Who provided us with the sale of the Home net proceeds? This was a sheet that we got. I think that it was emailed to us. Did that come out of the Finance Department or is that from the Budget Officer at the County Home?

Interim Chairman Himelein: It's my understanding that Susan Marsh did that.

Legislator Niebel: Sue Marsh, the Finance Director?

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Interim Chairman Himelein: Correct.

Legislator Niebel: So if this is correct, the adjusted net proceeds from sale without IGT funding, \$1,307,000, yet VestraCare wants \$1.3 million dollars of our account receivable.

Mr. Farbenblum: I believe that would be net of our accounts receivable. I haven't seen the sheet.

Legislator Niebel: You can have this one if you want but I 'm looking at, after everything is said and done, after we sell the County Home to you folks, we end up with \$7,000.

Mr. Farbenblum: I am just curious, I am going to cut you a check for \$16 million dollars, what are the subtractions –

Legislator Niebel: But we have expenses that go with it.

Mr. Farbenblum: Let's walk through them.

Legislator Niebel: We have Workman's Comp., we have debt on the County Home, we have unemployment that we are going to have to pay, accumulated benefit time and then there is some additional corrections to the thing but you are welcome to take a look at it. This apparently came from our Finance Director. That is what we're going to end up after we sell the County Home, \$7,000.

Legislator Chagnon: It's a net of account receivables.

Legislator Niebel: The account receivables included in here?

Legislator Larson: Yes.

Mr. Farbenblum: But let me ask you a question. So you have debt on the facility and you have outstanding obligations on the facility that apparently come up to \$15,900 and some odd thousand dollars. So what you are telling me is that if you don't sell the County facility then you are reaching into your pocket for \$15,900,000? Look, I can't comment about your finances.

Legislator Niebel: Well the bonds are amortized over the next few years.

Mr. Farbenblum: So over the next few years you are reaching into your pocket for \$15,900,000?

Legislator Niebel: We're also running it as a viable operation and we get reimbursement on some of that.

Mr. Farbenblum: Do you want to help me out here?

Legislator Niebel: The County Home also provides almost a half a million dollars in revenues to the County in general, to our General fund.

Mr. Farbenblum: In exchange for services right? There are costs that offset that. You have "x" number of I.T. guys who are sitting down at the County facility for three days –

Legislator Niebel: I.T. payroll.

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Mr. Farbenblum: I.T. payroll, H.R. (*cross talk*) I bet it is more than a half a million dollars in costs. I will tell you that we've incurred substantial (*inaudible*) that we're provided in the building that the County was booking a charge of something like \$300,000 for and it was substantially more than \$300,000. I don't have to tell you about the half a million dollars as far as the rest, I mean, sources and uses are your business. Well, sources are my business, uses are your business. It seems to me like these are obligations that you would have anyways and considering that the facility is running at a loss, that your taxpayers are reaching into their pockets for them otherwise.

Legislator Niebel: Well, it is running at a loss as far as the daily loss figures, they are about one third that have been in the paper. There are a lot less than what has been reported. Hopefully we can agree on some of the loss figures per day. That is not your concern. That is something the Legislature is going to have to work out and debate later on.

Mr. Farbenblum: Can I ask Mr. Niebel a question or two questions?

Chairman Gould: Certainly.

Mr. Farbenblum: Do you happen to know why the County hasn't applied for the IGT? Because this is something that has been bothering me since November when it first came to my attention.

Legislator Niebel: That is a good question. I understand that it was in the budget last year. I am a new Legislator so I wasn't here for the debates then. Perhaps some of the folks that were here last year can address that. But you are right, it has not been applied for and whether it is this year or not, that is the decision that will have to be made. For us, it amounts to about \$1.8 million dollars.

Mr. Farbenblum: And I think very much the County should apply for it because all of these numbers, what I have surmised are before the IGT. So your economics change substantially if you apply for the IGT.

Legislator Borrello: Mr. Chairman, I will address that if you would like. I will kind of paraphrase what I said when we were discussing the budget. Whenever we discussed the County Home and its sale, people always say, well, my taxes aren't going to go down if we sell the County Home and the question is often rephrased in a different way but essentially we're saying, we shouldn't sell the County Home because my taxes are just going to keep going up anyway. If we had funded the IGT, the County tax rate would have gone up. Without funding the IGT, the County tax rate went down. Therefore it was my logic that if we did not fund the IGT, therefore if we were not subsidizing the County Home anymore, your property taxes would go down.

Mr. Farbenblum: You lost me in the words there. If you don't fund the IGT, you are still funding the loss and the loss is at least twice the IGT. So how would your taxes go up?

Legislator Borrello: If we had taken money to fund the IGT, in other words, for our portion, the Chautauqua County taxpayers portion to subsidize the Home that would have caused our tax rate to go up. Without allocating that money, our tax rate would go down. Now yes, we still have a loss that has to be subsidized, absolutely, there is no question about that.

Mr. Farbenblum: (*Cross talk*) haven't allocated for the loss yet.

Legislator Borrello: Exactly.

Mr. Farbenblum: Got it, it's a fasby(?) thing. You can defer the –



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Legislator Borrello: Here is the larger point. Without the County Home in the future and without having to subsidize the County Home, the taxes would go down is my point. Yes, in this scenario, we still own the County Home and it absolutely makes perfect sense to invest a dollar to get back two. No doubt about it but my not funding the IGT this year our tax rate went down instead of going up.

Mr. Farbenblum: Got it. (*Inaudible*) ideas then you are going to fund the loss out of the proceeds.

Legislator Borrello: We can still fund the IGT from the proceeds of sale or at least from our

Mr. Farbenblum: Retro from the beginning of the year?

Legislator Borrello: From my understanding, yes.

Legislator Ahlstrom: I mean just on that, it was a smoke and mirrors decision on the tax rate with everybody – I think those of us returning knowing that we can come and fund it this month if we want to and do it out of fund balance and it doesn't affect the tax rate. If we are doing it as part of the budget process, it was a \$1.7 million dollar that had to be accounted for.

Mr. Farbenblum: It's just when the book entry goes in. I got it. It's a lot more fun asking your guys questions than answering the questions but I understand it.

Legislator Borrello: I have had many conversations with folks from around the County. Particularly people in the north end of the County of what may happen in the event of the sale of the Home to you and one of the questions that keeps coming up in different forms is that and I don't personally believe this but I am going to ask the question on behalf of those who believe it. If you were to keep 50% plus 1 of the employees there, you would be somehow legally bound to honor a union contract. I understand the ole (*inaudible*) system and that is probably where it came from that you somehow and I don't recall seeing this had said that you had experienced this before and that you would never make that mistake again.

Mr. Farbenblum: Never make what mistake?

Legislator Borrello: Of retaining so many employees that you would have to honor a union.

Mr. Farbenblum: I said that?

Legislator Borrello: I'm telling you that that is what I was told you had said, so here is your opportunity to set the record straight. Did you or did you not say that you would never make that mistake again of retaining too many employees so you could avoid a union deal?

Mr. Farbenblum: I did not. I will tell you a couple of things. First of all, you are right, if you retain 50% plus one, then you have under the NLRB, (?) the duty (*microphone malfunction*) Look, push comes to shove, it's going to be a CSEA shop, it is what it is. It's going to be a CSEA shop. We're going to negotiation with CSEA, early?

Mrs. Cayea: As we did.

Mr. Farbenblum: As we did and diligently. No, I will tell you what I will say. The day after a contract was signed in Ulster County, was it the day after we did the town halls?

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Mrs. Cayea: Yes.

Mr. Farbenblum: We did four open town halls for all the employees that the nursing home and at the first town hall, someone had asked about outsourcing and trying to break the Union as you suggest. I made the following joke. We plan on outsourcing all the jobs to China. It was not heard as a joke. What I will say about skilled nursing is that it is incredible labor intensive, it is incredible locally labor intensive, it is not like putting together a computer in India or China. It has to happen on site. It has to happen with local workers. One, you have a trained workforce that we're going to use. (*Mic malfunction*) union one way or another and I never said that. Gentleman's agreement, we will be bargaining with CSEA.

Legislator Borrello: Is this being streamlined? O.k., Mr. (*inaudible*) you have your answer if you are listening. Thank you.

Mr. Farbenblum: Who said that in my name by the way? They said that I said that?

Legislator Borrello: Yes. It's just someone. A friend of mine.

Mr. Farbenblum: Did that friend use to sit over there?

Legislator Borrello: No.

Legislator Keefe: One thing that I would like to ask you, what is the background check requirement for people to get their jobs back basically?

Mrs. Cayea: What is a background check? So any non-licensed, non-professional staff person who comes on board with us will go through a full criminal history record check and drug screening. The reason that we do that is all too often, people who hide out in County facilities or people who have worked in the facility for a long time, prior to the criminal history record check, have never been fingerprinted. I don't know if you can sleep at night knowing that your Mom is being taken care of by a heroin addict or by someone who had committed petty larceny or has child charges against them, but when my license is hanging on the wall, that is not going to happen.

Legislator Keefe: Do you believe that most of the people you hire will come from Chautauqua County?

Mrs. Cayea: I don't know the geographic of the people that you have in the facility but I can tell you what we did in Kingston and what our intention is to do here. We were discussing that with Vince earlier. Once a contract is negotiated and signed upon, myself and probably my HR assistant will come up and just as we did in Kingston, we interviewed 342 staff. One my one, we interviewed everybody. Our intention is to maintain absolutely almost every person in that building as long as they can pass a criminal record check, as long as they don't get sucked up in to the retirement system because a lot of people opt to do that and as long as they can pass their physical. So, I don't know if they live in Chautauqua County or if they live in a neighboring County. That won't be part of the application process but we intend on hiring the staff from around the area.

Legislator Keefe: New York State basically.

Mrs. Cayea: I don't believe in agency nurses. So, if you are referencing the issues that occurred downstate with the Philippine nurses, we do not utilize agency staff in our upstate facilities. So there will not be any people coming from other nationalities or around the world to take care of your residents. No.

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Legislator Heenan: I just have a really simple question if you can answer it. It would be, where would you or what will you envision the County Home to be like in 5 years from now and how many employees do you think you would employ at that time? If you could give me the best case scenario, the worst case scenario, I know that it is all –

Mrs. Cayea: Last month we brought up a team of people from one of our other facilities just to go through the building and we sat down with each of your department managers at the nursing home just to get a flavor for what the staff patterns looked like and so forth. I know that you say that your pensions are high and your retirement, and things like that but, I'm sorry, but I feel as though the nursing home is understaffed. I was surprised of the amount of nursing staff on the units. When you have one RN and 2 med nurses and a flow treatment nurse and all of these other people accepting responsibilities, my feeling is that, in order to raise the caliber of the nursing care that is being delivered and to have skilled services there that meet our standards, we'll definitely have to add more nursing staff to that building. Some of the front line staff, we didn't find any major inconsistencies. I know when we took over Kingston and it's a 260 bed nursing home, we had 18 activities people, 23 maintenance, and 16 secretaries, so some of the ancillary staff were absolutely ridiculous and when you walked around and saw the cleanliness of the building, we never quite understood what they did throughout the course of the day. So there was a lot of right sizing in the departments. In this facility, we don't see where there is a lot of right sizing as far as some of the front line staff go. I don't know what the total FTE's will be. We have to sit down and do a methodology on that.

Legislator Heenan: Part of my question is the physical part of the compound if you will. What would happen the first 6 months if you were going to be taking over? Are you talking about new equipment, are you talking about new jobs immediately, are you talking about the Parkinson's rehab, and how quickly would that happen?

Mrs. Cayea: What we were doing, we were working on a transition plan and Vince and I have talked about it several times. We will hit the ground running with a transition plan and we'll be happy to share it with you. I actually have a version of it with me. We will be looking at instituting the electronic medical record instantly. In order to do that we have to buy all new hardware and software and then we're going to have to bring in teams of people to train the entire facility on the use of the new medical record system. The days of an in-house pharmacy, in skilled nursing facilities around the State, that is a rarity. So, probably we'll have to be bringing in a pharmacy and getting that going so again, that is going to require some additional staff. In addition to that, we'll be doing the hiring's because we can't train on the medical record if we haven't hired the staff that we're going to train. So, there will be a lot of front end project that we'll hit pretty quickly thereafter.

Mr. Farbenblum: To extend on that a little bit, as far as *(inaudible)* requires DOH approval along with license for the program, line extensions that require certificate of needs *(inaudible-not w/ mic)* so on and so forth, will take time, is just extremely –

Legislator Heenan: You had mentioned assisted living which doesn't come up for another year and a half.

Mr. Farbenblum: When the RFP's come up *(cross talk)* -

Mrs. Cayea: The other thing that I want to speak about is the specialized programs. We're not in the business of just throwing programs at something just so I can say, "hi, I am expert in Parkinson's disease or hey, I'm an expert in in CHF". We have to get a staff in there that we feel comfortable with, that are educated and if we're going to do something, we're going to do it right the first time. I don't want to go in and do it haphazardly. We are just starting to roll out our CHF program down in Kingston and we have owned the building since June. Now that we have a stabilized staff in

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place, now that we've hooked up with the cardiologist in the community and we've begun to doing education and seeing the caliber of the nursing staff in that building raise, we can start rolling out some of those programs. So, we have to go back to basics with a lot of stuff at the nursing home and we also have to see what kind of skills and competency levels that we're dealing with before I can say, "oh, we're going to have a Parkinson's program instantly." Because I already have those connections and I have the reputation in dealing with some of those programs, I don't want to do it the wrong way, I want to do it right the first time.

Mr. Farbenblum: I just want to address, as an example, the CHF program, Congestive Heart Failure program. I think that it will give you a good insight as to how we think about these things. A lot of Medicare reimbursement logic is changing now and the hospitals will be dinged in their reimbursement. They will be fined basically for their re-admissions in "x" amount of time for congestive heart failure, primary or secondary diagnoses discharges. So, whereas traditional either a person who had a congestive heart failure was in and out of the hospital or not treated and decompensating or treated at home, we believe that there is a need a tremendous need and there aren't programs out there to have a community based program for the treatments so that you don't have these re-admissions into the hospital that are taxing the healthcare system, taxing the local hospitals. So that is why our team started developing this program originally. It's been a wild success. Every hospital that we have worked with absolutely loves it. Shannon actually won the *(inaudible)* Practice Award from DOH for the program last year. It's actually a really big deal and it's this sort of program where we work with the clinical center hospital to provide the sub-acute program that alleviates stress on their system. Rather than competing with them, that works with them to do what they need to be done by a sister facility of lower acuity is what we're looking to do.

Legislator Heenan: If you had to, in short, tell 200 plus people, how to tell them to be at ease about this possible sale, what would you say to them and also, without word for word, what is the actually Mission statement for VestraCare?

Mr. Farbenblum: Do you want to do the Mission statement?

Mrs. Cayea: *(Inaudible)*.

Legislator Heenan: It doesn't have to be word for word. You say a lot of nice things and you seem very excited about what it is you do.

Mr. Farbenblum: Shannon always yells at me with the exact line, we take care of people. Don't get lost in your spreadsheets and your contracts and everything else, we take care of people, so, we take care of people, I guess is our mission statement.

Legislator Heenan: My other thing is, you have 200 people out there, how do you put them at ease? These people are really worked up, they are very, very nervous, the employees are very nervous. I know that some of you don't have any control over that but what can you say to them to make them feel better, if at all?

Mr. Farbenblum: You know, it's terrifying. You've been at a facility for who knows how long in your career, it's going through a transition, rumors abound, you don't know what is going to happen, it's terrifying and we feel for them. But, push comes to shove, we're going to have close to the same number of employees, roughly doing the same jobs, we're going to be responsive to their request, we're going to try and make it a friendly open warm welcoming work environment.

Mrs. Cayea: I think the lesson that we learned in Kingston is that we were listening to the Union too much in a sense that we were not out educating the employees as to what was going on. The Union was going into the building and telling them their side of the story so I think going forward

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what we need to do is be a little bit more aggressive as far as saying to the employees, we're people too and it's o.k. to be afraid but this is who we are, these are the faces that you are going to be seeing and answer any questions that they may have before the rumors start.

Legislator Heenan: And when you go in and it sounds that all indications are that this is going to happen, so I am looking at it in a different way now. Are you talking about transition, what do you do when you go in? Do you transition amongst with the patients and the people that live there also along with your Human Resources with the employees? Is there a team? They are probably going to have a lot of questions, the first couple of weeks that you are there and they are going to be very nervous.

Mrs. Cayea: And that is all we did. We sat in a room for about two weeks until 11:00 and, first of all, we meet with the department managers because I think that it is important that you identify who your department managers are. They are the people your staff is going to go to ask questions so we met with the department managers. We met with the front line staff, we met with the residents, we met with the family members around the clock and any questions that they may have that they were firing at us, we were addressing, answering and getting back to them if we couldn't answer them right there.

Mr. Farbenblum: By the way, one of the ways that we did get (*inaudible*) with the employee base was, that first week, we were in the building for every shift so we did a town hall – was the first one at 5:00 in the morning?

Mrs. Cayea: Yes.

Mr. Farbenblum: And the last one at midnight and we were available for every shift so it wouldn't be information by rumor or innuendos but us standing there and taking the hard questions which we rather enjoy apparently because we keep on coming here.

Legislator Lemon: You said that you are going to try and keep the same amount of employees because I thought the long term plan was to actually increase and so with that in mind, which would be my hope is that you would hire more people. Could you give me a rough estimate of how many years out you think, for your vision, which you said you are a visionary for your vision –

Mr. Farbenblum: I'm not a visionary, I work with visionaries.

Legislator Lemon: O.k., for your vision to come to pass and if it works well and we would happen to have another facility – just thinking.

Mr. Farbenblum: Are you trying to sell us another facility?

Mrs. Cayea: What I can tell you is, we have a 40 bed skilled nursing units and what we're accustom to is, one RN manager, a LPN desk nurse, and 2 med nurses on every unit. That would probably be the model that we would begin as we start hiring. We'll have to go in floor by floor just too kind of see what their acuity levels are. If you still have one of the traditional HRF floors which most county facilities have tucked away or other cute mom and pops get up in the morning, they wash themselves, make their own beds, do that kind of stuff, you don't necessarily need that level of skilled nursing. But, when we were taking our last tour, we noticed quite a few compromised residents and I would really like to see additional nursing staff. So, when Ed is saying close to the number of 200, I absolutely anticipate that the FTE numbers will not be dropping in that building.

Legislator Lemon: And the long range goal to get it all happened and the expansion, any idea?

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Mrs. Cayea: Expansion as far as the day care and that kind of stuff?

Legislator Lemon: Day Care, Parkinson's and the other things you mentioned.

Mrs. Cayea: First, we have to get the staff stabilized and it's really going to depend on what kind of temperature we're walking into. It's hard to anticipate – I know it took us a good 6 months before the staff finally looked at us in Kingston and said, these are bad people. We had a really nice holiday party with them and stuff that they have never had done in the facility. Having catered meals and giving away gifts and that kind of stuff. It kind of knocked the walls down, whatever remaining walls there were. So, we have to stabilize the staff before we can start doing any of that. But, I would say that we're going to anticipate FTE's right out of the gate.

Legislator Lemon: So, I'm not trying to pin you down but I am. Three years from now the place could be expanded, we could have more services there, more employees there.

Mrs. Cayea: Three years, I would probably be way out there. I would hope within the next year and a half. I am not going to pin myself but I would hope that it would be much sooner than three years.

Mr. Farbenblum: Three years from now, definitely CHF program off the ground, hopefully Parkinson's, definitely Parkinson's program in three years.

Mrs. Cayea: Yea, Parkinson's is going to be the –

Mr. Farbenblum: Definitely an out-patient rehab program, definitely Day Care, either socially or medical and hopefully medical but that requires licenses so that is out of my hands if it happens for sure. Probably not any of the more construction heavy stuff. Meaning probably not an AL. Again we're only going to be applying in 2015 when the next RFP opens. Did that answer your question?

Legislator Lemon: That answered my question. My other question is, in the long range term because the Chautauqua County Home was established in 1829 to take care of the indigent, what are you going to do, how can you help us, in your vision, to make sure that these indigent people don't get left behind or lost and that that care is still going to be there and offered?

Mrs. Cayea: One of the things that I want to talk to you about is, we just hired a new person at Kingston and because of the Medicaid process that I was explaining to you being moved to Albany district from local offices, we're having an enormous amount of problems getting Medicaid applications approved. But what we did is, we hired someone on board in our facility to start helping that. So, generally speaking most of these people are coming from the hospital, they have Medicare benefits at least. If they are not private pay residents we will assist them in find Medicaid benefits and getting a Medicaid application together that will meet State standards.

Mr. Farbenblum: The world changed a lot since 1829 and changed a lot in the last 10 years. But since 1829, that was the case that the social welfare safety network was all either church based or community based so you need physical institutions that were picking up the slack. In the world that we live in, there is a robust safety net out there, Medicaid and almost nobody doesn't qualify. The three instances that you encounter in this business who people that don't qualify for Medicaid are, the mentally ill who for some reason can't apply, don't know who they are, don't know where they are and they are not appropriate for that facility. They should really be in a psych facility. We couldn't even give them the proper level of care in this facility. The undocumented aliens and people who have gamed the system and done illegal transfers. Now, I will tell you that when we took over the Kingston building we inherited two people who did illegal transfers. They stayed through the

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look back period, on our dime in the facility and they are still our residents, they are still are awards and at some point they will be pass the look back period and qualify for Medicaid but the system is robust. If you have the right Social workers and the right people out there who can help people apply for those benefits then the problem never should arise.

Legislator Nazzaro: Just a quick question. You have the Home in Kingston, Susquehanna, the CON process, I know I am not going to take anything for granted. Obviously we have to vote on this. Assuming the vote is approved and again, I am not taking that for granted, I have been here too long, your other Homes, how long did the approval process take with DOH and do you anticipate any issues here? What do you think, anywhere from 9 to 18 months?

Mr. Farbenblum: Traditionally in New York, the process was a 15 to 18 month process, sometimes taking as far as 24 months. DOH has put out guidance that they will expedite the privatization of County facilities because of the losses the counties are incurring during the executory period. Our deal in Kingston was the fastest non-emergency CON for what it is worth, that the State has ever issued or issued in recent memory.

Legislator Nazzaro: How long?

Mr. Farbenblum: We signed the contract on November 30<sup>th</sup> and we had the final approval from the Public Health Council on April 21<sup>st</sup>. We had the final CON in hand, the contingency CON on June – we closed in June 27<sup>th</sup>. It was too quick. I can't promise to do that fast again because everything hit just right. But, we're going to try for a fast closing.

Mrs. Cayea: We were laughing about the sun, moon, and the stars all have to align for this to happen and all of a sudden the stars, the sun, and the moon all aligned and we were going, "oh my God, it's going to happen this quick", and it was done. But there is so much to be had in those 6 or 7 months that we didn't even realize the time that had elapsed.

Mr. Farbenblum: Yea, a 15 month process is a good process for a whole bunch of reasons. We were really breaking our necks on that speed. We don't anticipate any problems as far as licensure.

Legislator Niebel: I had one or two questions for Ed and I don't want Shannon to feel left out so I have a question for her. Shannon, this is just a follow up question to Mr. Lemon's statement. As far as the residents here in the Chautauqua County Home, approximately 78% are on Medicaid. Do you happen to know off hand your resident payer mix as far as Kingston between private pay, Medicare, and Medicaid?

Mrs. Cayea: Actually, our Kingston facility is probably the most closest to Chautauqua County so we're about 74% Medicaid at Ulster County and approximately 18% private pay. The rest are comprised of long term care insurance and some other form of private insurance.

Chairman Gould: Is there anyone else to ask any questions? Seeing no one, we'll thank the representatives of VestraCare and wish them all the luck in the world.

Mrs. Cayea: I just want to throw out one thing to you. I know that this is a very difficult decision and we can stand up here and tell you how great we are, but I would just like to throw out to any of you that if you would like to come and visit Binghamton, New York which is a short trip down Interstate 86, my doors are always open. I don't have to be in the building. Absolutely any one of my staff members will greet you if you just show up and you explain to them that you are from

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Chautauqua County and you are there to see the facility. My staff would be happen to show you around the facility and give you a tour of the great work that we do and thank you for your time.

Chairman Gould: I have one announcement. I think that you all have noticed the CD that is on your desk. That is for our compliance training. I took it this afternoon. It's about 35 minutes and you have to sign a paper that you've taken it and it has to be done by the end of February. We have to have a file with everybody's signature in it so please get at it.

Legislator Wendel: Just a quick announcement. Many of you if you have checked your emails, it will be prior to the next full meeting, the US Coast Guard is providing a training in Lakewood. I appreciate the invitation although I will be working that day at the event but I think that it is really interesting to see how Emergency Services works. For those of you who may or may not know, it would be a good idea. There will be a place for you to sit and watch in the comforts of the Lakewood Rod and Gun Club which is heated. Unlike those of us who probably will be out in the weather. Again, I just extend that opportunity. I think that it would be a great opportunity. The Coast Guard will be in and you'll see the local fire departments and EMS staff and I think that it should be very interesting.

MOVED by Legislator Lemon, SECONDED by Legislator Heenan and duly carried the special meeting was adjourn. (8:09 p.m.)



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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, February 26, 2014  
Mayville, N.Y.

Chairman Pro Tem Himelein called the meeting to order at 6:31 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Gould)

Clerk Tampio: Let the record show that due to his absence, Chairman Gould has named Mr. Himelein to act in his stead for the duration of this meeting.

Legislator DeJoy delivered the prayer and pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Tarbrake and duly carried the minutes were approved. (1/22 & 2/5/14).

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1<sup>st</sup> Privilege of the Floor

My name is Reva Byczynski, I am a Chautauqua County resident, homeowner in Dunkirk, New York, taxpayer and representing my fellow CSEA workers. This is the fourth time that I have appeared in front of this council. What is the role of government? The role of government is a not for profit organization. The New York State Constitution says we need to take care of our poor and indigent. When did the care of our elderly come down to the all mighty dollar when millions of dollars of yours and my taxpayer money is spent on the poor moving into the State without residency laws. Also our tax money is giving to the private nursing homes on the Federal level. I don't believe it's about the money at all. I believe it's about jumping on the band-wagon of bashing public employees doing jobs that some, if not most, people would not do. Even as we area called overpaid and a tax drain on society, we still come to work every day and care for the public that we serve. The high salaries and high pensions don't reflect this County workforce. They work hard for our pensions. Do you know how many Chautauqua County employees are on the SNAP Food Stamp Program? God bless the Chautauqua County Home employees for the work that they do. This Union has come to the table with offers of zero raises for two years and the offers were not even considered by the previous administration. This issue should be about the continuity of care, cleanliness and the elderly and disabled individuals that consider the Chautauqua County Home, their home. One of which is now my own mother. The north County has been an afterthought with previous administrations, the Goodell and Edwards administration. The invisible line dividing the north and south County will now become a chasm that will not be able to be closed if this Home is sold. The damage will be done and there will be no turning back. The Legislature is here to serve their constituents. I do not believe that the south County residents received an unbiased opinion in the media to understand the true story of what is going on with the County Home. I don't believe that Mr. Borrello is serving his constituents who reside in his district. The people that are at the Home from the Town of Hanover, their families, the workers that live in his district, including his own relatives. The last thing, we have asked for fair appraisal of this facility. How can it be worth \$16 million when it was appraised for twenty three before the new addition and upgrades were added? What financial guru came up with that low figure to begin with? I urge you to vote no to the sale of the County Home and put in the recommendations by the CGR.

My name is Steve Skidmore, I live at 600 Prendergast Ave., Jamestown, N.Y. and I am the President of Unit 6300 of CSEA. How did we get here tonight? About 185 years ago the County Home was established and for about 180 years it was either self-sufficient or in some years had a surplus. About five years ago mysteriously it started hemorrhaging money. It is said to be \$9,000 a

day, then we had a CGR report that the Legislature paid for and in that report it said that the number wasn't \$9,000. The number was far lower and it made a lot of suggestions as to how we could bring it back and make it self-sufficient again. I just want to say that over and over I have seen it reported in the newspaper that CSEA wouldn't come to the bargaining table to try and do the part that CGR said we could do with the County. Well, that was patently untrue. We sent letter after letter to the County Executive and he just ignored them. If the sale doesn't go through tonight, I have sent a letter to County Executive Horrigan that we're ready, willing, and able to sit down anytime he wants. One of the main points given for the sale of the Home was to save taxpayers money but when you throw millions in loans, grants, and more importantly tax abatements, where is the savings? Tax abatements go on for how long? VestraCare has said that in Ulster County they go on for 25 years. What this body is proposing to do is take a publically subsidized nursing home and make it into a private nursing home that is publically subsidized. The most important part of this debate is about the Chautauqua County residents present and future at the County Home. I certainly don't think the people from VestraCare are bad people but it is a business. The Home was founded in 1829 with the mission statement for providing care for the County citizens no matter what their ability to pay. I don't care that 185 years have passed. I think is still yours and my responsibility to our County residents. Finally, let's stop this civil war between north and south County. There are many issues that could be said to only affect one end of the County or the other. But, we are not north and south Chautauqua County. We are Chautauqua County.

My name is Joe Carrus of the Resident Council of the Chautauqua County Home. In a prior meeting of the Chautauqua County Legislature the buyers were rejected. These are the same buyers, VestraCare, who are again to be voted on. Is this illegal since they already were voted down? The Ulster County Nursing Home was bought by VestraCare and at once Asian nurses were caught or let go with the result that residents were not properly taken care of. By the law of 1924, Supervisors were compelled to fund by taxes the poor house, later changed to the Chautauqua County Home. In as much as a County Legislators took over after the Supervisors, don't the Legislators have to fund the Chautauqua County Home and not sell it to buyers? Has the County Legislature a valid deed for the Chautauqua County Home. The only deed available is for the land and a buyer (*inaudible*) land are listed as Chautauqua County and Chautauqua Welfare. Not the County Legislature. Who does own the Chautauqua County Home? Since welfare is from the State, does the State rather than the County Legislature own it. When the kind hearted, Henry Lesch, donated the land as seen by the deed, he intended that it was to be for the Chautauqua County old and needy forever and not to be sold for profit. Can you, the Legislators, with questions unanswered and in view of Henry's intention to not sell the Home, because of the risks of a class action legal suit in the future, you also have to contend with this possibility. So, I would suggest that to avoid any future legal action with money costs, why not vote for the Chautauqua County Home and do a favor to the County for the old and the needy.

My name is Reverend Doctor Timothy Hoyer. I live at 55 McDaniels Ave, Jamestown. I represent a group in Lakewood that is my church, so I get 5 minutes for them. I also represent a church in Falconer so I get 5 minutes for them. Right Mr. Abdella?

Chairman Himelein: Excuse me. I will give you –

Mr. Hoyer: Just kidding sir. So, I would like to bring out here my big black chalkboard and I have also brought with me four students from the Jamestown High School Debate Team and they are sitting over there to judge this debate. On this blackboard, we'll divide it in half and on this side, right, to keep the County Home, and on the side, not to keep the County Home. The first reason to keep the County Home has been said often is that it is a safety net nursing home. It is not just a nursing home, but a safety net nursing home. Something that has never been discussed in the paper or anywhere else. What is a safety net? It allows people who have only Medicaid to be in the County Home. I have toured the Home with Mr. Hellwig and he showed me at least a dozen people who only

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get Medicaid or nothing. If you only get Medicaid it pays for 80% of the cost and you lose \$400 or more per person per week, if it's \$300 a day so it's \$20,000 a year per person, \$200,000 if you have 10 people only on Medicaid. They have no Social Security, no housing, no other income. No for profit place is going to continue this as a safety net home. Because there are so many people in the Home who need it as a safety net, it is something we need. So, on the other side, what do we say as a reason not to keep it. The only argument and it's *(inaudible)*, is \$20.00. Twenty dollars per person or 50,000 people. So, I would ask you, if we have safety net home and you have \$20.00, what is more important? Your \$20.00 or caring for your neighbors father. Second reason to keep the Home is what was said earlier. Continuity of care. Continuity of care is important in the sense that I as a CNA get to continually care for the same resident. If you come in and care for a person and simply say, excuse me, I have to put your socks on, get you dressed, give you breakfast, and bathe you by 10:00 o'clock you treat the person as business, as a job and there is no love, no care and the person feels insulted and degraded. Continuity of care is when the CNA and the resident develop a relationship of love, respect, share stories and talk. Because as a CNA, I am the most important person in this residents life. It is my love, my listening, that gives her care. So I would ask Mr. Tarbrake, what is more important, your \$20.00 or this continuity of care and love for the person? The second reason that people say, I can vote to sell the County Home is my constituents want it. Which is really saying, they want to save \$20.00 but you cannot say that because we are not a pure democracy. We are a constitutional democracy and the Constitution puts borders on what people want. Our Federal constitution says that we the people, will provide for the common welfare. We will take care of each other. Secondly as has been noted, the State Constitution says that we will care for, we have to care for the indigent and the poor. You sell the County Home, you go against both constitutions. Also, another reason to keep the Home is, if you sell it you are going to reduce the CNA's pay, benefits, and pension. When you do that, the turnover rate in the County Home is going to go up. Other nursing homes in the area who don't pay as well, they don't have benefits, the turnover rate is 50%. That means half of your staff is there less than one year. How can there be any love, gained, grown trust if I'm only here for 6 months with this resident. So again the question is, if you have \$20.00 Mr. Borrello, what is more important? Keeping the constitution, keeping continuity of care or taking money from CNA's –

Chairman Himelein: Excuse me Mr. Hoyer, you have 30 seconds.

Mr. Hoyer: Who already qualify for food stamps and take their money and give it to a rich man. So, I think and those four students over there, will give a 100 points to our side for keeping the County Home and no points for selling it because the question is, ask 50,000 people, is \$20.00 more important to them or keeping the Home for safety net, for continuity of care and giving CNA's the descent wages.

Mr. Tranum: Reverend Hoyer, you are a tough act to follow. I don't agree with you but you are a tough act to follow and I would add that there are loving and caring people in the private sector that- (Mr. Hoyer: That is not the point.) that do a lot to contribute.

Mr. Hoyer: That was not the point.

Chairman Himelein: Excuse me, the debate is to me.

O.K., good evening, my name is Todd Tranum. I am President and CEO of the Chautauqua County Chamber of Commerce and I also serve as Executive Director of the Manufactures Association of the Southern Tier. Thank you for your time Mr. Chairman and members of the Legislature. I am here to ask you on behalf of the business community to vote yes to sell the County Home. You have done your due diligence, you have had a lot of community input, you have deliberated and debated and I think that you should feel good about that. I think that you should be proud of the level of debate you've had on this issue. I think that you should also feel good that

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VestraCare is still at the table and you should feel good about the offer that they put on the table. We, as a community, should welcome VestraCare and their willingness to invest private capital here in Chautauqua County with open arms. Your decision tonight and a decision to vote yes is a decision to save jobs, it is a decision to save important services for our elderly, it's an important decision to save an asset and do what is fiscally and financially right to do here for the taxpayers of Chautauqua County and for the community as a whole. The business community and taxpayers look to you to make a decision tonight to sell the County Home. Failure to vote yes and proceed with the sale as many of you know, is kicking the hard decisions down the road. We do not want a situation where many of you may still be in this room, two, three years from now having to have a difficult decision that other communities have had to close a County Home. None of us want that. No one in this room wants this, no one in this County wants that to happen or to see that happen. So we ask you to do the right thing tonight and vote yes to sell the County Home. Thank you.

My name is Bonnie Peters, I live at 8237 Glassglow Rd., Cassadaga, N.Y. The gentleman before me did have one thing right. You do need to do what the right thing is. The right thing is to keep the Home. It's the right thing for the residents. It's the right thing for the future residents that will live at that Home but it is also the right thing for our community as a whole, for all of Chautauqua County. For the north side and the south side because as Steven said, we are one County. Do what is right, do what you need to do so that you can live with yourself in two years, three years, four years, the right thing is to keep this a County owned facility so that we can take care of all of the elderly of our County. Thank you.

My name is John N. Smith and I live just down the road from the Manor Oak Nursing Home in Jamestown, the one that the County forced out of business and everyone who lived there ended up in Wyoming County and Ohio. Now, as far as Mr. Tranum before me goes, he thinks that County government can't run a home and that it should be private. Well, Mr. Tranum is the same person who wanted me as a Jamestown resident to help bare a multi-hundred million dollar debt to build that government owned Jamestown new power plant. Now, why does Mr. Tranum want the City government to run electricity that the County government can't run a home that has always run for the last 50 years. Another thing is, we have a \$230 million dollar budget. I think that local governments spend money on all kinds of crazy things that I disagree with such as the Thurman Thomas Gambling Casino at Batavia Downs in Genesee County –

Chairman Himelein: Excuse me.

Mr. Smith: A hundred miles outside of our jurisdiction.

Chairman Himelein: Excuse me. Does that pertain to anything on the agenda?

Mr. Smith: Yes it does.

Chairman Himelein: Keep your comments to that please.

Mr. Smith: Yes it does. It's about government spending. You claim that you can't afford to run the County Home because you have to charge the taxpayers an extra \$20.00 out of a few hundred dollars that most people have to pay. Now, if the County government can afford the Thurman Thomas Gambling Casino at Batavia Downs in Genesee County, a hundred miles away, why can't you afford to help Joe at the County Home? This is ridiculous. Thank you.

Good evening and thank you for letting me come again. I have been here several times talking to several –

Chairman Himelein: State your name please.

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My name is Susan Baldwin. I live in Villenova and I've been here several years talking to everyone here, most everyone here. I have been on the phone to you people, I've been on the phone to Cathy Young, I've been on the phone with Andy Goodell and I have also gotten word to Governor Cuomo. I've asked and asked and asked you people to pay attention, they are just trying to shoot you down the road. You are not looking at an appraisal, you are not – in that contract it says that you got to pay half of the appraisal anyways, so why not pay for the appraisal and find out. Are you afraid of what you are going to find out? That it is going to be worth \$40 million dollars and then, oh, now we have to sell it for more and that is going to be harder. Why not let this appraisal go through? Why not – this guy came strolling up here and said that Marcus and Millichap flew out there to get him. Now what is going to keep him from turning around and flipping it like the popular TV shows do and selling it to the Rothner family or someone else. Who is going to stop them? So we're putting our old people as a commodity here. These guys are sick and tired of it. You've got to stop making this business decision. It's about people and it was about people in 1832 and in 1997 when they appraised the place for \$23.9 million. It was about making it a better place in 2003 when they put in \$18 million dollars into it. The government said yea, sure, we'll do that and they did. There is no sprinkler system that needs to be replaced like the one in Ulster County that was sending them over their budget limit. There is nothing in that facility that is costing this County more and more money. If they had an accountant that paid attention to the books instead of going, there is four hundred dots on that ceiling, I think that I'm charging you four hundred today. That is how she does it and if anybody paid attention to her, they might notice that too. So, please, please look at the budget and ask questions about it. Certainly don't succumb to somebody who says that this decision has to be made in a matter of weeks or I am walking away. He walked away but he came back. If you really think that it is worth more, and it is, he'll walk back again. Thank you.

My name is Marie Tomlinson and I live in Fredonia. There a couple of points here that I think are very important for us to consider carefully. One of them is, due diligence and how much is that building actually worth? How much would it cost to replace that building? We have to remember that that building is a product of almost 200 years of effort on the part of the regular people to take care of other people. That when the County Home was started, it was a farm where people would go and work. And it was started to keep people from starving on the streets. We don't have anybody starving on the streets anymore but that doesn't mean that people don't need a home or someplace to live. So first of all, an appraisal. How much is this building actually worth? Can we really sell it to someone who says that, oh, it's worth \$500,000 less because it's snowing? It's like, so – the other question is the quality of care. Which at the moment everyone agrees the quality of care at the Home is outstanding. The quality of care at the Chautauqua County Home compared to the – never mind. The quality of care at the Chautauqua County Home is outstanding. So, we need the appraisal for the exact amount of how much it is worth. We need the Legislature, the County Executive to bargain with the Union and we need to look at the key thing that is keeping the county homes from making money which is that they are not allowed to develop assisted living facilities. They are a lot of people there who's spouses are I the County Home and they are living at home who would like to live on the campus. We have 30 acres that could easily be – we could easily add some assisted living things which would make a lot more money. Why is this not available to us? Because New York State put in the Legislature and I wonder who wrote this as in the nursing home people, made a plan to put the county homes out of business and that was to say, you can't have this assisted living facility. So, we need to look at that because we value what we have here now. So, I encourage you to use due diligence. Let's not sell this property – would anyone sell a property that almost 10 years ago was worthy \$20 some million dollars and sell it for sixteen? Even though it has been improved, even though it has no building code issues, it's a very beautiful facility. The people who live there like it just the way it is and we are very fortunate to have it. Thanks.

My name is Stacy Stalter and I am a resident of Brocton, New York. I also work for the Chautauqua County Home and I am a real estate agent for ERA Team VP Real Estate and I have been for 20 years. I have been selling real estate for 20 years. I just can't phantom \$16 million

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dollars. You have a 110,000 square foot building on 30 acres of land with a one story, ranch style, 2 bedroom brick house, a gas well, a garage, not to mention all of the – everything inside. You know you've got 216 beds, you've got freezers, stoves, ovens, all the kitchen stuff. We have three vans, I believe we have a car, we have pick-up trucks. I mean, where would you buy just all that equipment for \$16 million. Not to mention, 30 acres of land, a gas well, 110,000 square foot building. I mean, \$16 million, like they were saying about getting an appraisal. I mean, it's definitely worth more than \$16 million. I mean, it's giving it away at \$16 million. Just through my years of selling real estate and Terry knows it too. I mean, the appraisal is really -

Legislator Niebel: Where do you work?

Chairman Himelein: Excuse me, it is a privilege Terry. Please let her continue. Thank you.

Mrs. Stalter: That is one of the big things. You know, it's just – you add everything up. There is a fork lift there too, at least one. You just add everything up and –

Chairman Himelein: Please wrap it up, please.

Mrs. Stalter: It's going to be more than \$16 million. Thank you.

My name is JoAnn Niebel and I live at 3199 Rt. 20 in Dunkirk and I guess I should say that Terry is my husband. I don't know if that means anything but, I guess my comments here are more on a personal basis. As a Social Worker, I have my Masters in social work. I've done social work for the State for 30 years. I think that the way this whole situation has been handled has been very difficult for not only the people that live at the Home but the staff that works there. The due diligence that these Legislators have done, I would like to ask how many of them have gone to the County Home and met the residents who are going to be impacted by this? Who have talked to them. Whether or not anybody has thought to get a hold of the Veteran's Administrator and asked him to go down and sit down with the 35 Veterans that are at the County Home? Or how many of you have sat down and talked to the staff who are being vilified in the community because of how they are making the County poor with the wages and the benefits that they get. I think that probably 20 of the aids down at the County Home together don't make as much as this back row here. And you ask them to give up their wages, you ask them to give up their benefits, but nobody else gives up a thing. I just don't think that it is fair. I think that it has been handled very poorly and they have been on a roller coaster ride for 2 years. And you have people out in the community gleeful that this people are going to lose their paychecks and their benefits when they are the ones who support the community in the north where we have nothing else. I mean, you couldn't even keep a cookie factory in Silver Creek. It's just wrong the way that this is being handled, it's just wrong. No body explains to the residents what is happening. They are feeling guilty because they are dragging the County down. They employees are feeling guilty because they can't tell their neighbors that they work at the County Home because they are so – they are taking away so much. My God, really. I would like to say one thing. If this is the way that it is going to be, I want everybody in this room to guarantee that they will never give a raise to another part of the County or any other benefits. If this is what's causing all the problem, then nobody should get it. I'm sorry, I just feel that people have not been treated with respect. Not the residents nor the staff.

My name is Antoinette Snyder. I live in Dunkirk. I am a taxpayer. I'm so tired. This is the fourth time. When are you people going to realize, you are not going to do it. This is like the past administration. Like a dog with a bone. He wouldn't let it go. And Vince Horrigan, I voted for you because I thought coming from that administration you would have a different way of thinking. Well, you don't. I am so disappointed. You came along from that past administration and you dragged that bone with you and you just won't let go of it. Why don't you all just bury it, put it to rest and get on with

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the matter that is important. Just leave those people at the County Home alone and leave it go. Bury it, let it die, let it go. That is all that I have to say. I am tired of it.

Mindi Kaufman, North Jerboa Street, Dunkirk. I would like to start off thanking both past and current Legislators who have supported and believed in the County Home and its mission. Words cannot express how grateful I am to you, thank you. Next, I would like to thank Mr. Todd Trantum and the Chamber of Commerce for pointing out to me that after all the years I have put money back into this County by shopping locally. Really wasn't supporting local businesses at all but instead I apparently have been bleeding them dry. I would also like to thank those of you who have shown me that all I apparently do is lie and use scare tactics. Thank you for opening up my eyes as to how contract negotiations really work. I always thought that County Executive had his negotiating team present during the contract talks and that they too had to agree on the wages and benefits. I was shocked to discover that apparently the only one sitting at the table is the Union. Thank you for making me see that I have had my priorities completely wrong. I had no idea that making a decent wage and having good benefits had nothing at all to do with supporting my family but had everything to do with greed. To think that for the last 28 years of going to work, paying my bills, and supporting my children was nothing more than greed. Thank you for showing me that 216 residents of the Home, residents that have paid their taxes all their lives, residents who are doctors, nurses, educators, lawyers, accountants, waiters, waitresses, farmers, Veterans of War and so on, are nothing more than a burden to the taxpayers. Thank you for making the 280 employees realize that being a County employee, people who provide a service to you, really isn't anything to be proud of. We should be embarrassed and ashamed of ourselves for working hard to support our families and our communities. And last but not least, thank you for opening my eyes as to how our government works. It is because of this that I will never again, turn a blind eye as to where my tax dollars go. I encourage each and every single tax payer in this County to pay attention from here on as I am under the impression that if the Home is sold tonight, there is absolutely no reason for our taxes to ever be raised. But if by chance they are, I can only hope that you fight as hard against that as you have against this. I would hope that you call, email and send letters to your Legislators. I would hope that you would stand firm in your belief that helping people just isn't in our budget right now. I would hope that you would see that you, as elected officials, are leaders and not followers. That you don't have to do what other counties are doing. You have something very special right in your own backyard and it's worth more than any dollar amount that you can put on it. Thank you.

Ben Haskins, 1982 Peck-Settlement Road, Jamestown and I live in the Town of Ellicott. A very proud Ellicott resident. Just want to point out one grave error. I see only one person that came here to speak out in favor of the sale of this Home so far and you are ready to just close up now. I wanted to be last. This has been the same thing happened at each of these meetings. There has only been one or two people generally speaking out in favor of the sale and has been phony, I think, efforts to make it look like the public is all in favor of this. I don't think that they are at all. I think there are a lot of people that just soon see it stay just as it is. I know that I would. But at any rate, I know that there are two homes in the County, one in Jamestown that was forced out of business, more or less by the County and I see we had just one in Dunkirk here just fold up, didn't we? Fifty residents, Lakeshore, we're they owned by the public? I thought that they were private nursing homes. I guess they are out of business now, aren't they? I don't think that there is anyway – it's a safety net for our people. I don't think that there is any way that you'd ever put this Home out of business because like \$20 bucks a month, or \$20 bucks a year, I don't know, whatever it costs. How are you ever going to put it out of business? The Home now may be turned over to these guys from New York City, fine, they will keep it for 10 years and then if they want, or even before that they can just go bankrupt and they will be out of business. So, I just don't see the argument there from Mr. Trantum, I really don't. Have a nice day.

Chairman Himelein: Is there anyone else to speak to the first privilege of the floor? Anyone else? Seeing none, we'll close the first privilege of the floor.

## REGULAR SESSION

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 VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN  
 NO VETOES FROM 1/22/14
 

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COMMENDATIONS: KENT KNAPPENBERGER  
 &  
 LON KNAPPERBERGER  
 BY LEGISLATOR HEMMER

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6:40 P.M. PUBLIC HEARING  
 RE: PROPOSED GROUND LEASE W/  
 SEVERE CLEAR, INC. AT  
 JAMESTOWN AIRPORT

Chairman Himelein: We'll now open the public hearing. (7:23 p.m.) Is there anyone here to speak? Seeing no one, we'll close the public hearing. (7:24 p.m.)

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## COMMUNICATIONS:

1. Proof of Publication – Public Hearing Notice – Re: Lse. @ Jmst. Airport
  2. Letters (10) – County Executive Horrigan – Appts. to Various Boards
  3. Letter – County Attorney Abdella – Re: Amendment to Administrative Code
  4. Report – Fn. Director Marsh – Investment Report – January/2014
  5. Letter – R. Roll – Re: Lease w/ County Ag. Center
  6. Letter – JCC President – Invite to President's Roundtable
  7. Letter – Farman Free Library – Thanking of Catt. Arts Council Grant Award
  8. Letter – NYMIR (NY Municipal Insurance Reciprocal) – Re: Hosting Reception for Member Subscribers
  9. Letter – Bond Council Orrick – Re: Ack. Receipt of Documentation for Public Facilities Maintenance Building Bond
  10. Email – Re: 2014 County Tax Apportionment
  11. Letters (2) – NYSDOS (Dept. of State) – Re: Ack. Receipt of LL's 1 & 2-14
  12. Letter – NYSAC – Re: 2014 Legislative Program
  13. Quarterly Report – NYS Small Business Dev. Center (10/1-12/31/13)
  14. 2013 Annual Report – NYS Small Business Dev. Center
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Motion: (On file w/ 2/26/14 Legislature Data)

2-14 Requesting the State of New York Establish Residency Requirements in Order to Receive Welfare Benefits – Unanimously Adopted

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RES. NO. 30-14  
 Confirm Appointment - Chautauqua County Airport Commission

By Public Facilities Committee:  
 At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it



JOURNAL OF PROCEEDINGS

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

<p>Fred Larson 641 Lakeview Ave. Jamestown, N.Y. 14710 Term Expires: 12/31/14</p>	<p>Filling Term of Vince Horrigan Legislator Representative</p>
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Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – February 26, 2014

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RES. NO. 31-14

Confirm Appointment and Re-Appointment – Portland-Pomfret-Dunkirk Sewer Districts

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

WHEREAS, the Portland-Pomfret-Dunkirk (PPD) Sewer District was established as a county sewer district of the County of Chautauqua by Resolution 272-77 of this Legislature; and

WHEREAS, a Board of Directors consisting of seven members was established as an administrative body for the district by Res. 345-77; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby appoints and re-appoints the following members to the Portland-Pomfret-Dunkirk Sewer District Board of Directors.

Appointment

<p>Joseph Carapella 5509 Tastor Lane Fredonia, N.Y. 14063 Term Expires: 12/31/19</p>	<p>Filing position left by Tom Webb</p>
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Re-Appointment

Michael Mathews  
10231 Lakeside Blvd. Ext.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/19  
Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – February 26, 2014

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RES. NO. 32-14

Confirm Appointment – New York Fish & Wildlife Management Board

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive, Vincent W. Horrigan, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

## REGULAR SESSION

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

Ron Lemon	Position last held by Tom Erlandson
P.O. Box 44	
49 N. Pearl St.	
Frewsburg, N.Y. 14738	
Term Expires: 12/31/15	

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – February 26, 2014

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RES. NO. 33-14

Confirm Appointment – North Chautauqua Lake Sewer District Board

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

WHEREAS, the North Chautauqua Lake Sewer District Board has recommended the following appointment; therefore be it

RESOLVED, That the following individual be appointed as a member of the Board of Directors of the North Chautauqua Lake Sewer District Board:

Legislator David Himelein	Filing position last held by Raymond Cenni
P.O. Box 617	
Findley Lake, N.Y. 14736	
Term Expires: 12/31/19	

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – February 26, 2014

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RES. NO. 34-14

Confirm Re-Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Ethics Board.

Rose Sebouhian
6 Ventura Circle
Fredonia, N.Y. 14063
Term Expires: 1/31/17

JOURNAL OF PROCEEDINGS

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Signed: Scudder, Vanstrom, Wendel, Himelein, DeJoy

Unanimously Adopted – February 26, 2014

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RES. NO. 35-14

Confirm Re-Appointments & Appointments – Emergency Medical Services Council

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, County Executive, has submitted the following re-appointments and appointments for action by the Chautauqua County Legislature, therefore be it

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

Re- Appointments:

<p>Mark Dickey 28 N. State St. Ripley, N.Y. 14775 Term Expires: 12/31/16</p>	<p>Battalion 2 Representative</p>
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<p>Roberta Edwards 5413 Washington St. Ext. Ashville, N.Y. 14710 Term Expires: 12/31/16</p>	<p>Battalion 3 Representative</p>
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<p>Michael Volpe 53 Pine Ridge Rd. Jamestown, N.Y. 14701 Term Expires: 12/31/16</p>	<p>Battalion 3 Representative</p>
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Appointments:

<p>Edward Brooks 70 Hunt Rd. Jamestown, N.Y. 14701 Term Expires: 12/31/14</p>	<p>Filing Term of Doug Norton Westfield Memorial Hospital Representative</p>
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<p>Maxine Davis 7120 Vanness Rd. Mayville, N.Y. 14757 Term Expires: 12/31/16</p>	<p>Position last held by Robert Sciarrino At Large North Representative</p>
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<p>Jodell Shaw 1556 Old Chautauqua Rd. Gerry, N.Y. 14740 Term Expires: 12/31/14</p>	<p>Filing Term of Scott Delahoy Fire Battalion 4 Representative</p>
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Signed: Wendel, Niebel, Keefe

Unanimously Adopted – February 26, 2014

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## REGULAR SESSION

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RES. NO. 36-14  
Confirm Re-Appointments - Chautauqua County Fire Advisory Board

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive, Vincent W. Horrigan, 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.

Noel M. Guttman      Ex-Officio 6057 Portage Rd. Mayville, N.Y. 14757 Term Expires: 1/31/15	Neil McNeight      Ex-Officio 4 Woodcrest Dr. Fredonia, N.Y. 14063 Term Expires: 1/31/15
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Signed: Wendel, Niebel, Keefe

Unanimously Adopted – February 26, 2014

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RES. NO. 37-14  
Confirm Re-Appointments – STOP DWI Advisory Board

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 STOP-DWI Advisory Board:

George Borrello 1014 S. Shore Dr. Irving, N.Y. 14081 Term Expires: 12/31/15	Legislator Representative
Paula DeJoy 219 Barrows St. Jamestown, N.Y. 14701 Term Expires: 12/31/15	Legislator Representative

Signed: Wendel, Niebel, Keefe

Unanimously Adopted – February 26, 2014

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RES. NO. 38-14

Confirm Re-Appointment - Chautauqua County Environmental Management Council

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Environmental Management Council:

Ruth Lundin  
4307 Nutt Rd.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/16

Signed: Borrello, Heenan, Niebel, Chagnon, Larson

Unanimously Adopted – February 26, 2014

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RES. NO. 39-14

Confirm Re-Appointment – Southern Tier Extension Railroad Authority Board of Directors

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Extension Railroad Authority Board.

William (Bill) Daly 321 Arlington Avenue Jamestown, N.Y. 14701 Term Expires: 2/28/17	Adam Gorczyca 5375 Powers Road Orchard Park, NY 14127 Term Expires: 02/28/17
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Signed: Borrello, Heenan, Niebel, Chagnon, Larson

Unanimously Adopted – February 26, 2014

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RES. NO. 40-14

Confirm Re-Appointment – Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan has submitted the following re-appointment to the Chautauqua County Legislature for action; therefore be it

## REGULAR SESSION

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

Eugene S. Pauszek  
66 W. Doughty St.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/15

Signed: Borrello, Heenan, Niebel, Chagnon, Larson

Unanimously Adopted – February 26, 2014

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RES. NO. 41-14  
Confirm Appointment – Farmland Protection Board

By Planning & Economic Development 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 Farmland Protection Board:

Legislator Lisa Vanstrom  
55 Plummer Ave.  
Jamestown, N.Y. 14701

Signed: Borrello, Heenan, Niebel, Chagnon, Larson

Unanimously Adopted – February 26, 2014

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RES. NO. 42-14  
Authorize Ground Lease with Severe Clear, Inc. at Jamestown Airport

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Severe Clear Inc. is interested in renewing the current ground lease agreement for their corporate hangar building at the Jamestown Airport; and

WHEREAS, the Airport Commission has recommended the acceptance of the negotiated lease; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law was held on February 26, 2014; and

RESOLVED, That the County Executive is authorized to execute a ground lease agreement with Severe Clear, Inc., 19 ½ Blackstone Avenue Jamestown, New York 14701 for their corporate hangar at the County Airport in Jamestown upon substantially the following proposed terms and conditions:

## JOURNAL OF PROCEEDINGS

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- Rent. Two thousand dollars (\$2,000.00) annually, with a 2 percent increase per year thereafter.
- Term. Ten (10) year term commencing January 1, 2014, with three (3) options to renew for additional ten (10) year terms, and a thirty (30) day cancellation notice by either party.
- Utilities To be paid by the Tenant.
- Use. Aircraft storage and related hangar use.
- Other. As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein, Runkle, Heenan, Chagnon

Unanimously Adopted – February 26, 2014

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RES. NO. 43-14

Authorizing Lease with Cornell Cooperative Extension for the Frank W. Bratt County Agricultural Center in the Town of Ellicott

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County currently leases a portion of the Frank W. Bratt County Agricultural Center Building in the Town of Ellicott to the Cooperative Extension Association of Chautauqua County, Inc.; and

WHEREAS, the current lease agreement with the Cooperative Extension Association has expired, and the parties wish to renew the lease for an additional one (1) year term, upon certain terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a new lease agreement with the Cooperative Extension Association of Chautauqua County, Inc., for the period January 1, 2014 through December 31, 2014, upon substantially the following terms and conditions:

1. Premises. A portion of the Frank W. Bratt County Agricultural Center in the Town of Ellicott, to be described more specifically in the lease agreement, together with all appurtenances and improvements thereto.
2. Rent. One thousand three hundred ninety dollars (\$1,390) per month
3. Term. One (1) year term commencing January 1, 2014, with cancellation by either party upon thirty (30) days' written notice.
4. Utilities. Paid by the County, except that Tenant shall provide and pay for telephone service.
5. Maintenance and repair. County will be responsible for all ordinary, routine maintenance or repair, including but not limited to painting, interior decorative changes or improvements, and routine maintenance of the air, heat, water and sewage systems.
6. Other. As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy, Runkle, Borrello, Heenan, Chagnon

Unanimously Adopted – February 26, 2014

REGULAR SESSION

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## RES. NO. 44-14

Authorization to Rename the Chautauqua County Airport at Jamestown "The Greater Chautauqua-Jamestown Airport Robert H. Jackson Field"

By Public Facilities Committee:

At the Request of Legislator David Himelein and County Executive Vincent W. Horigan:

WHEREAS, Robert H. Jackson grew up in Frewsburg, New York and attended school there and in Jamestown, New York; and

WHEREAS, Robert H. Jackson worked as a law clerk and passed the bar examination at age 21; and

WHEREAS, Robert H. Jackson went on to have a very distinguished career as a Jamestown trial lawyer, U.S. Solicitor General, U.S. Attorney General and Associate Supreme Court Justice of the United States; and

WHEREAS, during his tenure as Supreme Court Justice he represented the United States by setting up the International Military Tribunal and served as Chief Counsel at the Nuremberg Trials; and

WHEREAS, the Chautauqua County Airport terminal was dedicated in honor of Robert H. Jackson on June 10, 1973; and

WHEREAS, the request to change the name of the Chautauqua County Airport at Jamestown was made by the Board of Directors of the Robert H. Jackson Center and was unanimously approved by the Chautauqua County Airport Commission for the Chautauqua County Airport; therefore be it

RESOLVED, That the Chautauqua County Legislature, in memorial to this great man, hereby approves the naming of the runways and surrounding grounds the "The Greater Chautauqua-Jamestown Airport Robert H. Jackson Field".

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – February 26, 2014

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RES. NO. 45-14

Authorization to Rename the Chautauqua County Airport at Dunkirk to "The Chautauqua-Dunkirk Airport John J. Nalbone Sr. Field"

By Public Facilities Committee:

At the Request of Legislative David Himelein and County Executive Vincent W. Horigan:

WHEREAS, John J. Nalbone Sr. started flying lessons in 1938 at age 19; and

WHEREAS, John J. Nalbone Sr. received his pilot's license prior to 1942 and after completing instructor training, he entered the Army Air Force as an instructor based in Florida until his discharge in 1945; and



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WHEREAS, John J. Nalbone Sr. settled in Dunkirk and worked at the Dunkirk Municipal Airport until it closed whereby he opened a flight school at Werle Airport as well as an aircraft maintenance business; and

WHEREAS, in 1950 the city of Dunkirk made him custodian of the Dunkirk Airport and in 1960 he moved his operations from Werle Airport to Dunkirk Airport whereupon he was appointed Manager of the airport; and

WHEREAS, in 1985, when Chautauqua County assumed ownership of the airport, John J. Nalbone Sr. became the Fixed Base Operator and during his tenure he received grants to resurface the original runway, extend the runway to 5000 feet and to build a parallel taxiway to the runway; and

WHEREAS, during those 25 years, at his own expense, he built the current hangers 1, 2, 4, 6, and 7 as well as an addition to the office; and

WHEREAS, he started the annual fly-in in 1963, an event that draws pilots to Dunkirk from 250 miles away and continues today; and

WHEREAS, John J. Nalbone Sr. has received many awards including the Lifetime Achievement Award from FAA in Rochester, induction into the Niagara Frontier Hall of Fame, and the Charles Taylor Award from the FAA National Committee which resulted in his name being inscribed on a plaque at the National Air and Space Museum; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the naming of Chautauqua County Airport at Dunkirk "The Chautauqua-Dunkirk Airport John J. Nalbone Sr. Field".

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – February 26, 2014

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RES. NO. 46-14

Amending Resolution 132-13 to Adjust North County Industrial Sewer District Billing Cycle

By Public Facilities Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the billing periods for the North County Industrial Sewer District No. 1 were set by Resolution number 132-13, Section VI, as "on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month..."; and

WHEREAS, pursuant to Sections IV and V of Resolution 132-13 Sewer District bills are based in part on water use, which use "shall be calculated using the metered water volume figures established by the municipality providing water service to the District..." or using an estimate of water use, based on such municipality's actual readings, as available; and

WHEREAS, the municipality providing water service to the District is the City of Dunkirk; and

WHEREAS, the City of Dunkirk bills for water usage in January, April, July, and October for the previous calendar quarter and reports usage to the County on the same schedule; therefore be it

## REGULAR SESSION

RESOLVED, That effective March 31, 2014, Section VI of Resolution 132-13 is amended to provide that the billing periods for the North County Industrial Sewer District No. 1 shall be on or about the first day of January, April, July, and October for the previous calendar quarter.

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – February 26, 2014

## RES. NO. 47-14

Authorize Agreement w/ NYS DOT for Performance of Federal-Aid Project PIN 5760.53

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Bridge Painting Project, PIN 5760.53 (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, now estimated to be \$422,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; 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 5760.53; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is 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 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 Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, That D Fund Balance is appropriated as follows:

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INCREASE USE OF APPROPRIATED FUND BALANCE:

D.-----909            Fund Balance, Unreserved Fund Balance – Fund Balance    \$84,400

RESOLVED, That 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                                    \$422,000

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002       Federal Aid - Surface Transp Program                                    \$337,600

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy, Runkle, Borrello, Chagnon, Heenan

Unanimously Adopted – February 26, 2014

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RES. NO. 48-14

Authorize the Acceptance of NYSDOT Grant Funding to Install a Generator at the Chautauqua County Airport at Jamestown

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the airport terminal building is essential to the airport infrastructure and contributes to economic development, job creation and to quality of life; and

WHEREAS, the airport terminal building at the Chautauqua County Airport at Jamestown is in need of a generator to keep it operational at all times; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding that is crucial for the operation of the airport; and

WHEREAS, Section 14-l of the Transportation Law authorizes the New York State Department of Transportation (NYSDOT) Commissioner to implement the Airport Improvement and Revitalization Grant Program to fund improvement projects; and

WHEREAS, NYSDOT and Chautauqua County are desirous of progressing on the installation of a generator at Chautauqua County Airport at Jamestown (Project); and

WHEREAS, Chautauqua County will administer the Project and submit to NYSDOT for funding of eligible project costs, now therefore be it

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

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County of Chautauqua to pay in the first instance 100% of the cost of the Project; and it is further

RESOLVED, That the Chautauqua County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for this funding on behalf of the County of Chautauqua with the New York State Department of Transportation in connection

## REGULAR SESSION

with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of the eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$14,400
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RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNTS:

A.9950.-----9	Interfund Transfers – Interfund Transfers	\$ 14,400
H.5610.154.4	Contractual – Chau. Cnty Airport – Install Generator – Jstn	\$144,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.154.R358.9000	NYS Aid: Transportation –CC Airport, Install Generator-Jstn	\$129,600
H.5610.154.R503.1000	Interfund Trans. –Interfund Trans.–CC Airport, Inst. Gen. Jstn	\$14,400

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy, Runkle, Borrello (A&C Chagnon & Heenan voting “no”)

Adopted w/ Legislators Ahlstrom, Chagnon, Heenan, Keefe, Niebel, Runkle, Scudder voting “no” – February 26, 2014

RES. NO. 49-14

Confirming Board of Directors and Distribution of Remaining Seed Money to Chautauqua County Land Bank Corporation

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 159-11, the County Legislature designated \$150,000 as seed money for a land bank in Chautauqua County, and as a result the County was selected in 2012 by Empire State Development as one of the first five land banks in New York State; and

WHEREAS, pursuant to Resolution 65-12, the County Legislature approved the initial board of directors of the Chautauqua County Land Bank Corporation (the “Land Bank”) for two year terms to expire March 31, 2014; and

WHEREAS, pursuant to Resolutions 194-11, 134-12, and 49-13, the County Legislature has thus far authorized the use of \$43,000 of the \$150,000 in designated Land Bank seed money for the preparation of a Land Bank financial plan, related start-up tasks, and initial operations; and

WHEREAS, the State of New York Office of the Attorney General (the “OAG”) has announced an award to the Land Bank of a grant in the amount of \$1.506 million to carry out community revitalization activities in Chautauqua County, consisting of the demolition of 80 residential structures, transfer of up to 80 side lots to neighboring property owners, purchase of at least 4 properties via bank foreclosures, expanded marketing efforts, and initial staffing for the Land Bank; and

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WHEREAS, as the Land Bank becomes fully operational, it is appropriate and deemed necessary for its long-term sustainability, that the remainder of the allocated seed money be distributed to the Land Bank as was communicated in the OAG grant application; therefore be it

RESOLVED, That pursuant to Section 1610 of the New York State Land Bank Act, the Chautauqua County Legislature authorizes the payment of the remaining \$107,427.41 in Land Bank seed money to the Chautauqua County Land Bank Corporation; and be it further

RESOLVED, That the following individuals shall serve as members of the Land Bank's Board of Directors, with terms of two (2) years commencing April 1, 2014 and ending March 31, 2016:

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

John W. Hemmer (Reappointment)  
7539 E. Route 20  
Westfield, NY 14787  
(Chautauqua County Legislator, District 19)

Frederick Larson  
641 Lakeview Avenue  
Jamestown, NY 14701  
(Chautauqua County Legislator, District 12)

Vincent DeJoy (Reappointment)  
321 Baker Street  
Jamestown, NY 14701  
(Director – City of Jamestown Department of Development)

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

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

Peter A. Lombardi (Reappointment)  
190 Newton Avenue  
Jamestown, NY 14701  
(Deputy Director – Jamestown Renaissance Corporation)

Bryan Lydic (Reappointment)  
5144 West Shorewood Drive  
Dunkirk, NY 14048  
(Lake Shore Savings Bank)

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William Morrill (Reappointment)  
 3252 Marks Road  
 Sherman, NY 14781  
 (Former Director of County Real Property Tax Office)

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

Jeffrey E. Gossett (Reappointment)  
 8 Sunset Drive  
 Fredonia, NY 14063  
 (Member - Chautauqua County Planning Board)

Signed: Vanstrom, Wendel, Himelein, DeJoy, Borrello, Chagnon, Heenan, Nazzaro (A.S. – Scudder voting “no”) (A.C. – Runkle voting “no”)

Adopted w/ Legislators Runkle and Scudder voting “no” – February 26, 2014

RES. NO. 50-14  
 2010 Citizen Corps Grant Award Extension of Time and Appropriation of Funds

By Public Safety Committee:  
 At the Request of County Executive Vincent W. Horrigan:

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 extended Chautauqua County Office of Emergency Services' application for the use of the Citizen Corps Council funds, through February 28, 2014; and

WHEREAS, Resolution 64-11 authorized the County Executive to enter into contracts with New York State Emergency Management Office to accept funds for Citizen Corps Councils; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----1	Personal Services – Emergency Services	\$4,150
A.3010.----8	Employee Benefits – Emergency Services	317
A.3010.----2	Equipment – Emergency Services	9,480
A.3010.----4	Contractual – Emergency Services	6,800

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid - Homeland Security	\$20,747
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Signed: Wendel, Niebel, Keefe, Runkle, Borrello, Chagnon, Heenan, Nazzaro

Unanimously Adopted – February 26, 2014

JOURNAL OF PROCEEDINGS

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RES. NO. 51-14  
2013 Hazardous Materials Grant Program

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Emergency Services was awarded a Region Partnership Grant in the amount of \$47,000 under the 2013 Hazmat Grant Program which runs from September 6, 2013 to August 31, 2015; and

WHEREAS, the 2013 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, now 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 2014 budgetary changes:

INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Fed Aid: Homeland Security Program	\$ 47,000
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INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.2	Equipment – Hazardous Materials	\$ 30,509
A.3640.----.4	Contractual – Hazardous Materials	\$ 16,491

Signed: Wendel, Niebel, Keefe, Runkle, Borrello, Chagnon, Heenan, Nazzaro

Unanimously Adopted – February 26, 2014

RES. NO. 52-14

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 Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of bomb detection; and

WHEREAS, the State of New York will provide funding in the amount of \$112,500.00 with no local funds for a contract period from November 7, 2013 to August 31, 2015; and

WHEREAS, the 2014 Chautauqua County budget does not include any funding for these expenditures since the grant became available after the budget was released; therefore be it

## REGULAR SESSION

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 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---1	Personal Services – Sheriff	8,000
A.3110.---2	Equipment – Sheriff	12,000
A.3110.---3	Depreciable Equipment – Sheriff	44,000
A.3110.---4	Contractual – Sheriff	48,500

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB	Federal Aid - Other Public Safety Aid	\$112,500
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Signed: Wendel, Niebel, Keefe, Runkle, Borrello, Chagnon, Heenan, Nazzaro

Unanimously Adopted – February 26, 2014

## RES. NO. 53-14

Authorize Execution and Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant – Operation Stone Garden FY13

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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

WHEREAS, the State of New York will provide funding in the amount of \$171,295.00 with no local funds for a contract period from September 1, 2013 to August 31, 2015; and

WHEREAS, the 2014 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 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---1	Personal Services - Sheriff	64,950
A.3110.---2	Equipment - Sheriff	19,600
A.3110.---3	Depreciable Equipment - Sheriff	42,000
A.3110.---4	Contractual - Sheriff	24,092
A.3110.---8	Employee Benefits - Sheriff	20,653

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9OSG	Federal Aid - Other Public Safety Aid	\$171,295
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Signed: Wendel, Niebel, Keefe, Runkle, Borrello, Chagnon, Heenan, Nazzaro

Unanimously Adopted – February 26, 2014

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RES. NO. 54-14

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 Vincent W. Horrigan:

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 No/100 Dollars (\$125,952.00).

Signed: Borrello, Heenan, Niebel, Chagnon, Larson, Runkle, Nazzaro

Unanimously Adopted – February 26, 2014

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RES. NO. 55-14

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 Vincent W. Horrigan:

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

## REGULAR SESSION

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 No/100 Dollars (\$59,155.00).

Signed: Borrello, Heenan, Niebel, Chagnon, Larson, Runkle, Nazzaro

Unanimously Adopted – February 26, 2014

## RES. NO. 56-14

Authorize Extension of Lease Agreement for Department of Planning & Economic Development at the Riverside Industrial Center

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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, 2014 and terminating December 31, 2014 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, 2014 and terminating on December 31, 2014 subject to termination by prior notice.

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5.) Other: As negotiated by the County Executive.

Signed: Borrello, Heenan, Larson, Niebel, Chagnon, Runkle, Nazzaro

Unanimously Adopted – February 26, 2014

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RES. NO. 57-14

Accept Grant Funding from the New York State Department of State for the Northern Chautauqua  
County Local Waterfront Revitalization Program

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County is blessed with many sources of fresh water, including several smaller lakes, streams and tributaries, Chautauqua Lake, and Lake Erie; and

WHEREAS, Chautauqua County Comprehensive Plan: *Chautauqua 20/20* seeks to capitalize on the County's natural assets, especially its water sources, in order to grow the economy and improve the quality of life for its visitors and residents; and

WHEREAS, Governor Cuomo launched the Regional Economic Development Councils and the Consolidated Funding Application (CFA) to provide each region with the tools to create and implement their own roadmap for economic prosperity and job creation, and this community-based model uses local assets to drive local economic growth; and

WHEREAS, the County was awarded a \$65,000.00 grant (CFA #25697) from the New York State Department of State (NYS DOS) for the Local Waterfront Revitalization Program; and

WHEREAS, the cost of the project is estimated to be \$130,000 funded 50% by from the New York State Department of State (NYS DOS) for the Local Waterfront Revitalization Program and 50% from local sources, and

WHEREAS, a local waterfront revitalization plan for Northern Chautauqua County, which seeks to identify projects and create and implement strategy that will preserve and promote water resources to grow the economy, mitigate unsafe conditions, and improve the quality of life, was initiated but was never completed; and

WHEREAS, ten north county municipalities bordering Lake Erie, NCCF Local Economic Development Group, Dunkirk Rotary Club, Northern Chautauqua Community Foundation, Lake Erie Management Group, Southern Tier West, SUNY Fredonia, CCIDA and Chautauqua County have collaborated to provide the required match of \$65,000.00; and

WHEREAS, the County's \$15,000 share of the local match will be funded utilizing Occupancy Tax already included in the 2014 Adopted Budget; and

WHEREAS, the County is required to officially accept the NYSDOS funding and establish the revenue and expense accounts; therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the NYSDOS funding, and execute all agreements necessary to implement the Local Waterfront Revitalization Program, and be it further

## REGULAR SESSION

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2014 Budget;

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.8020.8038.4	Contractual – Planning, LWRP	\$115,000
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.8020.8038.R371.5000	NYS Aid: NYSDOS - Planning, LWRP	\$65,000
A.8020.8038.R208.9000	Oth Cultural & Recreation Income-Planning,LWRP	\$50,000

Signed: Borrello, Heenan, Niebel, Chagnon, Larson, Runkle, Nazzaro

Unanimously Adopted – February 26, 2014

## RES. NO. 58-14

Dredging of Recreational Channels in Barcelona Harbor, Dunkirk Harbor and Cattaraugus Creek

By Planning & Economic Development and Audit & Control Committees:

At the Request of Legislators Borrello, Heenan, Ahlstrom, Niebel, Hemmer, and County Executive Vincent W. Horriagan:

WHEREAS, Super Storm Sandy was the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season, which resulted in detrimental impacts to Barcelona Harbor; and

WHEREAS, the United States Army Corps of Engineers is scheduled to dredge the federal commercial channel in Barcelona Harbor in mid-June of 2014, and will bear the full costs of mobilizing the equipment as well as the requisite dredging activities in the commercial channel; and

WHEREAS, the costs associated with mobilizing the dredging equipment are a significant portion of the costs associated with dredging activities, and significant savings would be realized through dredging other nearby areas while the dredging equipment is on site; and

WHEREAS, Barcelona Harbor's recreational channel also requires dredging, with an estimated cost of \$200,000, of which \$90,000 of local funding has been allocated by the Town of Westfield; and

WHEREAS, Dunkirk Harbor's recreational channel requires dredging, with an estimated cost of \$150,000, of which \$50,000 of local funding has been allocated by the City of Dunkirk; and

WHEREAS, Cattaraugus Creek's recreational channel requires dredging, with an estimated cost of \$500,000, of which \$375,000 of local funding has been allocated; \$300,000 by the Town of Hanover and \$75,000 from NYS Environmental Conservation funding; and

WHEREAS, the Lake Erie Management Commission (LEMC) is dedicating \$60,000 to the project, \$20,000 for each harbor, as part of the local match; and

WHEREAS, Dunkirk Harbor's dredging permit will expire in August of 2014; and

WHEREAS, the municipalities will not be required to bear the costs associated with mobilizing the dredging equipment as this cost will be borne by the NYS Army Corps of Engineers, and therefore each will realize a significant savings and improved tourism capacity as a result of the dredging of the recreational channels; and

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WHEREAS, the fund balance in the 2% Lakes and Waterways Reserve is approximately \$421,024, and this project meets the criteria for use of these funds; therefore be it

RESOLVED, That Chautauqua County, through the 2% Occupancy Tax Lakes and Waterways Reserve Fund, pledges \$150,000 in support of recreational channel dredging activities in Barcelona Harbor, Dunkirk Harbor and Cattaraugus Creek (\$50,000 each), if the remaining matching funds can be secured and the projects come to fruition in 2014; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR	MISC RES – Lakes & Waterways	\$150,000
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;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to 2014 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual – Watershed Administration	\$150,000
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Signed: Borrello, Heenan, Niebel, Chagnon, Larson, Runkle, Nazzaro

Unanimously Adopted – February 26, 2014

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RES. NO. 59-14

A Resolution Directing Chautauqua County Water Quality Task Force to Monitor and Annually Report Progress of Implementation of Phosphorus Management Strategies to Achieve Chautauqua Lake Total Maximum Daily Load (TMDL) Designated Load Reductions

By Planning & Economic Development Committee:  
At the Request of Legislators Chagnon and Borrello:

WHEREAS, Phosphorus is often the limiting nutrient in temperate lakes and ponds and can be thought of as a fertilizer, a primary food for plants, including algae; too much phosphorus can result in algae blooms and excessive weed growth, which can damage the ecology/aesthetics of a lake, as well as the economic well-being of the surrounding drainage basin community; and

WHEREAS, In April 1991, the United States Environmental Protection Agency (EPA) Office of Water's Assessment and Protection Division published "Guidance for Water Quality-based Decisions: The Total Maximum Daily Load (TMDL) Process" (USEPA 1991b); in July 1992, EPA published the final "Water Quality Planning and Management Regulation" (40 CFR Part 130); together, these documents describe the roles and responsibilities of EPA and the states in meeting the requirements of Section 303(d) of the Federal Clean Water Act (CWA) as amended by the Water Quality Act of 1987, Public Law 100-4; Section 303(d) of the CWA requires each state to identify those waters within its boundaries not meeting water quality standards for any given pollutant applicable to the water's designated uses; and

WHEREAS, in 2004, the North and South basins of Chautauqua Lake were both added to the New York State Department of Environmental Conservation (NYS DEC) CWA Section 303(d) list of impaired water bodies that do not meet water quality standards due to phosphorus impairments; and

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WHEREAS, in November 2012 a Total Maximum Daily Load (TMDL) for phosphorus was issued for Chautauqua Lake; and

WHEREAS, this TMDL was written with stringent phosphorus load allocations for the four major wastewater treatment plants, along with significant phosphorus load reductions from agriculture, septic systems and developed land; meeting the necessary load reductions using this approach is deemed the most technically achievable and financially viable; and

WHEREAS, this TMDL identifies recommended phosphorus management strategies for septic systems, wastewater facilities, agricultural runoff, urban stormwater runoff, and additional protection measures; and

WHEREAS, the ecology/aesthetics of Chautauqua Lake is vital to the economic well-being of the surrounding drainage basin community as well as the entire County and region; now therefore be it

RESOLVED, By the Chautauqua County Legislature that the Chautauqua County Water Quality Task Force be directed to monitor the progress of implementation of phosphorus management strategies to achieve Chautauqua Lake Total Maximum Daily Load (TMDL) designated load reductions; and be it further

RESOLVED, By the Chautauqua County Legislature that the Chautauqua County Water Quality Task Force be directed to annually report in accordance with the below listed framework, prior to the end of the month of July, to the Chautauqua County Legislature the progress of implementation of phosphorus management strategies to achieve Chautauqua Lake Total Maximum Daily Load (TMDL) designated load reductions:

Report Framework

A brief description of the current status of each of the bulleted items listed below is to be reported. Chautauqua County Water Quality Task Force is to develop a fair and equitable criteria checklist based upon the extent of completion and relative quality of work completed by which each bulleted item will be graded.

Recommended Phosphorus Management Strategies for Septic Systems

- Progress towards a systematic approach, such as the formation of a management district
- Progress towards development and implementation of a septic system management program by a responsible management entity, and associated New York State funding
- Progress towards municipal sewer system expansion for high priority areas such as existing lakefront development not currently served and those located between the beltway and the Lake, systems proximal to tributaries and non-lakefront areas where large numbers of failing on sites systems are documented
- Progress towards a surveying and testing program to document the location of septic systems and verify failing systems requiring replacement in accordance with the State Sanitary Code
- Progress towards a voluntary septic system inspection and maintenance program or a septic system local law requiring inspection and repair, and associated New York State funding
- Progress towards education of property owners on proper maintenance of their septic systems and encouragement to make preventative repairs

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- Progress towards engagement with a volunteer industry group called the Onsite Wastewater Treatment Training Network (OTN)

Recommended Phosphorus Management Strategies for Wastewater Treatment Facilities

- Progress towards Chautauqua Heights Sewer District meeting their SPDES permit interim phosphorus limit and final load limits
- Progress towards North Chautauqua Lake Sewer District meeting their SPDES permit interim phosphorus limit and final load limits
- Progress towards Chautauqua Utility District meeting their SPDES permit interim phosphorus limit and final load limits
- Progress towards South & Center Chautauqua Lake Sewer District meeting their SPDES permit interim phosphorus limit and final load limits
- Progress towards the 17 private, commercial and institutional (PCI) dischargers in both the North and South basins implementing phosphorus monitoring, and evaluation of these facilities tying into a municipal sewer system

Recommended Phosphorus Management Strategies for Agricultural Runoff

- Progress of Concentrated Animal Feeding Operation (CAFO) within the watershed and those located just outside of the watershed in complying with a Comprehensive Nutrient Management Plan and any SPDES permit regulations
- Progress towards all farms within the watershed enrolling in the New York State Agricultural Environmental Management (AEM) Program, which practices would be eligible for state or federal funding because they address a water quality impairment associated with the TMDL
- Progress towards surveying current activities, future plans and potential environmental concerns to identify farmers that for economic or personal reasons may be changing or scaling back operations, or contemplating selling land; these farms would be candidates for conservation easements, or conversion of cropland to hay
- Progress towards documenting current land stewardship to identify and prioritize areas of concern such as farms with highly-erodible soils and/or needing stream management
- Progress towards developing a conservation plan, by certified planners, addressing areas of concern tailored to farm economic and environmental goals including a Comprehensive Nutrient Management Plan with phosphorus indexing at the appropriate stage in the planning process
- Progress towards implementing the plan using available financial, educational and technical assistance to reduce phosphorus loads, such as conservation tillage, stream fencing, rotational grazing and cover crops, and utilizing riparian buffers to reduce losses from upland fields and stabilize stream banks in addition to reducing load by taking land out of production
- Progress towards conducting evaluations to ensure the protection of the environment and farm viability

Recommended Phosphorus Management Strategies for Urban Stormwater Runoff

- Progress towards each of the Towns and Villages in the watershed developing and implementing a stormwater, sedimentation, and erosion control ordinance that is consistent with the NYSDEC framework

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- Progress towards public education regarding lawn care, specifically reducing fertilizer use or using phosphorus-free products, cleaning up pet waste and discouraging waterfowl congregation by restoring natural shoreline vegetation
- Progress towards management practices to address any significant existing erosion sites
- Progress towards construction site and post construction stormwater runoff control ordinance, inspection and enforcement programs
- Progress towards pollution prevention practices for road and ditch maintenance
- Progress towards management practices for the handling, storage and use of roadway deicing products

## Follow-up Monitoring

- Status of continued participation on the Citizens State Lake Assessment Program (CSLAP) and its sampling at regular intervals in the north and south basins of Chautauqua Lake

Signed: Borrello, Heenan, Niebel, Chagnon, Larson

Unanimously Adopted – February 26, 2014

RES. NO. 60-14  
Amend 2013 Budget to Adjust Accounts for Year End Reconciliation

By Audit & Control Committee:  
At the Request of County Executive Vincent W. Horrigan:

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 ESN and ESP Fund Balances are appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

ESN.-----909.0000	Fund Balance, Unreserved Fund Balance	21,933
ESP.-----909.0000	Fund Balance, Unreserved Fund Balance	12,774

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2013 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1010.1	Personal Services-Legislative Board	\$2,114
A.1010.5	Fixed Contractual-Legislative Board	1,064
A.1010.8	Employee Benefits-Legislative Board	6,704
A.1040.1	Personal Services-Clerk, Legislative Board	557



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A.1040.5	Fixed Contractual-Clerk, Legislative Board	1,424
A.1040.8	Employee Benefits-Clerk, Legislative Board	7,094
A.1162.1110.4	Contractual-Court Officers	116
A.1162.1110.8	Employee Benefits-Court Officers	2,824
A.1162.1120.4	Contractual-Unified Court Costs - Assigned Counsel	265,570
A.1162.1145.5	Fixed Contractual-Unified Court Costs - Surrogate Court	627
A.1162.1160.5	Fixed Contractual-Unified Court Costs - Court Library	81
A.1165.1169.1	Personal Services-District Attorney - Crime Victims	317
A.1170.1174.1	Personal Services-Alt To Incarceration	1,503
A.1170.1	Personal Services-Public Defender	29,030
A.1170.4	Contractual-Public Defender	21,311
A.1170.5	Fixed Contractual-Public Defender	2,953
A.1185.4	Contractual-Med Examiners & Coroners	12,003
A.1185.8	Employee Benefits-Med Examiners & Coroners	3,491
A.1330.4	Contractual-Real Property Tax	1,600
A.1330.4	Contractual-Real Property Tax	5,129
A.1362.5	Fixed Contractual-Tax Advertising & Expense	14,786
A.1410.1411.5	Fixed Contractual-MOTOR VEHICLES	926
A.1410.1	Personal Services-COUNTY CLERK	1,080
A.1410.5	Fixed Contractual-COUNTY CLERK	1,748
A.1420.4	Contractual-County Attorney	2,688
A.1430.2	Equipment-Human Resources	2,252
A.1430.5	Fixed Contractual-Human Resources	694
A.1440.3	Depreciable Equipment-Engineers	35,000
A.1450.1	Personal Services-Board of Elections	23,193
A.1450.5	Fixed Contractual-Board of Elections	5,112
A.1450.8	Employee Benefits-Board of Elections	21,673
A.1460.1	Personal Services-RECORDS MANAGEMENT	57
A.1460.5	Fixed Contractual-RECORDS MANAGEMENT	1,717
A.1610.1	Personal Services-OFFICE SERVICES	519
A.1610.4	Contractual-OFFICE SERVICES	286,233
A.1610.5	Fixed Contractual-OFFICE SERVICES	2,352
A.1610.8	Employee Benefits-OFFICE SERVICES	434

## REGULAR SESSION

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A.1620.5020.4	Contractual -B&G - HRC	11,028
A.1620.5030.4	Contractual -B&G - CH	2,193
A.1620.5060.4	Contractual -B&G - GOB	17,435
A.1620.6070.4	Contractual -B&G - Chadwick	365
A.1620.6080.4	Contractual -B&G - NCOB	7
A.1620.7010.4	Contractual -B&G - SCOB	24,880
A.1620.5	Fixed Contractual -B&G	4,657
A.1650.3	Depreciable Equipment-COMMUNICATIONS SYSTEM	13,633
A.1650.4	Contractual-COMMUNICATIONS SYSTEM	6,647
A.1650.5	Fixed Contractual-COMMUNICATIONS SYSTEM	835
A.1670.4	Contractual-PRINT SHOP	98,927
A.1670.5	Fixed Contractual-PRINT SHOP	433
A.1670.8	Employee Benefits-PRINT SHOP	342
A.1680.2	Equipment-INFORMATION TECHNOLOGY	3,271
A.1680.3	Depreciable Equipment-INFORMATION TECHNOLOGY	22,018
A.1680.5	Fixed Contractual-INFORMATION TECHNOLOGY	8,985
A.1680.8	Employee Benefits-INFORMATION TECHNOLOGY	117,161
A.1989.5	Fixed Contractual-Tax Rolls Maint & Process	3,508
A.3010.3	Equipment-Emergency Services	35,903
A.3020.DISP.1	Personal Services-Consolidated Dispatching	17,310
A.3020.DISP.4	Contractual-Consolidated Dispatching	5,865
A.3020.DISP.5	Fixed Contractual-Consolidated Dispatching	1,246
A.3020.IECG.3	Depreciable Equipment-Interoperable Emer Comm	113,099
A.3020.IECG.4	Contractual-Interoperable Emer Comm	29,909
A.3020.IECG.5	Fixed Contractual-Interoperable Emer Comm	1
A.3020.TECH.5	Fixed Contractual-Technical Services	1,049
A.3020.TECH.8	Employee Benefits-Technical Services	1,810
A.3020.W911.2	Equipment-E911 Wireless	3,072
A.3020.W911.3	Depreciable Equipment-E911 Wireless	1
A.3020.W911.4	Contractual-E911 Wireless	3,422
A.3110.3114.1	Personal Services-Pistol Permit	3,885
A.3110.3114.5	Fixed Contractual-Pistol Permit	4,383
A.3110.3118.1	Personal Services-Criminal Investigation -Juvenile	2,141

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A.3110.3118.8	Employee Benefits-Criminal Investigation -Juvenile	592
A.3110.1	Personal Services-Sheriff	17,387
A.3110.2	Equipment-Sheriff	34,192
A.3110.3	Depreciable Equipment-Sheriff	459,129
A.3110.4	Contractual-Sheriff	34,042
A.3110.8	Employee Benefits-Sheriff	49,485
A.3140.1	Personal Services-Probation	14,549
A.3140.5	Fixed Contractual-Probation	3,691
A.3140.8	Employee benefits-Probation	10,303
A.3150.1	Personal Services-Jail	282,226
A.3150.2	Equipment-Jail	5,567
A.3189.MEDI.1	Personal Services-Medi-Vac	60,739
A.3315.VICT.4	Contractual-Victim Impact Panel	752
A.3315.1	Personal Services-Stop DWI	13,947
A.3989.1	Personal Services-Emergency Medical Service	3,733
A.3989.5	Fixed Contractual-Emergency Medical Service Fixed Contractual-Public Health Admin - Health	1,465
A.4010.HE.5	Education	2,077
A.4010.1	Personal Services-Public Health Admin	50,262
A.4010.8	Employee Benefits-Public Health Admin Personal Services-Prenatal Clinic - Medicaid	111,698
A.4017.MOMS.1	Obstet/Maternal Employee Benefits-Prenatal Clinic - Medicaid	36,065
A.4017.MOMS.8	Obstet/Maternal	12,341
A.4025.4	Contractual-Laboratories	1,136
A.4025.8	Employee Benefits-Laboratories	8,083
A.4035.1	Personal Services-Family Health/Planning	21,175
A.4035.8	Employee Benefits-Family Health/Planning	12,444
A.4046.4	Contractual-Phys Handicapped Children	2,601
A.4059.1	Personal Services-Early Intervention Program	27,302
A.4070.1	Personal Services-TB Testing	2,245
A.4070.8	Employee Benefits-TB Testing	1,123
A.4082.4	Contractual-WIC Program	40,016
A.4090.1	Personal Services-Environmental Health	29,601
A.4090.4	Contractual-Environmental Health	25,402

## REGULAR SESSION

A.4090.5	Fixed Contractual-Environmental Health	1,868
A.4230.3113.2	Equipment-Substance Abuse Contracts-So Tier Drug Task Force	3,430
A.4310.8	Employee Benefits-Mental Hygiene Admin	10,371
A.5610.5610.5	Fixed Contractual-CC Airport - Jamestown Airport	5,502
A.5610.5612.1	Personal Services-CC Airport - Dunkirk Airport	16,918
A.5610.5612.5	Fixed Contractual-CC Airport - Dunkirk Airport	5,119
A.5610.5612.8	Employee Benefits-CC Airport - Dunkirk Airport	11,825
A.5630.5625.2	Equipment-5630-Bus Operations	160
A.5630.5625.5	Fixed Contractual-5630-Bus Operations	3,951
A.5630.MED.2	Equipment-5630-Bus Operations	480
A.6010.MASA.1	Personal Services-Medicaid Special Assist	2,313
A.6101.4	Contractual-Medical Assistance	159,575
A.6102.4	Contractual-Medical Assistance - MMIS	1
A.6420.GJG.4	Contractual-Promotion of Industry - Green Jobs Green	7,619
A.6420.TOUR.4	Contractual-Promotion of Industry - Tourism	28,875
A.6420.1	Personal Services-Promotion of Industry	1,333
A.6420.4	Contractual-Promotion of Industry	235,368
A.6420.8	Employee Benefits-Promotion of Industry	26,665
A.6610.1	Personal Services-WEIGHTS & MEASURES	368
A.6772.5	Fixed Contractual-OFFICE FOR THE AGING	1,429
A.7020.1	Personal Services-Youth Bureau	200
A.7110.1	Personal Services-Parks	815
A.7110.4	Contractual-Parks	6,913
A.7310.4	Contractual-Youth Programs	7,848
A.8020.8037.4	Contractual-Planning - Busti Environmental Grant	13,368
A.8020.WTRS.1	Personal Services-Planning - Watershed Administration	153
A.9730.6	Principal on Debt-DEBT SERVICE	90,000
A.6100.4	Contractual-Medicaid	288,748
CS.1710.1	Personal Services-Insurance Administration	7,391
CS.1710.8	Employee Benefits-Insurance Administration	1,286
CS.1930.4	Contractual-Judgements & Claims	34,168
D.5010.1	Personal Services-Public Facilities Admin	15,854
D.5010.5	Fixed Contractual-Public Facilities Admin	1,397

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D.5010.8	Employee Benefits-Public Facilities Admin	7,512
D.5110.1	Personal Services-Maintenance of Roads	100,710
D.5110.4	Contractual-Maintenance of Roads	57,169
D.5110.8	Employee Benefits-Maintenance of Roads	32,256
D.5112.391.4	Contractual-Cap Improvements - Highway Imp	173,178
D.5142.4	Contractual-Snow Removal: Co Roads	386,940
DM.5130.4	Contractual-Road Machinery	352,466
EE.8410.4	Contractual-ELECTRIC GENERATION	509,703
EE.9901.9040.9	Interfund Transfers-TRANSFER TO OTHER FUNDS	711,526
EL.8160.1000.8	Employee Benefits-Environment - Landfill	78,545
EL.8160.1000.5	Fixed Contractual-Environment - Landfill	4,703
EL.8160.7000.1	Personal Services-Environmental - Recycling	13,839
EL.8160.7000.8	Employee Benefits-Environmental - Recycling	8,558
EL.9710.7	Interest on Indebtedness-Debt Service/Serial Bonds	2,420
ESN.8110.8112.4	Contractual-Administration-Administration	4,491
ESN.8110.8112.5	Fixed Contractual-Administration-Administration	20,254
ESN.8120.8122.1	Personal Services-Sanitary Sewers-Sanitary Sewers	2,022
ESN.8120.8122.8	Employee Benefits-Sanitary Sewers-Sanitary Sewers	2,496
ESN.8130.8132.4	Contractual-Sewage Treatment-Sewage Treatment	17,709
ESP.8110.8114.5	Fixed Contractual-Administration - Administration	8,466
ESP.8120.8124.4	Contractual-Sanitary Sewers - Sanitary Sewers	2,108
ESP.8130.8134.4	Contractual-Sewage Treatments-Sewage Treatment	24,524
ESS.8110.5	Fixed Contractual-Administration	8,570
EW.8120.4	Contractual-Sanitary Sewers	2,626
M.1930.4	Contractual-Judgements & Claims	63,332
M.1930.8	Employee Benefits-Judgements & Claims	6,397
MS.1710.4	Contractual-Insurance Administration	256,321
	Total	\$6,550,919

DECREASE APPROPRIATION ACCOUNTS:

A.1010.4	Contractual-Legislative Board	\$3,300
A.1010.5	Contractual-Clerk, Legislative Board	2,507
A.1162.1110.1	Personal Services-Court Officers	2,940
A.1162.1140.5	Fixed Contractual-Unified Court Costs - Family Court	708

## REGULAR SESSION

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A.1165.1169.8	Employee Benefits-District Attorney - Crime Victims	317
A.1170.1174.8	Employee Benefits-Alt To Incarceration	1,503
A.1170.8	Employee Benefits-Public Defender	53,294
A.1185.1	Personal Services-Med Examiners & Coroners	2,337
A.1185.5	Fixed Contractual-Med Examiners & Coroners	146
A.1362.4	Contractual-Tax Advertising & Expense	21,515
A.1410.1411.4	Contractual-MOTOR VEHICLES	926
A.1410.8	Employee Benefits-COUNTY CLERK	2,828
A.1420.8	Employee Benefits-County Attorney	2,688
A.1430.8	Employee Benefits-Human Resources	2,946
A.1440.1	Personal Services-Engineers	35,000
A.1450.4	Contractual -Board of Elections	49,978
A.1460.4	Contractual-RECORDS MANAGEMENT	1,723
A.1460.8	Employee Benefits-RECORDS MANAGEMENT	51
A.1620.5020.5	Fixed Contractual -B&G - HRC	2,363
A.1620.5030.5	Fixed Contractual -B&G - CH	1,245
A.1620.5070.4	Contractual -B&G - MMB	7,030
A.1620.1	Personal Services -B&G	31,532
A.1620.4	Contractual -B&G	3,758
A.1620.8	Employee Benefits -B&G	14,637
A.1650.1	Personal Services-COMMUNICATIONS SYSTEM	1,587
A.1650.2	Equipment-COMMUNICATIONS SYSTEM	12,127
A.1650.8	Employee Benefits-COMMUNICATIONS SYSTEM	9,187
A.1670.1	Personal Services-PRINT SHOP	9,560
A.1680.GIS.4	Contractual-GIS - GEOGRAPHIC INFO SYSTEM	2,578
A.1680.1	Personal Services-INFORMATION TECHNOLOGY	17,707
A.1680.4	Contractual-INFORMATION TECHNOLOGY	45,550
A.1989.4	Contractual-Tax Rolls Maint & Process	3,508
A.2490.4	Contractual-Community College Tuition	658,553
A.3010.4	Contractual-Emergency Services	35,903
A.3020.DISP.8	Employee Benefits-Consolidated Dispatching	24,421
A.3020.E911.4	Contractual-E911 System	6,495
A.3020.TECH.1	Personal Services-Technical Services	1,810

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A.3020.TECH.4	Contractual-Technical Services	1,049
A.3110.3114.4	Contractual-Pistol Permit	7,849
A.3140.2	Equipment-Probation	1,888
A.3140.4	Contractual-Probation	1,468
A.3150.4	Contractual-Jail	5,567
A.3150.8	Employee Benefits-Jail	282,226
A.3189.MEDI.5	Fixed Contractual-Medi-Vac	60,739
A.3315.4	Contractual-Stop DWI	14,699
A.3989.4	Contractual-Emergency Medical Service	5,198
A.4010.HE.4	Contractual-Public Health Admin - Health Education	11,875
A.4010.NURS.1	Personal Services-Public Health Admin - Nursing	38,520
A.4010.NURS.4	Contractual-Public Health Admin - Nursing	173,053
A.4010.NURS.8	Employee Benefits-Public Health Admin - Nursing	82,348
A.4017.MOMS.4	Contractual-Prenatal Clinic - Medicaid Obstet/Maternal	16,476
A.4035.4	Contractual-Family Health/Planning Contractual-Substance Abuse Contracts-So Tier Drug Task Force	63,167 3,430
A.4230.3113.4	Contractual-Mental Hygiene Admin	10,371
A.5610.5610.4	Contractual-CC Airport - Jamestown Airport	32,441
A.5610.5612.4	Contractual-CC Airport - Dunkirk Airport	6,923
A.5630.5625.8	Employee Benefits-5630-Bus Operations	4,111
A.5630.MED.4	Contractual-5630-Bus Operations	480
A.6010.1	Personal Services-Social Services Admin	2,313
A.6010.4	Contractual-Social Services Admin	448,324
A.6610.4	Contractual-WEIGHTS & MEASURES	368
A.6772.4	Contractual-OFFICE FOR THE AGING	1,429
A.7020.4	Contractual-Youth Bureau	200
A.7110.8	Employee Benefits-Parks	7,728
A.8020.4	Contractual-Planning	71,532
A.8020.8	Employee Benefits-Planning	6,481
A.9730.7	Interest on Indebtedness-DEBT SERVICE	90,000
CS.1710.4	Contractual-Insurance Administration	42,845
D.5010.2	Equipment-Public Facilities Admin	2,500
D.5010.4	Contractual-Public Facilities Admin	16,286

## REGULAR SESSION

D.5110.3310.1	Personal Services-Pavement Marking	18,545
D.5110.3310.4	Contractual-Pavement Marking	518
D.5110.3310.8	Employee Benefits-Pavement Marking	17,794
D.5110.5	Fixed Contractual-Maintenance of Roads	1,581
D.5142.1	Personal Services-Snow Removal: Co Roads	220,236
D.5142.8	Employee Benefits-Snow Removal: Co Roads	209,742
DM.5130.1	Personal Services-Road Machinery	29,225
DM.5130.8	Employee Benefits-Road Machinery	22,132
EE.8410.1	Personal Services-ELECTRIC GENERATION	1,272
EE.9710.7	Interest on Indebtedness-DEBT SERVICE / SERIAL BONDS	43,004
EL.8160.1000.4	Contractual-Environment - Landfill	108,065
ESN.8110.8112.1	Personal Services-Administration-Administration	5,833
ESN.8110.8112.8	Employee Benefits-Administration-Administration	3,036
ESN.8120.8122.4	Contractual-Sanitary Sewers-Sanitary Sewers	2,604
ESN.8130.8132.1	Personal Services-Sewage Treatment-Sewage Treatment	6,845
ESN.8130.8132.8	Employee Benefits-Sewage Treatment-Sewage Treatment	6,721
ESP.8110.8114.4	Contractual-Administration - Administration	3,324
ESP.8120.8124.2	Equipment-Sanitary Sewers - Sanitary Sewers	19,000
ESS.8110.4	Contractual-Administration	8,570
EW.8310.4	Contractual-No Co Ind Water District #1	2,626
M.1910.4	Contractual-Administration	69,729
MS.1720.4	Contractual-Benefits & Awards	256,321
	Total	\$3,644,865

INCREASE REVENUE ACCOUNTS:

A.1610.R221.0POS	SHARED SERV-POSTAGE	281,547
A.1670.R221.0002	SHARED SERV-PRINTING	66,617
A.1680.R222.8000	CHRGs:INFORMATION SRVCS	7,510
A.1680.R265.5000	MINOR SALES	1,553
A.3020.IECG.R438.9IEC	Inoperable Emer Comm Grant	28,142
A.3110.3114.R254.5000	Licenses	419
A.3110.R226.0000	Chrgs: Oth Gov-Pub Safety	77,504
A.3110.R438.9PSC	Port Security	488,261



## JOURNAL OF PROCEEDINGS

A.3110.R438.9OSG	Operation Stone Garden	105,974
A.3110.R438.9LTP	Terrorism Prevention	40,096
A.7310.R382.0000	State Aid- Youth Programs	7,848
D.5110.R178.9000	Oth Transportation Income	2,114
D.5110.R230.6000	Chrgs: Oth Gov Road & Bridge	2,934
D.5110.R270.1000	Refunds: Prior Yr Exp	20,410
D.5110.R496.0003	FEMA Debris Removal	76,898
D.5112.391.R458.9002	Federal Aid: Surface Transportation Program	123,275
D.5142.R277.0007	Other Uncl: Salt & Sand	62,183
DM.5130.R230.0DIE	Chrgs: Diesel	130,264
DM.5130.R230.0GAS	Chrgs: Municipal Gas	74,154
DM.5130.R230.0MEC	Chrgs: Mechanical Services	15,582
DM.5130.R280.1DIE	Interfund Rev: Diesel	42,967
DM.5130.R280.1GAS	Interfund Rev: Gas	38,142
EE.8410.R215.0001	NYISO	160,169
EE.8410.R215.0002	NEISO	955,080
EE.8410.R215.0003	NEW ENGLAND RENEWABLE ENERGY CREDITS	1,652,348
EE.8410.R240.1000	INTEREST & EARNINGS	9,221
	Total	\$4,471,212

DECREASE REVENUE ACCOUNTS:

EE.8410.R215.0004	Sale of Elec Pwr - Market Capacity	\$1,594,320
EE.8410.R215.0006	NY Renewable Energy Credits	5,545
	Total	\$1,599,865

Signed: Runkle, Borrello, Chagnon, Heenan, Nazzaro

**MOVED by Legislator Runkle, SECONDED by Legislator Heenan to amend by substitution.**

*Unanimously Carried*

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 ESN and ESP Fund Balances are appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

ESN,-----909.0000	Fund Balance, Unreserved Fund Balance	\$25,006 *
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## REGULAR SESSION

ESP-----909.0000	Fund Balance, Unreserved Fund Balance	12,774
	Total	\$37,780

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2013 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1010.1	Personal Services-Legislative Board	\$2,114
A.1010.5	Fixed Contractual-Legislative Board	1,064
A.1010.8	Employee Benefits-Legislative Board	6,704
A.1040.1	Personal Services-Clerk, Legislative Board	557
A.1040.5	Fixed Contractual-Clerk, Legislative Board	\$1,424
A.1040.8	Employee Benefits-Clerk, Legislative Board	7,094
A.1162.1110.4	Contractual-Court Officers	134 *
A.1162.1110.8	Employee Benefits-Court Officers	2,824
A.1162.1120.4	Contractual-Unified Court Costs - Assigned Counsel	265,570
A.1162.1145.5	Fixed Contractual-Unified Court Costs - Surrogate Court	627
A.1162.1160.5	Fixed Contractual-Unified Court Costs - Court Library	81
A.1165.1169.1	Personal Services-District Attorney - Crime Victims	317
A.1170.1174.1	Personal Services-Alt To Incarceration	1,503
A.1170.1	Personal Services-Public Defender	29,030
A.1170.4	Contractual-Public Defender	21,336 *
A.1170.5	Fixed Contractual-Public Defender	2,953
A.1185.4	Contractual-Med Examiners & Coroners	12,003
A.1185.8	Employee Benefits-Med Examiners & Coroners	3,491
A.1330.4	Contractual-Real Property Tax	1,600
A.1330.4	Contractual-Real Property Tax	5,129
A.1362.5	Fixed Contractual-Tax Advertising & Expense	14,786
A.1410.1411.5	Fixed Contractual-MOTOR VEHICLES	926
A.1410.1	Personal Services-COUNTY CLERK	1,080
A.1410.5	Fixed Contractual-COUNTY CLERK	1,748
A.1420.4	Contractual-County Attorney	2,688
A.1430.2	Equipment-Human Resources	2,252
A.1430.5	Fixed Contractual-Human Resources	694

## JOURNAL OF PROCEEDINGS

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A.1440.3	Depreciable Equipment-Engineers	35,000
A.1450.1	Personal Services-Board of Elections	23,193
A.1450.5	Fixed Contractual-Board of Elections	5,112
A.1450.8	Employee Benefits-Board of Elections	21,673
A.1460.1	Personal Services-RECORDS MANAGEMENT	57
A.1460.5	Fixed Contractual-RECORDS MANAGEMENT	1,717
A.1610.1	Personal Services-OFFICE SERVICES	519
A.1610.4	Contractual-OFFICE SERVICES	286,233
A.1610.5	Fixed Contractual-OFFICE SERVICES	2,352
A.1610.8	Employee Benefits-OFFICE SERVICES	434
A.1620.5020.4	Contractual -B&G - HRC	11,028
A.1620.5030.4	Contractual -B&G - CH	2,193
A.1620.5060.4	Contractual -B&G - GOB	17,435
A.1620.6070.4	Contractual -B&G - Chadwick	365
A.1620.6080.4	Contractual -B&G - NCOB	7
A.1620.7010.4	Contractual -B&G - SCOB	24,880
A.1620.5	Fixed Contractual -B&G	4,657
A.1650.3	Depreciable Equipment-COMMUNICATIONS SYSTEM	13,633
A.1650.4	Contractual-COMMUNICATIONS SYSTEM	6,647
A.1650.5	Fixed Contractual-COMMUNICATIONS SYSTEM	835
A.1670.4	Contractual-PRINT SHOP	98,927
A.1670.5	Fixed Contractual-PRINT SHOP	433
A.1670.8	Employee Benefits-PRINT SHOP	342
A.1680.2	Equipment-INFORMATION TECHNOLOGY	3,271
A.1680.3	Depreciable Equipment-INFORMATION TECHNOLOGY	22,018
A.1680.5	Fixed Contractual-INFORMATION TECHNOLOGY	8,985
A.1680.8	Employee Benefits-INFORMATION TECHNOLOGY	117,161
A.1989.5	Fixed Contractual-Tax Rolls Maint & Process	3,508
A.3010.3	Equipment-Emergency Services	35,903
A.3020.DISP.1	Personal Services-Consolidated Dispatching	17,310
A.3020.DISP.4	Contractual-Consolidated Dispatching	5,865
A.3020.DISP.5	Fixed Contractual-Consolidated Dispatching	1,246
A.3020.IECG.3	Depreciable Equipment-Interoperable Emer Comm	113,099

## REGULAR SESSION

A.3020.IECG.4	Contractual-Interoperable Emer Comm	29,909
A.3020.IECG.5	Fixed Contractual-Interoperable Emer Comm	1
A.3020.TECH.5	Fixed Contractual-Technical Services	1,049
A.3020.TECH.8	Employee Benefits-Technical Services	1,810
A.3020.W911.2	Equipment-E911 Wireless	3,072
A.3020.W911.3	Depreciable Equipment-E911 Wireless	1
A.3020.W911.4	Contractual-E911 Wireless	7,254 *
A.3110.3114.1	Personal Services-Pistol Permit	3,885
A.3110.3114.5	Fixed Contractual-Pistol Permit	4,383
A.3110.3118.1	Personal Services-Criminal Investigation -Juvenile	2,141
A.3110.3118.8	Employee Benefits-Criminal Investigation -Juvenile	592
A.3110.1	Personal Services-Sheriff	17,387
A.3110.2	Equipment-Sheriff	34,192
A.3110.3	Depreciable Equipment-Sheriff	459,129
A.3110.4	Contractual-Sheriff	34,490 *
A.3110.8	Employee Benefits-Sheriff	49,485
A.3140.1	Personal Services-Probation	14,549
A.3140.5	Fixed Contractual-Probation	3,691
A.3140.8	Employee Benefits-Probation	10,303
A.3150.1	Personal Services-Jail	282,226
A.3150.2	Equipment-Jail	5,567
A.3189.MEDI.1	Personal Services-Medi-Vac	60,739
A.3315.VICT.4	Contractual-Victim Impact Panel	752
A.3315.1	Personal Services-Stop DWI	13,947
A.3989.1	Personal Services-Emergency Medical Service	3,733
A.3989.5	Fixed Contractual-Emergency Medical Service	1,465
A.4010.HE.5	Fixed Contractual-Public Health Admin - Health Education	2,077
A.4010.1	Personal Services-Public Health Admin	50,262
A.4010.8	Employee Benefits-Public Health Admin	111,698
A.4017.MOMS.1	Personal Services-Prenatal Clinic - Medicaid Obstet/Maternal	36,065
A.4017.MOMS.8	Employee Benefits-Prenatal Clinic - Medicaid Obstet/Maternal	12,341
A.4025.4	Contractual-Laboratories	1,136
A.4025.8	Employee Benefits-Laboratories	8,083

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A.4035.1	Personal Services-Family Health/Planning	21,175
A.4035.8	Employee Benefits-Family Health/Planning	12,444
A.4046.4	Contractual-Phys Handicapped Children	2,601
A.4059.1	Personal Services-Early Intervention Program	27,302
A.4070.1	Personal Services-TB Testing	2,245
A.4070.8	Employee Benefits-TB Testing	1,123
A.4082.4	Contractual-WIC Program	40,016
A.4090.1	Personal Services-Environmental Health	29,601
A.4090.4	Contractual-Environmental Health	25,402
A.4090.5	Fixed Contractual-Environmental Health	1,868
A.4230.3113.2	Equipment-Substance Abuse Contracts-So Tier Drug Task Force	3,430
A.4310.8	Employee Benefits-Mental Hygiene Admin	10,371
A.5610.5610.5	Fixed Contractual-CC Airport - Jamestown Airport	5,502
A.5610.5612.1	Personal Services-CC Airport - Dunkirk Airport	16,918
A.5610.5612.5	Fixed Contractual-CC Airport - Dunkirk Airport	5,119
A.5610.5612.8	Employee Benefits-CC Airport - Dunkirk Airport	11,825
A.5630.5625.2	Equipment-5630-Bus Operations	674 *
A.5630.5625.5	Fixed Contractual-5630-Bus Operations	3,951
A.5630.MED.2	Equipment-5630-Bus Operations	480
A.6010.MASA.1	Personal Services-Medicaid Special Assist	2,313
A.6101.4	Contractual-Medical Assistance	159,575
A.6102.4	Contractual-Medical Assistance - MMIS	1
A.6420.GJG.4	Contractual-Promotion of Industry - Green Jobs Green	7,619
A.6420.TOUR.4	Contractual-Promotion of Industry - Tourism	0 *
A.6420.1	Personal Services-Promotion of Industry	13,333 *
A.6420.4	Contractual-Promotion of Industry	235,840 *
A.6420.8	Employee Benefits-Promotion of Industry	26,665
A.6610.1	Personal Services-WEIGHTS & MEASURES	368
A.6772.5	Fixed Contractual-OFFICE FOR THE AGING	1,429
A.7020.1	Personal Services-Youth Bureau	200
A.7110.1	Personal Services-Parks	815
A.7110.4	Contractual-Parks	6,913
A.7310.4	Contractual-Youth Programs	7,848

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A.8020.8037.4	Contractual-Planning - Busti Environmental Grant	13,368
A.8020.WTRS.1	Personal Services-Planning - Watershed Administration	153
A.9730.6	Principal on Debt-DEBT SERVICE	90,000
A .6100.4	Contractual-Medicaid	288,748
CS.1710.1	Personal Services-Insurance Administration	7,391
CS.1710.8	Employee Benefits-Insurance Administration	1,286
CS.1930.4	Contractual-Judgements & Claims	34,168
D.5010.1	Personal Services-Public Facilities Admin	15,854
D.5010.5	Fixed Contractual-Public Facilities Admin	1,397
D.5010.8	Employee Benefits-Public Facilities Admin	7,512
D.5110.1	Personal Services-Maintenance of Roads	100,710
D.5110.4	Contractual-Maintenance of Roads	57,169
D.5110.8	Employee Benefits-Maintenance of Roads	32,256
D.5112.391.4	Contractual-Cap Improvements - Highway Imp	173,178
D.5142.4	Contractual-Snow Removal: Co Roads	386,940
DM.5130.4	Contractual-Road Machinery	352,466
EE.8410.4	Contractual-ELECTRIC GENERATION	507,524 *
EE.9901.9040.9	Interfund Transfers-TRANSFER TO OTHER FUNDS	664,177 *
EE.9710.7	INTEREST ON INDEBTEDNESS-DEBT SERVICE / SERIAL BONDS	4,979 *
EL.8160.1000.8	Employee Benefits-Environment - Landfill	86,657 *
EL.8160.1000.5	Fixed Contractual-Environment - Landfill	4,703
EL.8160.7000.1	Personal Services-Environmental - Recycling	13,839
EL.8160.7000.8	Employee Benefits-Environmental - Recycling	8,558
EL.9710.7	Interest on Indebtedness-Debt Service/Serial Bonds	2,420
ESN.8110.8112.4	Contractual-Administration-Administration	4,491
ESN.8110.8112.5	Fixed Contractual-Administration-Administration	20,254
ESN.8120.8122.1	Personal Services-Sanitary Sewers-Sanitary Sewers	2,022
ESN.8120.8122.8	Employee Benefits-Sanitary Sewers-Sanitary Sewers	5,569 *
ESN.8130.8132.4	Contractual-Sewage Treatment-Sewage Treatment	17,709
ESP.8110.8114.5	Fixed Contractual-Administration - Administration	8,466
ESP.8120.8124.4	Contractual-Sanitary Sewers - Sanitary Sewers	2,108
ESP.8130.8134.4	Contractual-Sewage Treatments-Sewage Treatment	24,524
ESS.8110.5	Fixed Contractual-Administration	8,570

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EW.8120.4	Contractual-Sanitary Sewers	2,626	
M.1930.4	Contractual-Judgements & Claims	63,332	
M.1930.8	Employee Benefits-Judgements & Claims	6,397	
MS.1710.4	Contractual-Insurance Administration	<u>277,655</u>	*
	Total	\$6,527,323	*

DECREASE APPROPRIATION ACCOUNTS:

A.1010.4	Contractual-Legislative Board	\$2,500	*
A.1010.5	Contractual-Clerk, Legislative Board	2,507	
A.1162.1110.1	Personal Services-Court Officers	2,940	
A.1162.1140.5	Fixed Contractual-Unified Court Costs - Family Court	\$708	
A.1165.1169.8	Employee Benefits-District Attorney - Crime Victims	317	
A.1170.1174.8	Employee Benefits-Alt To Incarceration	1,503	
A.1170.8	Employee Benefits-Public Defender	53,319	*
A.1185.1	Personal Services-Med Examiners & Coroners	2,337	
A.1185.5	Fixed Contractual-Med Examiners & Coroners	146	
A.1362.4	Contractual-Tax Advertising & Expense	21,515	
A.1410.1411.4	Contractual-MOTOR VEHICLES	926	
A.1410.8	Employee Benefits-COUNTY CLERK	2,828	
A.1420.8	Employee Benefits-County Attorney	2,688	
A.1430.8	Employee Benefits-Human Resources	2,946	
A.1440.1	Personal Services-Engineers	35,000	
A.1450.4	Contractual -Board of Elections	49,978	
A.1460.4	Contractual-RECORDS MANAGEMENT	1,723	
A.1460.8	Employee Benefits-RECORDS MANAGEMENT	51	
A.1620.5020.5	Fixed Contractual -B&G - HRC	2,363	
A.1620.5030.5	Fixed Contractual -B&G - CH	1,245	
A.1620.5070.4	Contractual -B&G - MMB	7,030	
A.1620.1	Personal Services -B&G	31,532	
A.1620.4	Contractual -B&G	3,758	
A.1620.8	Employee Benefits -B&G	14,637	
A.1650.1	Personal Services-COMMUNICATIONS SYSTEM	1,587	
A.1650.2	Equipment-COMMUNICATIONS SYSTEM	12,127	
A.1650.8	Employee Benefits-COMMUNICATIONS SYSTEM	9,187	

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A.1670.1	Personal Services-PRINT SHOP	9,560
A.1680.GIS.4	Contractual-GIS - GEOGRAPHIC INFO SYSTEM	2,578
A.1680.1	Personal Services-INFORMATION TECHNOLOGY	17,707
A.1680.4	Contractual-INFORMATION TECHNOLOGY	45,525 *
A.1989.4	Contractual-Tax Rolls Maint & Process	3,508
A.2490.4	Contractual-Community College Tuition	647,252 *
A.3010.4	Contractual-Emergency Services	35,903
A.3020.DISP.8	Employee Benefits-Consolidated Dispatching	24,421
A.3020.E911.4	Contractual-E911 System	6,495
A.3020.TECH.1	Personal Services-Technical Services	1,810
A.3020.TECH.4	Contractual-Technical Services	1,049
A.3110.3114.4	Contractual-Pistol Permit	7,849
A.3140.2	Equipment-Probation	1,888
A.3140.4	Contractual-Probation	14,066 *
A.3150.4	Contractual-Jail	5,567
A.3150.8	Employee Benefits-Jail	286,524 *
A.3189.MEDI.5	Fixed Contractual-Medi-Vac	60,739
A.3315.4	Contractual-Stop DWI	14,699
A.3989.4	Contractual-Emergency Medical Service	5,198
A.4010.HE.4	Contractual-Public Health Admin - Health Education	11,875
A.4010.NURS.1	Personal Services-Public Health Admin - Nursing	38,520
A.4010.NURS.4	Contractual-Public Health Admin - Nursing	172,596 *
A.4010.NURS.8	Employee Benefits-Public Health Admin - Nursing	82,348
A.4017.MOMS.4	Contractual-Prenatal Clinic - Medicaid Obstet/Maternal	16,476
A.4035.4	Contractual-Family Health/Planning Contractual-Substance Abuse Contracts-So Tier Drug Task Force	63,167 3,430
A.4230.3113.4	Contractual-Mental Hygiene Admin	10,371
A.5610.5610.4	Contractual-CC Airport - Jamestown Airport	32,441
A.5610.5612.4	Contractual-CC Airport - Dunkirk Airport	6,923
A.5630.5625.8	Employee Benefits-5630-Bus Operations	4,625 *
A.5630.MED.4	Contractual-5630-Bus Operations	480
A.6010.1	Personal Services-Social Services Admin	2,313
A.6010.4	Contractual-Social Services Admin	448,781 *



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A.6610.4	Contractual-WEIGHTS & MEASURES	368	
A.6772.4	Contractual-OFFICE FOR THE AGING	1,429	
A.7020.4	Contractual-Youth Bureau	200	
A.7110.8	Employee Benefits-Parks	7,728	
A.8020.4	Contractual-Planning	61,138	*
A.8020.8	Employee Benefits-Planning	0	*
A.9730.7	Interest on Indebtedness-DEBT SERVICE	90,000	
CS.1710.4	Contractual-Insurance Administration	42,845	
D.5010.2	Equipment-Public Facilities Admin	2,500	
D.5010.4	Contractual-Public Facilities Admin	16,134	*
D.5110.3310.1	Personal Services-Pavement Marking	18,545	
D.5110.3310.4	Contractual-Pavement Marking	518	
D.5110.3310.8	Employee Benefits-Pavement Marking	17,794	
D.5110.5	Fixed Contractual-Maintenance of Roads	1,581	
D.5142.1	Personal Services-Snow Removal: Co Roads	220,236	
D.5142.8	Employee Benefits-Snow Removal: Co Roads	209,894	*
DM.5130.1	Personal Services-Road Machinery	29,225	
DM.5130.8	Employee Benefits-Road Machinery	22,132	
EE.8410.1	Personal Services-ELECTRIC GENERATION	0	*
EE.9710.7	Interest on Indebtedness-DEBT SERVICE / SERIAL BONDS	0	*
EL.8160.1000.4	Contractual-Environment - Landfill	116,177	*
ESN.8110.8112.1	Personal Services-Administration-Administration	5,833	
ESN.8110.8112.8	Employee Benefits-Administration-Administration	3,036	
ESN.8120.8122.4	Contractual-Sanitary Sewers-Sanitary Sewers	2,604	
ESN.8130.8132.1	Personal Services-Sewage Treatment-Sewage Treatment	6,845	
ESN.8130.8132.8	Employee Benefits-Sewage Treatment-Sewage Treatment	6,721	
ESP.8110.8114.4	Contractual-Administration - Administration	3,324	
ESP.8120.8124.2	Equipment-Sanitary Sewers - Sanitary Sewers	19,000	
ESS.8110.4	Contractual-Administration	8,570	
EW.8310.4	Contractual-No Co Ind Water District #1	2,626	
M.1910.4	Contractual-Administration	69,729	*
MS.1720.4	Contractual-Benefits & Awards	277,655	

## REGULAR SESSION

Total		\$3,618,469 *
<u>INCREASE REVENUE ACCOUNTS:</u>		
A.1610.R221.0POS	SHARED SERV-POSTAGE	\$281,547
A.1670.R221.0002	SHARED SERV-PRINTING	66,617
A.1680.R222.8000	CHRGs:INFORMATION SRVCS	7,510
A.1680.R265.5000	MINOR SALES	1,553
A.3020.IECG.R438.9IEC	Inoperable Emer Comm Grant	28,142
A.3110.3114.R254.5000	Licenses	419
A.3110.R226.0000	Chrgs: Oth Gov-Pub Safety	77,504
A.3110.R438.9PSC	Port Security	488,261
A.3110.R438.9OSG	Operation Stone Garden	105,974
A.3110.R438.9LTP	Terrorism Prevention	40,096
A.7310.R382.0000	State Aid- Youth Programs	7,848
D.5110.R178.9000	Oth Transportation Income	2,114
D.5110.R230.6000	Chrgs: Oth Gov Road & Bridge	2,934
D.5110.R270.1000	Refunds: Prior Yr Exp	20,410
D.5110.R496.0003	FEMA Debris Removal	76,898
D.5112.391.R458.9002	Federal Aid: Surface Transportation Program	123,275
D.5142.R277.0007	Other Uncl: Salt & Sand	62,183
DM.5130.R230.0DIE	Chrgs: Diesel	130,264
DM.5130.R230.0GAS	Chrgs: Municipal Gas	74,154
DM.5130.R230.0MEC	Chrgs: Mechanical Services	15,582
DM.5130.R280.1DIE	Interfund Rev: Diesel	42,967
DM.5130.R280.1GAS	Interfund Rev: Gas	38,142
EE.8410.R215.0001	NYISO	160,169
EE.8410.R215.0002	NEISO	955,080
EE.8410.R215.0003	NEW ENGLAND RENEWABLE ENERGY CREDITS	1,652,075 *
EE.8410.R240.1000	INTEREST & EARNINGS	<u>9,221</u>
	Total	<u>\$4,470,939 *</u>
<u>DECREASE REVENUE ACCOUNTS:</u>		
EE.8410.R215.0004	Sale of Elec Pwr - Market Capacity	\$1,594,320

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EE.8410.R215.0006	NY Renewable Energy Credits	5,545
	Total	<u>\$1,599,865</u>

\* Indicates amended number

Unanimously Adopted as amended – February 26, 2014

## RES. NO. 61-14

Approving Labor Contract with Deputy Sheriff's Association of Chautauqua County (DSACC)

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County's negotiating team and the Deputy Sheriffs' Association of Chautauqua County (DSACC) have negotiated a tentative agreement for terms and conditions of employment from January 1, 2012, through December 31, 2016; and

WHEREAS, pursuant to Section 2.05(g) of the Chautauqua County Charter, the County Legislature must approve all labor contracts; it is therefore

RESOLVED, That the County Legislature hereby approves the tentative agreement between the County and DSACC to include modifications to health insurance benefits and no increase in wages for 2012, a two percent (2%) wage increase in 2013, a two percent (2%) wage increase in 2014, a two percent (2%) wage increase in 2015, and a two percent (2%) wage increase in 2016, and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate a new labor agreement with DSACC.

Signed: Vanstrom, Wendel, Himelein, DeJoy, Borrello, Chagnon, Heenan, Nazzaro (A.S. Scudder voting "no") (A.C. – Runkle voting "no")

Adopted – R/C Vote: 15 Yes; 3 No; 1 Absent (No's: Niebel, Runkle, Scudder) – February 26, 2014

## RES. NO. 62-14

Authorizing Asset Purchase Agreement and Escrow Agreement for the Chautauqua County Home with Dunkirk Realty Holdings, LLC and Dunkirk Operating, LLC

By Human Services and Audit & Control Committees:  
At the Request of Chairman Frank J. Gould and County Executive Vincent W. Horrigan:

WHEREAS, the 2014 Adopted Budget reflects a \$2,648,318 operating deficit for the Chautauqua County Home ("the County Home"); and

WHEREAS, because of the current fiscal climate which exists within the County, State, and United States, as well as the continued burden of unfunded mandates coupled with New York State's mandated 2% tax cap, Chautauqua County can no longer afford substantial long term operating deficits and sustain the County Home; and

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WHEREAS, pursuant to Resolution 225-11, the marketing firm of Marcus and Millichap was selected to seek proposals for the potential sale, lease, or other disposition of the County Home; and

WHEREAS, Marcus and Millichap has obtained an offer for purchase of the County Home from Dunkirk Realty Holdings, LLC and Dunkirk Operating, LLC for a lump sum of \$16 million; and

WHEREAS, a proposed asset purchase agreement and escrow agreement dated January 29, 2014 has been prepared and presented to the County Legislature for sale of the County Home ("the Action") to Dunkirk Realty Holdings, LLC ("the Purchaser") and Dunkirk Operating, LLC ("the New Operator"), including but not limited to, conveyance of all of the real property, buildings, equipment, furnishings, and other personal property (collectively "the Property," and being known as tax parcel 95.02-1-15 on the Chautauqua County Tax Map); and

WHEREAS, the County has caused an Environmental Assessment Form (the "EAF") to be prepared; and

WHEREAS, the County has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and accordingly does not require a coordinated review; and

WHEREAS, the County has reviewed the EAF, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects; now therefore be it

RESOLVED, That the Action entails merely the transfer to the Purchaser and the New Operator of the ownership of an existing operating facility and associated property with no change to the environment or facility operations, such that the Action will not result in an adverse impact to the Property, will not adversely affect any water body designated as protected pursuant to New York Environmental Conservation Law nor will the Action affect any non-protected existing or new body of water, there will be no significant adverse impact to existing air quality from the Action, there will be no substantial adverse environmental impacts to plants and animals from the Action, the Action will not cause a significant adverse effect on aesthetic resources in the area, the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance, the Action will not adversely impact open space or recreation, the Action will not entail any adverse impact on transportation, there will be no adverse impact from the Action on the growth and character of the community or neighborhood, and the Action will not exceed any of the criteria in Section 617.7 of Title 6 of NYCRR; and be it further

RESOLVED, That the County hereby determines, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, including 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 pursuant to Section 215 of the New York State County Law and Local Law 7-75 of the County of Chautauqua, the Chautauqua County Legislature does hereby find that due to the current fiscal challenges facing County government, including the continued strain of unfunded mandates and the continued projected financial losses at the County Home, and given the proven capability of the private sector to operate high quality skilled nursing facilities, it is no longer in the best interest of the County to own, operate, or maintain the County Home, and the Property is surplus and no longer necessary for public use; and be it further

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RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the Chautauqua County Legislature hereby approves the aforementioned asset purchase agreement and escrow agreement dated January 29, 2014 on file with the Clerk of the County Legislature, for conveyance of the Property to the Purchaser and New Operator for a purchase price of \$16 million; and be it further

RESOLVED, That the County Executive is authorized to execute all deeds, bills of sale, asset transfer documents, and all other documents necessary to accomplish the complete sale of the Property.

Signed: Lemon, Wilfong, Runkle, Borrello, Chagnon, Nazzaro (H.S. Failed w/ Legislator Keefe and Scudder voting "no") (A.C. Heenan voting "no")

Adopted – R/C Vote: 13 Yes; 5 No; 1 Absent (No's: Ahlstrom, Heenan, Keefe, Niebel, Scudder) – February 26, 2014

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LOCAL LAW  
INTRODUCTORY NO. 1-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE USE OF BEST VALUE  
FOR AWARDING PURCHASE CONTRACTS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

1. Legislative History. Section 103 of New York State General Municipal Law has been amended to allow municipalities the option of utilizing a "best value" standard in purchase contracts in lieu of the "lowest responsible bidder" standard when it is deemed in the best interest of the municipality, due to factors such as cost of maintenance, durability, higher quality, and longer product life. In order to utilize the "best value" standard for purchase contracts, municipalities must adopt a local law authorizing use of this alternative purchasing standard.

2. Authorization. The County of Chautauqua is hereby authorized to award purchase contracts on the basis of best value in the manner provided by Section 103 of New York State General Municipal Law.

3. Effective Date. This local law shall take effect upon filing with the Secretary of State.

Laid on Desks: 1/22/14  
Adopted by Legislature: 2/26/14  
Public Hearing by County Executive: 3/11/14  
Adopted as LL 3-14

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LOCAL LAW  
INTRODUCTORY NO. 2-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES  
(Re: COMPLIANCE/PRIVACY OFFICER)

## REGULAR SESSION

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 set forth in Local Law 7-90, and as amended, to set the salary for the Compliance/Privacy Officer.

Section 2. Salary Levels.

The title of Compliance/Privacy Officer shall be placed in Range 4 (\$43,131-\$66,053) of the 2011 Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Mailed: 2/14/14

Tabled: 2/26/14

No Action Taken: 3/26/14

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2<sup>nd</sup> Privilege of the Floor

County Executive Horrigan: We've just been through a very difficult vote. This has been 26 months for many of us and I am not going to say my comments on the future, the benefit of this. What I want us to focus on are the people. I will do my best, immediately, starting tomorrow, focusing on the residents. I made a phone call today to Andrea Snyder, the acting Director to see how they are doing, how's the mood, how are the residents, how are the employees. I am going to need the help of every single Legislator and I am going to need the help of as many people in this community to come together, to take care of our employees and our residents and move forward with this. I will assure you with VestraCare that I will follow and insure that they will live up to every end of their commitment and their reputation. I would hope that we would ban together and we reach out to the employees and the residents at the same way I reach out to you, no matter how you voted and how I respect the process and I respect your opinion. Whether you voted for or against. But this has been a difficult time for this County and I just would like to see us all ban together to work to move forward in a cooperative way. Thank you.

Mr. Chairman, James Johnson, President of the Robert H. Jackson Center and I would just like to say that on behalf of the family of Robert H. Jackson and the Center, thank you very much for this honor in naming the Jamestown Airport the Robert H. Jackson Field. Robert H. Jackson, solicitor General, Attorney General, Supreme Court Justice and of course Prosecutor at Nuremberg, is as widely known internationally as he is nationally. I think that this is a great honor that you have bestowed on him and again, on behalf of the family, thank you very much.

Legislator Larson: I just want to commend the County Executive. I understand after the public information meeting, I hope that I am right on this, I hope that I am not embarrassing him. He went in person to the County Home and faced the music and I just, on a very personal level, I want to commend for that and I am sure his sentiments tonight that he'll be hands on and be present at the Home, I think that he deserves a lot of credit for that. Thank you.

O.k., give me the chance. You all know who I am, (Bonnie Peters) and I was bound and determined you would not see me breakdown but this is important. Irregardless I will stand here with

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tears to address you. I want you to know how incredibly disappointed I am in what you have done to Chautauqua County and our whole community. I had to leave the room so that I could write what I needed to be able to tell you. Our County Home is now a part of big business and is no longer there

for our citizens. They will need a place to spend their last days and I hope that in two years, in ten years that you guys will still be happy with the choice that you made today. Thank you.

Susan Baldwin from Villenova and I agree with Bonnie. This is such unbelievably depressing. There is broken hearts out there all over the place and that's just in this building. That doesn't include all of the people all over this County that you call constituents, that did call you that did say don't do it. Several of them in your district, several of them in your district. I know many, many of them had called. Employees as well as the residents and the residents families. They begged you, please don't sell the County Home. They tried to make it easy enough on you by not going into descriptions of families and hardships and ya, da,da,da,da , just yes/no. You still didn't listen and I know they called, I know. So, like Bonnie said, I hope your all happy with yourself. The people who had chosen to sell their families to private business because they are your cousins, aunts, uncles, nephews, nieces, whatever they are, they are out there, they are your families. So, I hope you all can sleep at night. Thank you.

Chairman Himelein: Anyone else to speak to the 2<sup>nd</sup> privilege of the floor?

MOVED by Legislator Ahlstrom, SECONDED by Legislator Heenan and duly carried the meeting was adjourned. (8:15p.m.)

## REGULAR SESSION

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Chautauqua County Workshop Meeting  
Wednesday, March 19, 2014 – 6:30 P.M.  
Legislative Chambers  
Mayville, N. Y.

Chairman Gould called the meeting to order at 6:35 p.m.

Clerk Tampio called the roll and announced a quorum. (Absent: Ahlstrom, Runkle, Scudder, Vanstrom, Wendel)

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

Chairman Gould: The first speaker on the program tonight is Kim Sherwood. He is a Hydrologist and a Watershed Planner and member of the Chautauqua County Water Quality Task Force. The floor is yours Mr. Sherwood.

**Please note: Presenters had power points they referred to throughout their presentations.**

Mr. Sherwood: Thank you Mr. Gould. Good evening, members of the Legislature and members of the public. My name is Kim Sherwood. As Mr. Gould had stated, hydrologist and watershed planner and I'm a member of the Chautauqua County Water Quality Task Force. As a member of that task force, I have participated in four reviews of New York State DEC, or Department of Conservation, documents related to shale gas drilling. I just want to give you a little warning, indicated by the little gentleman with a timer on his back there, trying to shove a lot of information into a very short period of time. I think that you will be able to follow along and I of course will be here for questions afterwards. My presentation this evening is going to take a look at some of the characteristics of shale drilling that has been done in New York State via traditional drilling in Chautauqua County and compare or contrast that with some of the characteristics of high volume horizontal drilling. The map that you are a looking at here is a map showing the gas and oil wells in New York State as of about 2009. If you can't read it, the red are the natural gas wells, the green are the oil wells and the black are the gas storage wells. Now, most of the information I am going to cover this evening or at least a good portion of it, comes from a document that DEC published back in 2011. That was a revised (*inaudible*) supplemental, generic environmental impact statement. It's a long name. It is right here if anybody would like to take a read. Late on we can go through it. Let me just explain a couple of words there. Supplemental. DEC recognized that there were some differences between high volume, hydraulic fracturing using horizontal drilling and the traditional drilling that they have been doing for decades in New York State.

Accordingly, they developed a regulatory framework and structure to supplement the guidelines that have been in place since 1992 for traditional drilling. That is what the supplemental implies. I am going to save the rest of the top of the title and get to the bottom of it here. Well permit issuance for horizontal drilling and high volume hydraulic fracturing the combination of two techniques that have not been combined in New York State before to develop the Marcellus Shale and the other low permeability gas reservoirs. Early on a few years ago most people thought that this was all about Marcellus. Probably most of you realize that is not the case but just in case you don't, I am going to refer to a few geologic layers. This is a very confusing graphic and I apologize for that but I will try and simplify that for you. What you are looking at is the geologic cross section, underground primarily, across New York State. Following this line that starts north of Chautauqua Lake and crosses the State. What I have done, this is the eastern boundary of Chautauqua County, this is the portion that is included in this graphic that is still within the County. The first layer I would like to point out is the Medina sandstone. It's a little hard to see but it's between the two arrows over here at a depth of about 2,000 feet below sea level. A thickness of 150 to 200 feet if I am reading the graph correctly. The Marcellus is above the Medina. Again, taking that same trajectory across the State, we see that according to this graph, it's about 800 feet below sea level, very thin layer. The Utica is a formation



that you may is a formation that you may have heard about. The Utica is being heavily developed in places like Ohio. The Utica in Chautauqua County below the Medina, at a depth of about 4,000 feet below sea level, similar in thickness to the Medina sandstone.

Now, you'll forgive me, I'm going to give you a very simplified explanation of the drilling process. Not going to go into a lot of detail but I think we'll have enough to compare vertical with horizontal if you are not familiar with that distinction. On the right side, we have a vertical well bore that comes down from the surface under a well pad. Where that well is sited, through the surface geology, the ground water, several geologic layers, into what is called the target formation. I think that you can see it. This diagram was actually produced so this target formation is a little rough and wrinkly. I'm going to assume that symbolize a sand stone like Medina that we have been drilling in. So once the target formation is reached, by the way the well (*inaudible*) consists of a hole in the ground, metal casing in that hole, cement pumped down into the casing so that it comes up the outside of the casing effectively sealing it off (*inaudible*) groundwater and other layers. The idea is to prevent contaminants from getting into those other layers and working their way into a sensitive layer. So once the target formation is reached, the casing and cement are perforated then a charge is set, precise charge I believe, to crack or frack that rock. The idea is, once those cracks are there, then under high pressure, water, sand and chemicals are pumped down that hole. The sand holds the cracks open, the chemical treatments treat those fracks so that gas will flow to the surface. That is a very simplified, over simplified explanation but I think that it is enough to compare with horizontal drilling. Notice it pretty much starts the same way so I am not going to repeat that portion of the process. But the drill bit is turned and the well bore runs out horizontally, it can vary somewhat, but you can see there is a great deal of contact with the target formation. New York State is anticipating these well bores are going out approximately one mile. They are going to be a mile away from the well pad. Then a series of fracks will take place, similar to what I described over here. Two difference I want to point out. We're a mile away from the well pad in a low permeability gas reservoir. Low permeability implies it's dense. It's denser than the sand stone. It's going to take much more water, sand, chemicals, and pressure to do these series of fractures that are required for horizontal drilling as compared to what we use for traditional drilling. I think that it is fairly intuitive once you see this diagram. One more thing before I leave this slide. You see there is some kind of a boundary right here. Just imagine your favorite resource. Some people like fishing, some people like weapons, some people like the road they drive on to get to the other part of their property. The concept here is that you can conduct these operations at several thousand feet below the surface without disrupting the surface activities. I will tell you right now it's a controversial concept and I am sure we'll hear a little bit more about that.

Now, before I go any further, I want to share with you a statement that came from a paper written about shale exploration and development in New York State. In the event that anybody can't read this I am going to read it to you. A very large density of wells are required to economically and systemically develop a fractured shale of (*inaudible*). Just let that sink in for a moment. So let's talk about some of the differences. Now that you have seen a few of those pictures you will at least understand some of the basics of about how they differ. Let's talk about some more ways. The traditional vertical gas wells we had one well per pad, draining the gas at depths from about 40 acres. The minimum spacing between well pads and I'm talking averages here but this is a spacing requirement by the State, I believe, about a quarter mile. That is the distance that you have between well pads. High volume horizontal gas wells. DEC is planning, according to this document, on 6 wells on that pad. They have not set an expressed limit on that but that is their expectation, to have multiple wells on the pad. (*inaudible*) the gas is about 640 acres at depth with the spacing requirement of approximately a mile between well pads. Now, if you are not familiar with this, 640 acres, equals one square mile. Chautauqua County has about 1,500 of those. If you think about that statement that I just read to you, that a very large density of wells are going to be required, if in fact we were going to fully develop Chautauqua County, it may not be unreasonable to expect to see a well pad every square mile and we have some experts here tonight that can correct me if I am misguided there.

Let's talk about some of the space versus time consideration because these are important parameters in natural resource management, that's what my side (*inaudible*). We often hear there is less areas of ground disturbance because we have fewer well pads. Kind of makes sense. You have six wells on a pad versus one, you have one well pad instead of sixteen. Your well pad has to be bigger to accommodate 6 horizontal wells. Fewer access roads, however, it may not be the whole story because we need a lot of infrastructure to support a high density of wells. Such that we might have one every square mile. So we have more infrastructure. We need impoundments to store water, we need impoundments to store some of the drill cuttings, we need compressor stations, we need chemical storage areas, we need pipelines, there is a whole lot of infrastructure that has to be in place in order for this to be economically viable. What there is no doubt of in my mind is that you will be spending much more time on that single well pad for horizontal drilling than you ever spent for traditional drilling. Again, you go back to the diagram, I think that makes sense. You have 6 wells that go out a mile. DEC has proposed in this document that they would issue 5 year permits and that operations basically have to get going within the first two years. So we start to get some ideas of some of the space and time considerations. DEC has also stated that as they currently do, they would consider granting extensions for what they call good cause or situations that are outside the operator's control. Again, a little bit of a time or temporal component there. DEC recognized the water to be used was to be quite different than what we use for traditional drilling. On average our traditional wells use somewhere on the order of 80,000 gallons. I am going to symbolize 80,000 gallons using this symbol, the facet with a little water drop coming out. That equals 80,000. We know from experience from other states that horizontal drilling is probably going to use 3 to 7 million gallons of water or more for each well on that pad. Conservatively, let's just use 4 million as an example. You'd need 50 times the amount of water for each well on that pad to drill that horizontal well as compared to the traditional wells that we're use to here in Chautauqua County. How does the water get to the well pad? Well very often it takes a truck and in fact a loaded water tanker is estimated to weight about 80,000 pounds. This is the equivalent single axel load rating of approximately 9,500 passenger vehicles. You are talking about one truck. DEC in this document proposed that when an operator submitted a permit for drilling they would also have to submit a road use plan. The road use plan would have to identify the routes they were going to use and their agreements or them attempts to get an agreement with each of those road owners to use those roads. Now in many places, the drilling companies are fixing up the roads to a much higher standard. If you go out on our town roads in Chautauqua County, you know that our town roads are not built to support this kind of weight. One truck maybe. The number of trucks they are anticipating, no way. So it does kind of beg the question, well, how many trucks might we see out there? DEC actually in this document did an analysis of the truck traffic. They estimated the total truck traffic. They broke it all down by stage. I am going to save you a little time tonight but I do want to read you the title, it's the estimated number of one way trip per well for a horizontal well. Saving time and going to the bottom line, DEC's estimate of the total truck traffic – they analyzed two different scenarios. The first one, they call it early well pad development, all the water gets to the well site by truck. Number of one way trips, heavy loads, 1,148, light loads, 831. Peak well pad development. Some of that water is pumped and piped to the well site instead of being driven by truck. DEC's estimate was that it would cut the heavy loads significantly. Down to 625. Light loads, 795. You will see in my slides, I have a series of these kinds of balance beam trade off things that I think have to be considered when we deal with where are we going to get energy from. We didn't meet last week because it was pretty cold and snowy out. So we have to consider some of these trade-offs. So before I leave this table, let me just say that I think it is a little incomplete. DEC left us hanging because they have a trucks into a single well site but they are expecting 6 wells on a pad and I'm expecting that anybody who drives a truck in will be coming back out. So the total truck per well pad, the total truck traffic just using DEC's number and trying to get the math, you can see we range somewhere from 7,000 to roughly 13,000 and change, per well pad. A lot of truck traffic. So just consider what the implication of that are.

I want to talk a little bit about how long on average it takes to develop a well pad. Again, these numbers came from DEC's document. I did the best I could. There are a little apple and orange in there but I did the best I could to try and average them out for you. The access road, pad

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construction is about a month, the drilling which include both the vertical and horizontal, about three weeks per well. You could conceivably do more than one well at a time. Preparing to fracture. You have to take all the water, sand, and chemicals into the well site. DEC's estimate is that that is going to take probably about six weeks per well. Again, you could do multiple wells at a time. The fracturing process, less than a week which has come as a surprise to people. But they don't often realize that these other steps are required. So that is per well. Flow back is the liquid portion that comes out of the well once the pressure is relieved before that well goes into production. Flow back is a very contentious issue. I am going to kind of steer around that but I do want to inform you that DEC said that flow back would not be stored in impoundments under this generic permitting process. What they proposed instead was that flow back would be put into covered containers and hauled off site under the generic permitting process. Waste disposal, another three weeks, clean up and testing, another two weeks. So all in all, you are looking at a five or six month process. I think the one thing to be aware of is that all these steps may not necessarily go one right after another. Remember, there is a stipulation that you have to get going in the first couple of years but it doesn't say that you have to complete it. In fact, I think that there was a sentence that you have to complete it three years after that initial action. So you may do some of these steps and then stop for a while until market conditions are favorable to resume them. So that is an important consideration.

Well, what could it mean for us? With all due respect to the importance to this and especially tonight, I am not going to spend a lot of time on this because I think there are some other things that may be are equally important for us. Is it a new or existing lease? As you can see Chautauqua County looks pretty red. If you zoom in on Chautauqua County this is a little dated, it's 2009, there are over 4,000 oil and gas wells portrayed on this map of the County, this graphic. Now, I believe that number is closer to 5,000. So I am going to do a little speculation and whatever disclaimer I need to put in there as a natural resource manager, we kind look into the future and we try and anticipate what is coming so that we can plan ahead for it. So I want to come back to this question of existing leases because when you look at the parts of the State that were anticipated to be drilled earlier on in shale gas development, they were over in here. We are here. O.k., is the lease on your property specific to a certain geologic layer? A lot of the leases in Chautauqua County were developed decades ago, long before this was even a pipe dream. So, is it specific because if it's not, you may have a viable lease for shale drilling right now. Is my understanding and Mrs. Hajdu can correct me if I am wrong. Most of those old leases, a lot leases, include in them language that says that we can build infrastructure on leased property. That infrastructure being conducive to the development and production of gas or oil. So you may not see a drill at all but you might see some other infrastructure on your leased property. Do you know that? There is a term called, help by production. And held by production, this is a definition that I found but kind of aligns with what I understood, it's a mineral lease provision that extends the right to operate a lease as long as the property produces a minimum quantity of oil and gas. Why am I telling you all this? Because if you look at that graphic of Chautauqua County, I don't know how many acres we currently have held by production but what it tells me is, if the State lifts the moratorium tomorrow, many of those leases are ripe and ready to go. There will be no renegotiation. There is nothing that I've read in this document that says, a gas company much renegotiate a lease because you are going to use a new process. Maybe I am wrong, but I haven't seen anything.

If you will allow me to stretch just a little further, I am involved with a Watershed Association that reviewed a couple of years ago a proposal that came in from Sealand Waste Company. Sealand wanted to open and expand the landfill outside the hamlet of Frewsburg, in the Town of Carroll. Again, as a resource specialist, a resource professional, I have to ask the question, why is it that this company is interested in coming to southwestern New York, to Chautauqua County and opening a landfill? One thing that you really have to understand about shale gas development. A lot of people focus on drilling. Waste management will be a huge piece of the puzzle. I have no evidence, I have no knowledge, I have nothing to say that that I the plan here but I have to ask the question.

Now, one of the other reasons that we care about all those holes in the ground. Something called abandoned wells. The concern and I'm just going to go over it lightly because I think that Bill is going to touch on it with more detail but basically over time, it's possible that cement and pipes break

down and you can have movement of materials from one source to another and here if you have an abandoned well which is a well not necessarily just walked away from, maybe it was sealed 15 years ago, but you have a potential to migrate materials through that abandoned well into the water table, into a residents water well or the ground surface. Again, if you think of a map of New York State, Chautauqua County looks a lot different than Chemung County. So, I'd be a little more concerned about abandoned wells here in Chautauqua County than I would in other parts of the State.

Just to the south of us, Bear Lake, Pennsylvania, Warren County, they have two what they call injection wells. Injection wells are permanent storage for waste fluid. They are permitted and allowed by the United States Environmental Protection Agency. From what I understand, those wells have not had any problems and some wells have had some problems. However, again, remember, if you remember nothing else from my presentation, remember we're not just talking about drilling. We're talking about a huge amount of waste management that will have to take place. I want to illustrate that with just a sentence here. 2008, the South & Center Sewer District got a call from a drilling outfit in central Pennsylvania. Will you take our drilling waste and process it at your facility? So this is not just my imagination. This stuff moves around. So you might have development in one part of the State and waste management in another part of the State. O.k., a few more things. Things can change over time. Pipelines are an example of things that look different at different points and time. If you are the landowner who lives here you might not really appreciate the construction of this pipeline next to you. Especially when it looks like this. This is not the same pipeline by the way, it's a space for time substitution. What we have here is a re-vegetated pipeline. It looks to be operating fairly quietly and doing its thing. The only thing that I would say here, we have a lot of farms and forest here in Chautauqua County and if you want to grow a forest, you are not going to be doing it over a pipeline. You are going to have to take that out of your property for that purpose. But again, another trade-off in order to get gas to market. You have to have it. Compressor stations. I had a woman at one of the presentations that I did she lived next door to a compressor station. Her life was not very happy and she didn't expect that it was going to change until she moved. They are noisy. I understand that they can put off quite an odor, she was not pleased. So there is some infrastructure that is necessary if we are going to be developing this resource.

Tourism services. We do a lot of tourism here in the County. We have wineries, we have maple, we have lakes, we have all kinds of things. In some places where gas drilling has taken place, the tourist have found a no vacancy sign. Now if you own a motel and you are able to build another motel because you have a strong industry coming in and supporting that growth, that is fantastic but if you are a tourist and you are looking for a place to stay and you have to go down a 100 miles down the road, that is an impact to your tourism. How big of an impact? I don't know.

Road use, you can't have that many vehicles on the road. Thirteen thousand, seven thousand, whatever the number is, without sometimes running into a few problems. Changing the flow of traffic. Again, especially in our rural areas, this is a trade-off that must be considered because of the truck volume that I described to you. Hand in hand with that, we fix up our roads, we have better standard roads, we have a bunch of people coming in, we have the potential and in some place where I have seen gas drilling we've had an increase in the need for emergency services. In many cases, the drilling companies are bringing resources to small communities to help them with this need. So they may bring money, they may bring training, they may bring tools, or vehicles, but the expectation is, that you will assist when and if needed.

This is a partial list of recommended land use, inventories, and evaluations. The Marcellus shale education team at Penn State University developed this list. I just gave you a half a dozen things that were probably another half dozen on the list. Comp plans. These are something that many of our communities have been engaged in. In fact, the County did a revision of their comp plan just a few years ago. To what extent they really anticipated how this development might influence the vision and the future for their municipalities, for the County, I don't know but I think it's an important thing to consider. Obviously, we have a lot of agriculture here in Chautauqua County. What DEC has proposed in this document as they currently do with gas drilling is that if a driller proposes more than 2 and a half acres of disturbance on a farm, in an ag district that they may require additional mitigation from the Department of Ag. and Markets. You have to have to meet those two conditions.

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On a farm, in an ag district. Zoning is an interesting issue right now as you know, some municipalities have used zoning to either put moratoriums in place or bans in place. That is being contested in the courts. I believe that it will be decided this summer or at least heard by the State Supreme Court. It has been so far upheld by the two lower courts. It remains to be seen how that is going to play out.

Open space and recreation. The County has an award winning Greenway Plan. Again my question, how will it interact with this type of activity if we get drilling or waste management as a result of drilling here in Chautauqua County. Capital improvement, I think that I have talked about enough. I have heard from several Highway Superintendents, I do a lot of interaction with those folks and they honestly point out to this place as a place where they really need some help with the drillers. Now, I think that DEC again, has really approached that with their road use agreements.

O.k., a few additional considerations and I will sit down. A natural gas task force (*inaudible*) many communities mostly to the east of us. I haven't heard of a whole lot in Chautauqua County but I think there are a couple have formed natural gas task forces. They bring people, maybe of different opinions, maybe of different skills and background together to really kind of wrestle with this issue and help communities at least be prepared in the event that it happens. Rental housing. In some cases, rental housing costs have increased where drilling has happened because you have a well-paid industry that can afford higher rents. Again, if you own that property that is a good thing but if you're already in that property and you were displaced, you may not see that as such a good thing. Air visual and noise concerns, I think it's important and goes without saying. This is a 24 hour a day, 7 day a week operation. This is not 9 to 5 and we go home and we'll be back next week. Surface water quality. DEC has proposed a very rigorous storm water management planning process along with the drilling permits. I think that I is only fair to say that I think we're going to see industry improvements over time. I know a couple of years ago I read things that the investors were basically approaching the drilling companies and saying, you know what, there are some real legitimate concerns out there and we do need to do a better job within the industry of addressing some of those things so I think that we will continue to see that.

DEC's permitting process allows for the possibility of refracturing and that is just what it sounds like. You don't have to start with a whole new well, but the portion where you stimulate that well or fracture that well is repeated to get better production out of that well. This is starting to happen in some of the shale's that were fractured back in the early to mid-2000's. I heard that it will not happen in Marcellus, I haven't really heard anybody talk about the Utica but DEC has allowed for it in their permitting process so as a natural resource manager, I consider the what ifs.

O.k., I have shoved a lot of information in a short period of time. After last week, pretty much every time I've given this presentation, I have struggled with this reality that we live in a cold part of the world and we have to figure out how we're going to heat our homes, how we're going to cook our food and do these other things. I think that we have some real challenges on our hands. In my opinion, no disrespect to any member of the media that are here tonight, but the media loves to do this to us. It's about jobs or it's about water. You are either for one or you're against the other. I would suggest to you, don't take the bait. I really am pleased to be able to present here this evening. Forgive all the power point technical stuff, but look at that slide, I would argue this is a lot closer to reality than the way that it is often portrayed in the press or the media. What they do is put pitch forks in people's hands and have them start throwing and I don't think that is very productive. I would encourage you to continue the dialogue, to continue the discussion, sometimes you can agree to disagree but you can still learn from somebody who thinks differently than you do. If you know all the answers, hey, you got time to look at the opposing view. So, I think that there is a lot of dialogue and discussion that we could have and I would encourage you to participate in that and not to fall for the bait that we frequently see. Thank you very much.

Chairman Gould: Our next speaker on the list is Bill Boria, Water Resource Specialist, Chautauqua County Department of Health & Human Services, Division of Environmental Health.

Mr. Boria: Thank you Chairman Gould. Good evening, it's a pleasure to be here tonight. I am going to get right into this and try and keep things moving. My background is in geophysics,

geology, engineering, and water resources. We have a long tradition here in Chautauqua County of gas well drilling. The first gas well in the nation to be used commercially was drilled in Fredonia. It was only 27 feet deep which goes to show you that there is a lot of shallow gas around here. Let's look at the gas wells. There is over 3,500 active gas wells in Chautauqua County and you see from the production, half of the gas wells in the State are located in Chautauqua County, so 50% of the gas wells in New York State are in our County but yet they only produce about 20% of the natural gas in the State so they are fairly low producing. Some other counties have much fewer gas wells that are much higher producing such as Chemung County which is this little guy down here. I am going to look at the potential impacts on water resources from drilling. I am looking not just at horizontal drilling and high volume hydro fracking but also at traditional vertical drilling. Here is a list and I'm going to go through this fairly quickly but you can spend 20 minutes on this alone. We're worried about spills, storage and handling of drilling mud, erosion, sediment control from construction, de-watering streams, as Kim mentioned, flow back water management, waste water management, migration of brine, methane and frack fluid in the ground water, shallow ground water or drinking water and then production water management or the fluid that comes out of the well during the life of the well and has to be disposed of. I am going to talk about just two of these.

The first thing that I am going to look at is, the Health Department has responded to a number of complaints over the years starting in the early 80's. Actually 142 documented complaints. We went out and investigated each one of these. We collected, at 133 of them, we collected water samples and had them analyzed for something. Most of those were in the 1980's. Exactly 113 of them in the 1980's, we had 5 in the 1990's. Gas well drilling dried up to some extent in the 90's and then it resurfaced in the 2000's, so we're back to having a couple dozen in the 2000's and recently. Of all of those that we have investigated, 21, we could say were linked to oil and gas well activity. Eleven, we're not too sure about. We needed more information to make that determination. But, for the most part, if you look at how many wells are in the County, 5,000 wells, 142 complaints, maybe 30 or so that could be related that are related to oil and gas well activity, is a pretty good track record, 2 to 3%.

I want to give you two case studies of examples of when gas well drilling did impact water wells. First one is methane migration into drinking water wells and this dates back to 1983. In 1982 and 1983 in Levant. We had a dozen homes that all of a sudden, their water wells became contaminated with methane. In response to that, there was a lot of activity, DEC, USGS, SUNY Fredonia, JCC, everybody came down to try and figure out as to where this gas was coming from. Ultimately, they didn't come to a conclusion. The reason being is, it's very difficult to get conclusive evidence to show what the cause was but in the end everyone figured out it must be from the oil and gas well activity. This is a typical vertical well that you would find in Chautauqua County. Gas well. There is a conductor casing, then a service casing down to about 450 feet or so and then it is cemented. Then a 6 1/2 inch bore hole and a 4 1/2 inch casing goes down to the producing formation. Then there is a gap here between the cement. The cement starts, usually again, above the Onondaga lime stone to seal out all of the gas – there are several other gas producing zones in here so they want to seal those out. But there is this gap. Before the late 1980's when this Levant issue happened, these gas wells were not vented to the atmosphere. One of the things that the DEC did after this Levant issue and after talking to all the experts that came to look at this they said, you know what, if we vented this to the atmosphere, this would prevent gas from building up. It might be that shallow gas like that 27 foot deep gas in Fredonia from migrating into this void space and then building up pressure and then finally seeping out at some point, finding a crack or something to seep to shallow ground water. So, this is something that has evolved in Chautauqua County. Chautauqua County has helped the industry to this statewide. So, all gas wells now have to be vented to the atmosphere.

Let's look at something a little bit more recent. Methane contamination in the Town of Poland. Here is the gas well, there are three homes here and the home that is right here, is about 1,200/1,300 feet. Home right here, their well became contaminated with methane shortly after drilling this gas well. The place across the street that got contaminated as well. Interestingly enough, this guy that was the closest, he didn't have any contamination and these wells are actually drilled into rock. So, the water wells are collecting water from the top of the rock or from cracks in the rock. That is

important. This is what we think happened there. Well, we know this is what happened there because I talk to the drilling company. There was defective casing. There were two holes in the casing that were identified, one at about 2,000 feet and one at about 2,800 feet and what happened was, the gas was able to migrate out of those holes, into the void, where isn't not cemented, find a crack or bedding plain or something, migrate along the bedding plain and eventually reach a couple of water wells.

Let's look at brine migration into drinking water wells. Again, I have a case study right here in the County. This is a recently drilled gas well using the air rotary method. This is a pit that collects the cuttings and slurry during the drilling process. This is not the same well site, this is a different well site. This is mud rotary, this is what is called a mud pit and mud is circulated into the pit and then throw the hole, back down the hole, brings up the cuttings. At the end of the drilling process and at the end of production, this liquid is bumped out and it's waste water disposed of properly at a wastewater facility or injected underground. The liners are then, after this is emptied, the liners are shredded and bulldozer used to cover the cuttings in the pit and reclaim it. You would never know that it was there once that gets all done and the earth gets stabilized. But what are left are some residual contamination and drill cuttings.

This is in the Town of Kiantone and these people had a home that they built in about 1990 and drilled the well about the same time. There was a gas well that was drilled about 330 feet away and shortly after that, actually it was close to a year after that, they noticed a salty taste in their water and they called me and the gas company and we went out and investigated and I put together this site map. Here is the septic system, this is down grading from the house, the well is upgrading, the way things should be and this well is upgrading as well. After they had the salty taste, they retested and as you can see several contaminates, (*inaudible*) solids, chloride's, barium, and methane to some extent, increased. Sulfate decreased and this is kind of a signature of brine chemistry.

This graphic is from a person named Harrison who actually taught at Allegheny College and he was involved in the Levant study. He's a hydro geologist and shortly after the Levant study he published this paper in the Journal of Ground Water and it very accurately depicts what happened at that site I just described. Here is the mud pit from the gas well drilling operation and the geology at that persons home was such that bedrock was only about 15 feet below the ground surface so you have a mud pit that is probably 8 feet deep, it's not very far from the bottom of the pit to the top of the rock and a rock aquifer like that, generally a lot of water is available on top of the rock and feed the water well that is drilled in to rock. What probably happened was contaminates from the mud pit flowed on top of the rock, got into their water well and turn their water salty, increase barium, what have you. This shows kind of a – I mean this is almost exactly what happened except the slope isn't quite the same. Here is the mud pit down gradient to the water well. So that is probably what happened there. This kind of depicts from the same author, from Harrison, this depicts the two processes that I just talked about. Here is the gas well, you see some shallow gas bearing zone getting into this un-cemented annulus of the well, finding its way out, finding its way to a water well and then here is the mud pit, the thing that we just described.

Now, we have an arrangement with DEC when we investigate a water well complaint. We go out and if it has merit we refer it to DEC. Unfortunately we don't have the best relationship with the Division of Minerals. We do with all the other departments in DEC but the Division of Minerals, not so good. We refer them to DEC, they come out and knock on the door. We have recommended, hey listen, this place in Kiantone, it's obvious, we really think that it is the mud pit that contaminated this persons well and we'd like you to go out and drill some test wells, monitor wells, do some sampling, maybe do some geophysics to determine exactly where that mud pit is and do a little invasive investigation. They have refused to do that. But, I have to say in this SGEIS, Supplemental Generic Environmental Impact Statement, they have included some of the recommendations and some of our comments directly into the SGEIS. So, I think that we've gotten their ear.

Some of the mitigation measures in the SGEIS, again, there is a whole list here. Kim went over a bunch of them, it would take 20 minutes for me to go over these itself so we're just going to talk about a couple of them. The first four.

Separation distances between well pads, private water well monitoring, well pad construction standards, and some of the drilling procedures that deal with mud pits. So, let's look at well construction. Here is our friend, the ole vertical gas well with annulus, it is not cemented. For a horizontal well, the annulus is cemented all the way to the end of the well bore and in addition to that, well drillers are required to run a grout integrity log down well to make sure there are no voids in that grout, in that cement, where anything could seep out.

Let's look at that well pad drilling fluid handling. There are two options in this environmental impact statement to handle drilling fluids. One of them is a lined pit if the drilling fluid is not palmer or petroleum based and the other one is enclosed loop system where they don't have any pits. Everything is contained in a tank. I think that Mike Hogan is going to talk about this a little bit more but the industry is moving to this. Then again, the same with drill cuttings. They have to be contained instead of in a pit and hauled off to a landfill.

Separation distances. They greatly increase for this type of drilling, for horizontal drilling and high volume hydraulic fracturing. That is all I am going to say because I don't want to take up too much time here.

Water quality testing of private wells. Previously this is not been required in New York State but a lot of the well drillers take it on their own initiative to do it because it protects them and it gives the people around the well, the residents around the well that is being drilled some comfort in knowing their water well was tested. But in the horizontal drilling approach and in the environmental impact statement that is proposed, there will be required testing within a 1,000 feet. If there is no drinking water wells within a 1,000 feet, they will go out to 2,000 feet to test it for things that are indicative of both hydraulic fracturing fluid and brine or salt water that's natural water at depth.

I think I mentioned, local Health Departments are cited in the environmental impact statement as being the first responders to water well complaints. We expect there to be a lot of complaints before drilling bit even hits the ground. We're going to be busy. When I say we, I mean me and my counter parts in other counties that work for Health Departments. One of the things that we need because that is written into the environmental impact statement, we need State allocated money directly to Health Departments and the resources to do this job. If they don't give it to us then it's another unfunded mandate by the State but yet we're going to be involved, no matter what. In the western Pennsylvania, in the 13 county area of Pennsylvania, the Department of Environmental Protection added 15 staff members to their staff that do nothing but address water well complaints and other complaints related to gas well drilling.

Quickly go over some of the health risks but the thing to understand here is that it's not fully understood. There is a lot of research that's ongoing, there is a lot of studies being done but it's not fully understood. That's a take home message. There is an EPA study being done that is going to be released in draft form at the end of this year that looks at the impact of horizontal drilling and high volume hydraulic fracturing has on drinking water. A lot of other research is being done, a lot of other issues out there. The biggest thing is, New York State has to allocate the resources. If they are going to let this industry into the State, they have better open their wallets and they had better provide DEC with adequate staffing so that they can be out there and enforce regulations that are in that environmental impact statement because you could have all the regulations in the world in there but if they don't have the staff and the ability to enforce those regulations, then they are no good.

We have to respond to problems when they occur. Problems are going to occur. Accidents happen, it doesn't matter if it is gas well drilling, wind turbines, whatever it is, accidents are going to happen, everything has an imposed risk. What we want to do is minimize those problems and when they do occur address them quickly, swiftly and also resolve them quickly and have some recourse if someone's water well does get contaminated let's help that person out. I do want to mention the issue in Poland where there was the three homes that were contaminated with natural gas because of the problem with the casing. That well drilling outfit took responsibility and drilled new water wells for those residents, installed treatment and that is what we need to see when and if this moved forward. Actually we'd really like to see all of the regulations in the horizontal well drilling environmental impact statement imposed on vertical drilling. It would make things safer. Thank you Chairman Gould.



JOURNAL OF PROCEEDINGS

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Chairman Gould: Next speaker is Glenn Wahl. JCC Geology Instructor, Cattaraugus-Chautauqua for Clean Water and representing the League of Women Voters.

Mr. Wahl: Thank you very much and thank you for hosting this session. I do need to do a disclaimer first. I see in the program I was listed as a JCC Geology Instructor. I am in deed one of those but I am certainly not representing JCC's views on hydro fracking or anything of the sort. These are my own views.

Good evening, I am a member of Cattaraugus-Chautauqua for Clean Water and was invited to participate here by the League of Woman Voters. While I don't have the expertise of some on this panel, (*loss of mic*) somewhere originally between neutral and supportive on the issue of high volume hydraulic fracturing which I will abbreviate as HVHF but after reading (*loss of mic*) – so after reading hundreds of university studies, government agency reports, industry reports, and investigative journalism pieces, I have concluded that the health and environmental impacts far outweigh the short term economic gain that hydro fracking brings to a region. Although initially I made a power point presentation this evening, I decided that that would distract from what I was saying more than it would reinforce it. Not counting all the technical difficulties. Since there isn't enough time to explain the many graphs and charts from the studies so I am just going to talk for 15 minutes and this is whittled down from 2 hours and I am leaving many important points unaddressed. I just hope that you can listen faster than I can talk.

Tonight I would like to explore three topics. First compare and contrast between the two main kinds of hydro fracking since that seems to be the source of confusion locally. Second to take a look at some of the impacts in recent studies and third, to examine some effects fracking is already having on New York State to spite the moratorium. Everything I say tonight has sited sources supporting it and if you would like to email me, my address is on the handout that I put on your desks and I would be glad to send you a digital copy. That way you can click on any of the citations and read it for yourselves. So, let's get started.

One thing that I noticed at two recent meetings on fracking is that the audience seems to view conventional drilling and fracking and unconventional drilling and fracking as the same thing. And regards any opposition to HVHF, the unconventional kind which is under a statewide moratorium presently, also is opposition to conventional. Which is not under moratorium statewide. But these two types of fracking, though they share some similarities are not the same thing and the opposition to fracking locally statewide, nationwide, worldwide is to the newer kind. The high volume hydraulic fracturing which currently supplies about 35% of our natural gas and oil. So when I use the terms vertical or conventional, that refers to the older kind that there is essentially no opposition to. When I use the terms high volume hydraulic fracturing, HVHF, or unconventional, those refer to the new kind that has indeed earned itself the opposition it receives.

HVHF, the newer kind of fracking first took place on a production scale in the Barnett Shale in Texas in 1997 and in the Marcellus Shale here in the northeast depending on what source you read, in 2003 or 2004. It wasn't until after 2005 that it ramped up into the massive industrial activity it is today. And massive is the operational word as Kim showed. Each well requires typically several million gallons of water as opposed to around 50 to 100,000 for conventional, several hundred tons of sand, and several hundred tons of chemicals. So a typical HVHF well includes vertical drilling transitioning to lateral or horizontal drilling, fracking the lateral section and using a mix of chemicals such as biocides, friction reducers, rust inhibitors, jelling agents and others. Data bases showed drillers choose from about 600 different chemicals about half of which are toxic and tailor the mix to the target formation. HVHF requires far more friction reducing chemicals to allow the frack fluid to be injected successfully through the well bore and fractured rock. Even with 15 to 19 1,000 horsepower diesel pumps pushing it over 10,000 psi. It's the quantity which is about 100 times greater than conventional wells and to a lesser degree the composition of these chemicals along with water and sand volume and lateral drilling that differentiates between conventional and HVHF. So there are distinct difference between conventional drilling and this newer kind. If there is no difference then New York State would not be able to allow one and have a moratorium on the other as it has for the past 6 years. While we're dispelling myths, you might here that HVHF is better since it reduces the

number of wells in an area if one compares to purely vertical wells. But let's be clear. One cannot do conventional drilling and fracking in unconventional formations. The permeability and strati thickness differences are far too great. So its false equivalencies since vertical drilling is out of the question from the start with these formations.

So what is it about this new kind of hydro fracking that is causing all the fuss? After all the old kind has been done for decades and still being done daily without garnering much opposition. But with HVHF, there are several areas where we've seen serious impacts. Though I only have time to touch on a couple of these. First, their inherent flaws in the cementing process that seals the outside of the well casing to the surrounding rock. Industry reports from several years ago have put the initial failure rate of these seals at about 5% with a failure rate increasing with time so that at 30 years out, about 50% of the seals have failed. Newer data isn't reassuring with last year's report from the PADEP, showing a 6.9% failure rate in 2010 and an 8.9% failure rate in 2012. Closely matching Cornell University's recent findings of 6.2 to 7.2% failure rates. These are all industry data. In fact, the society petroleum engineers tell us that approximately 35% of all the existing wells are leaking.

The problem with failed cement seals is that it allows contaminates as Kim and Bill have mentioned, from the target formation to reach the surface and indeed the many studies done in this issue have shown the closer a water well is to drilling activities, the greater the concentration that will likely have of methane from the target formation. Well, methane can be a naturally occurring contaminate in water, it is clearly been shown that drilling activities increases methane concentrations in water whether or not it was present before drilling. It's often more than just methane as a recent University of Texas study shows. With the concentration of heavy metals and radio nuclei such as arsenic, bariums, selenium, and strontium's also increasing in drinking water the closer it is to drilling activities.

This would be a good time to mention that one of the reasons we haven't seen more court decisions finding gas and oil companies guilty of contaminating water wells, is not that it is not happening. But it is because direct causal relationships are so hard to prove. With things like the hypothesis that smoking causes cancer, it was easier. Researchers could combine chemicals from smoke with living tissues and watch the results in a petri dish. But it's impossible to see contaminates entering water supplies. This is similar to what happened in Cattaraugus County when West Valley Nuclear Fuel Services activities resulted in a spike of cancers and other health issues. But legally it was near impossible to prove cause and effect. So the courts won't general conclude a direct cause and effect relationship, the strong positive correlation between drilling activities and contaminates in water supplies, especially in studies that use base line data to show those had not been present in the water before drilling, tells us that fracking is not the safe process the industry portrays it to be. Confirmation of drilling activities having caused water well and other water contaminations by State agencies like the Pennsylvania DEP also support this stance.

Another source of confusion is the terminology. Supporters of HVHF often point to prominent studies or persons who have stated that fracking does not cause water contamination. That is true because in those situations the person is using the term fracking in its narrowing sense just to describe the instance of the rock being shattered which of course, doesn't cause problems. But the popular media and the public used the term fracking to mean all of the phase of HVHF which certainly have caused many contamination issues. In addition to the problem of well casing seal failure I have mentioned, through the HVHF process from completion to production to distribution there are large omissions of methane into the atmosphere. Between natural and human caused methane, its human caused which is the greater volume and of all the sources of human caused methane, oil and gas production is the largest source at about 30% with agriculture coming in second. So when the reductions of greenhouse gases certainly it should be the oil and gas production that is the priority. But there hasn't been much progress in that area and in fact, recent studies by Stanford and Harvard which is supported by several other independent studies, shows that the EPA has underestimated the amount of methane released by about 50%. While it is true that the transitions made recently from coal to natural gas, along with lower demand and along with the growth of renewables, has reduced greenhouse gases somewhat in this country. The large increases in HVHF and other fossil fuel use worldwide, more than negate those savings. Plus, it cannot be truthfully said

even that natural gas is the cleanest in terms of greenhouse gases. While it burns cleaner, leak rates are at about 4 to 8% or more when they would have to be under 2.7% to have the same climate as coal.

Another issue that has not improved much is that what to do with the flow back. This is toxic fluid that comes up as Kim mentioned when the well is initially opened. And is composed of some of the original frack fluid that was injected along with heavy metals and radio nuclei's from the target formation. Although the percent of the original injected frack fluid that comes up, varies greatly. Anywhere between 5 to 50% of the original volume comes up but when that original volume is millions of gallons and when we're talking about thousands of wells, the amount of flow back that is returned to the surface and the volume of toxic fluid that remains in the well is gigantic. While the industry points to increases in recycling flow back, as of now, it's pretty much the same as it has been. That most of the toxic fluids captured from fracking are either sent to waste water treatment plants or re-injected into the ground in deep disposal wells. With the former, we've seen that the typical waste water treatment plants cannot test for and remove enough of the various contaminants in the fluid. This has been made obvious in several ways. Two examples are from Pennsylvania where Pittsburg recently had to change the way it treats its drinking water since the river source it uses was becoming so heavily loaded with bromides from the upstream flow back treatment plants that it opposed a health threat. A second example is where several western Pennsylvania streams were found to contain much higher than normal levels, in fact, 66 times the established limits of radio activity from materials released from upstream waste water treatment facilities. In addition, researchers from the University to Pittsburg graduate school of Public Health, also found high levels of barium, benzene, chlorides, strontium and other containments at the end of the outflow pipe in excess of State and Federal water quality standards. It should be pointed out that even recycled frack fluid eventually ends up left in the well, at a waste water treatments plant, or deep well injected. And as was said, deep well injection is the other currently preferred method to get rid of frack waste fluid. These cause problems in their own right since many deep well injection wells have leaked into aquifers. Another issue is that they do tend to trigger earth quakes and links have been shown in many states and countries. In fact, just last week the USGS confirmed that the 5.7 magnitude earth quake in Prague, Oklahoma was triggered just in this way. So what is the current situation? First, even though New York has a defacto moratorium still in place, and by the way, it's kind of odd the way that New York did this. Instead of saying when fracking came about should we do this or shouldn't we do this, New York said, yes, let's do this and then we will figure out where, how much, when, etc... and now it's kind of reversed itself. New York is trying to figure out, should we do this. We should have said that at the beginning. Anyway, so even though we do have the moratorium, we're still being impacted by HVHF. We have drill cuttings, flow back fluid, and other frack waste going into five New York State landfills and because oil and gas exploration in production was excluded from portion of seven major environmental federal laws in 2005 and earlier, this waste is not treated or disposed of properly. Instead of being categorized as the hazardous waste it really is, it's classified as industrial or residual waste which has less stringent requirements. As a result, we are seeing the effects of that mismanagement. For example, the leachate from both the Highland landfill in Angelica and the Chemung Landfill is from 9 to 14 times higher in radio activity than normal background levels and it's trending upwards. We are also seeing gas infrastructure threatening our environment and health, tourism, and other things. An example of this is the planned storage of natural gas in a salt formation under Seneca Lake despite area geologist warning that it is unstable and unsuitable for such purposes. It should be mentioned that fracking over the border in PA has already polluted streams that flow north into Allegheny State Park. Because of these already occurring impacts and of an increasing body of scientific and other research showing the high risk to environmental and public health, there are many sources to opposition to fracking. Many whole countries have enacted bans or moratoria on fracking as have hundreds of regions within other countries. In the United States, a few states and hundreds of counties, cities, and towns in other states have also enacted bans. In New York State the present count is 178. Actually today, because of the City of Dunkirk approving a ban last night, 179 municipalities that have enacted bans or moratoria with an additional 87 currently moving towards enacting one. Over a 1,000 businesses in

New York have signed on against fracking and our \$60 billion dollar a year tourism and \$4.5 billion dollar a year wine industries and others know that clean water and air are vital for New York's long term successful economic future. I should point out that the local bans and moratoria makes sense even with the State moratorium in place. First we don't know when or if the State moratorium might be lifted. The Health Commissioner it likely wouldn't be until 2015 but legally it's possible for that to happen any time. Local bans and moratoria, whether you are for or against fracking, give the control to the local municipality rather than just to Albany. That way you can control it depending on what information comes down the pike. While there is no doubt that HVHF directly and indirectly does benefit the economy, there is also no doubt that it doesn't do so to the extent reported. There is also no doubt that it creates cost, economic, environmental, and health. You have seen some in the talks before me that the industry ignores when touting fracking benefits. It will be though informed decision making from bodies such as this Legislature that our area will decide which energy path is best to providing sustainable energy supplies while keeping the environmental and health impacts as small as possible. It's clear to me at this point that HVHF is not the promising path the industry says it is. We have made previous mistakes trusting unsupported and unsupportable industry promises at places like West Valley and we have learned the hard way from them, I hope. So, let's take a better path that uses things other than high volume hydraulic fracturing. Thank you very much.

Chairman Gould: Thank you. Next speaker is Mike Hogan of Hogan Energy Consulting.

Mr. Hogan: Thank you for the opportunity to present a little over view on the technology involved in various topics that have already been discussed. A number of items on my early slides have already been covered so I might just touch on them and move along to some of the more detailed aspects. Just quickly, I'm a Lakewood resident. I have been a resident of Chautauqua County for 30 years. My background is petroleum engineering. I started out as a well completion engineer and have been involved in the hydro fracturing of probably a 1,000 wells, give or take in just about every state in the United States that produces oil and gas and 6 foreign countries. I know a little bit about it, there is certainly a lot of people out there that know a whole lot more than I do but I will try and give you my overview.

Quickly, hydraulic fracturing or fracking as it is referred to, is only a very small part of the whole program of natural gas or oil drilling. I am not a fracker, I am an oil and gas man. This has already been shown, the Marcellus, I am not going to go into it in detail what the Marcellus is. We've already talked about that. Where it is in New York, there was some discussion. It is not going to take place in Western New York. The zone is too shallow and it is too thin. I have a graphic. This is a well log from a well in Ellery Township. The Marcellus is 22 feet thick in this particular well and it's only about 24/25 hundred feet deep. It takes somewhere close to 100 feet of the shale development to be productive and it has to be buried approximately 5,000 feet deep to get the pressure necessary. So, the Marcellus is not going to happen in Chautauqua County anytime soon. Will somebody try it, possibly, but it's pretty doubtful and it's not just from my experience but it is pretty well thought of in the industry as not being a productive zone in Chautauqua County.

However, there is the Utica shale that was touched on a little bit. In fact, I have one of the same slides that was shown earlier. Maybe not in as much detail but it does underlie us. It is probably deep enough and it is probably thick enough to be tested. What is Utica shale? Well geologists have considered the Utica shale long to be an oil and natural gas source rock. There is a great quantity of natural gas and oil in the Utica shale. It is more geographically extensive than the Marcellus. It is also thicker and it has yielded commercial production. In Ohio, there are a lot of wells being drilled in Ohio, in extreme western Pennsylvania, and also in West Virginia. The same technology is being used in the Marcellus. I think that we have already through this slide so I'm not going to go into it. Where it lies etc... So if it's possible that its productive here and the jury is still out. There is only about 7 or 8 wells, a handful of wells that have penetrated this deep in Chautauqua County. Of those wells, there is only one or two that yielded a lot of information because they were drilled for other deeper targets and the logs that were run, the data that was gathered, wasn't focused on the shale at the time. So, they are essentially minor data points. We can kind of calculate how thick the zone is but we can't

really tell the other necessary components to make it a viable resource. There is one or two wells that would one to believe that there is some potential and it will undoubtedly be tested in Chautauqua County

How will it be drilled? It won't be drilled with the old drilling rigs that you have seen in the neighborhoods for 30 years in Chautauqua County. It will be drilled with a rig like this. This well is being drilled down in Pennsylvania, or was being drilled down in Pennsylvania this past summer. It will be drilled with a closed loop drilling system which was touched on earlier and which is outlined in the GEIS or the SGEIS, but it's being done almost everywhere now, closed loop drilling. The old open pits are pretty much becoming a thing of the past in the industry. Not only in states that are requiring it but other states that don't require it. It's just a better, safer, system. This particular area is the mud system and this drilling mud is moved well to well. It's reused, reprocessed and reused, over, and over, and over again. This rig is much larger and it has some other capabilities. It can move from well head to well head. So if it's on a drill pad and your drilling a number of wells on the pad, it can literally walk to the next well site which might be 10 or 20 feet away so it saves days of disassembly and reassembly, truck traffic, and everything else to move this rig. It's all high tech. Almost all the pipe handling systems are automated which is much, much safer place for the folks that are working on the rigs. Most of the equipment is computerized. I have literally sat in my office and if I wished, I could have controlled the drilling rig drilling in Alberta, Canada. That is how technical this equipment is. It's the same technology that is being used off shore and throughout the world.

I think you may see this slide again. It's pretty well known. It's just an example in my case here. I am showing why horizontal versus vertical and I agree that the shale's, the best way to develop the shale is horizontal to effectively fracture them however you can produce them with a vertical well. Just not as effectively. So, we'll talk a little bit about that. In my example, this area represents about 1,000 acres. To effectively drain this, it would take approximately 24 wells and it would take up at least 60 acres of disturbed land. In horizontal drilling, we can drain it with 6 wells, drilled from one pad, taking up 6 acres. How will we do that? Almost everyone has touched a little bit on the well construction. I will try and get a little more clarification on it. We will start off with a conductor hole. There are numbers here that are pretty hard to see from where you all are sitting but, the numbers vary according to operators, the size of the casing. But, essentially a conductor casing will be run, in this case, its 24 inch and it can run to 50 or 100 feet, wherever bedrock is and it will be cemented in place. The next string is what we call a surface string and it will be run in this area, probably 500 feet give or take a little bit and it will be run in the hole and also cemented. The difference that was touched on briefly, under the GEIS which is now standard operating procedure throughout the industry, a cement bond log will be run. It's a sonic tool that will be run in the hole and it will clarify the fact of the bond between the casing and the cement and the formation and the cement. If there is any imperfection, there are remedial operations that will have to take place before that well can go forward. The next step will be to drill an additional hole. This particular slide shows it being about a 1,000 feet. In Chautauqua County, depending on whether you are in the north part of the County or south part of the County, 3,000, 2,500, I would say, to 4,000 feet and it would cover the Medina formation. This intermediate sting of casing would also be cemented all the way back to surface as was indicated earlier and another cement bond log also run on this so it's a third string protecting water.

The next step will be to drill to the kick off point where the well starts to go horizontal. At that point, special tools are running the whole drill motors that are actually turning the bit hydraulically and we use what we call a bent sub. We gain about 8 degrees per 100 feet of angle to we become horizontal. Pretty much 90 degrees, some a little more, some a little less. Some formations will come in the bottom and gradually work up. There are various ideas there in where is the best place to cross the formation. Once the well is completely drilled horizontal and it could be 3,000 feet horizontal to 10,000 feet horizontal. I am involved in projects right now in North Dakota and all of the wells are at least 10,000 feet horizontal. Once a horizontal section is drilled, casing will be run, 5 1/2 inch, 4 1/2 inch, it depends again on the operator and that too will be cemented back. So now we're ready to move into the completion phase. So let's look a little more at that aspect.

Hydraulic fracturing, we talked about it and everybody has gone on with it. It's the essential part of the exploration process. As I speak today, about 80% of the natural gas that we're using that is keeping us warm comes from wells that have been hydraulically fractured somewhere in the United States or Canada. If we banned hydraulic fracturing, we better get the fireplaces roaring because that's the only choice that you are going to have. Even some of the large off shore wells by the way, are hydraulically fractured. It's been used for more than 50 years and actually I just saw something that came across my desk today, we're celebrating the 65<sup>th</sup> anniversary of the first well that was hydraulically fractured. It occurs deep underground, beyond fresh water aquifers, isolated layers of cement, steel, and a lot of hard rock. It's a finite part. It's just one portion of the project of drilling a well.

How do we start that project? Well, first off, we have to get holes in the casing at the zone that we're going to treat. Somebody mentioned explosive thing. It is an explosive. It's a device like that, many of these placed in what we call a gun and this is a shaped charged, much liked they use when they tear down a building with explosives and it puts a hole in the casing. That hole is one of these. This is an actual perforation of a casing and that is all the bigger each individual hole is. You saw a version of this slide earlier and in my version, both wells are in the shale zone. I want you to think of it this way. A horizontal well is not one big well but a series of vertical wells. If we drill one vertical well, we fracture it and we drain this area. When we drill an horizontal well, we are now able to drain this entire area with essentially one well but what does that well made up of? It's made up of multiple completions. So how do we do that? We go in with that perforating gun all the way to the end. We shoot holes right here, we frack that zone. The amount of fluid and amount of sand we put in there is about the same that we put in here. Eighty thousand gallons, maybe 100,000 pounds of sand. Next we put a plug in. We come back in with a perforating gun and we perforate this zone. We frack that zone the same way. Put another plug in, move to the next zone and completely with this particular zone, there is six zones, could be 20 zones. Depends on the length of the lateral. So, they are all individual. This is another little slide of it. It shows the plugs, so now we have a whole lot of plugs in the well, nothing can flow out. We come in with generally a coil tubing rig. Very flexible rig, with a drill bit on the end and we literally all these plugs out. Only then can the gas flow out of the well. Once those plugs are drilled out, the well flows back, a certain amount of the fluid comes back and it's not contained in open pits anymore, it's contained in steel pits and hauled off location. It's not stored in ponds and others, it goes directly to storage. In steel pits and generally in Pennsylvania there are companies now that are recycling 100% of their flow back water. Range Resources, Kabato(?) Oil and Gas, they recycle 100% of their water. Others are recycling nearly 100% and they are working on recycling all of it. It's economics as well as the environment. Frankly, I think that the environmental argument has been wonderful because it's made our industry look at things that we never looked at before. It's made us work harder to develop new technology. It's opened the door for so many new people to come into our industry, the largest group of people that are being hired right now after petroleum engineers and geologist is environmental engineers and they are really carrying the ball for developing this new technology.

What does this whole process look like on the surface? This is an aerial view of a frack job. This particular pad has 10 wells on it and we're fracturing 2 wells back to back. We go back to that process where we ran into each zone so we'll come into the first well, we'll perforate the farthest zone out and fracture it. While that zone is being fractured, they will move over to the next well and start perforating it. When that is done, they'll move back to this well, they will back and forth until all the wells on the pad are fractured. Two, three, maybe four week process. Depending on the number of wells on the pad. This is what the rest of the surface looks like, 30,000 horse power pumping equipment. A lot of equipment. But by doing what we call, zipper fracks, fracking all the wells back and forth, we don't have to move this equipment in and out for every well. It all stays on location and the process continues on instead of moving the equipment, they move the crews in and out in (*inaudible*). All that equipment is controlled from one computerized control van. The engineers that are running the jobs sit in this van. Everything is remote control. Every piece of equipment can be controlled from that van and it's all geared all to be fail safe. So, if there is a tiny leak anywhere, the whole thing shuts down.

The chemicals. There is a whole list of chemicals and it's pretty hard to see here. I gave some handouts and they are listed in there. It's not 600 chemicals. I took the top off of it from the company but this is from an actual frack job. This job used almost 4 million gallons of water. It put in 5 million pounds of sand placed in the well total. It's probably about a 22 stage frack job give or take a little bit. If you total up the chemicals that were used and most of these chemicals are used to treat the casing. They don't treat the well bore. They don't treat the formation. The water, the hydraulics, you cannot compress a liquid. That is what creates the fractures. The purpose of chemicals is to just make the water slippery or to treat the pipe. In this case, if you total up the gallons that is here and you calculate about 8 pounds per gallon for typical chemistry, it would total up to be about 24 tons. Not 200 tons or 400 tons that was suggested earlier.

After the well has been completed, it's ready to go on line. The location is reclaimed. This is early in the stage of a location being reclaimed. This is one year later. This is a more recent well. I took this picture a couple of weeks ago, down in Pennsylvania. It was about 5 below zero. This is a five well pad. Each well is individually metered and has what we call a gas production unit. There is one unit for each one of the wells and a tank battery and an individual tank for each well for any fluids that are separated in these units. They have a heater in them to keep the gas from freezing as it goes through the measurement devices. This pad was started last fall with the drilling, it's all but – it's been seeded, you can't tell here obviously with 2 feet of snow on it. But, they'd be some additional trees put in. There's still some equipment back there that will be removed but it took from – I think that it was started in September and it's completed now so it's not a process that is going to go on for years. There is no advantage to holding out, holding out. You come in and get the job done and got to the next well.

Well, so what is really happening in Pennsylvania? What are some of the economics? This is from the Pennsylvania Labor Department data. It was effective in the second half of 2013. At that time, there were 231,969 jobs directly rated to the development of Marcellus. The core industries were 25% higher in 2013 than what they were in 2010. Q2. Core industries, what are they? Crude petroleum and natural gas extraction. That is the engineers, geologist, company executives, *(inaudible)*, that are all involved. Average salary, \$110,000. Natural gas liquification extraction which we're probably not going to see here in western New York is prevalent in extreme southwestern Pennsylvania where there is a liquid content in the gas, people that operate those systems, average salary \$100,000. Drillers, people that are working on the rigs, drillers, rig hands, tool pushers, average salary \$84,000. Support activities. Truck drivers, bulldozer operators, road crews, \$70,000. Pipeline and related structures, pipeline crews, \$82,000. Pipeline transportation natural gas, people that operate the pipelines at compressor stations, about \$85,000. So the average core wage in Pennsylvania, is \$83,300. Just a quick fact, production last and this is some newer data, this was at the end of 2013, production was 2 trillion cubic feet of gas. Pennsylvania I think is the second largest producer now in the United States of natural gas. Number of wells, 8,900 and that include conventional wells that were new and active. Total jobs have gone up now to 239,000. Tax revenue, \$1.8 billion dollars. Royalty payments to landowners, \$567 million dollars. Bonus payments, \$1.2 billion dollars and this is for one year.

What about New York? Well, let's look at New York quickly. I know that I am running out of time and I apologize. New York has a different tax structure than in Pennsylvania. We do not have a State severance tax, at least not yet. We have an ad valorem tax. The ad valorem is a tax that comes back to the communities. All the wells that are out here are taxed on an annual basis and that tax comes to the counties, townships, and the local school districts where the wells are located. It certainly helps relieve consumer tax burden and supports essential services, schools, and libraries. So, we made a model. What would happen in New York if we took real data from wells literally a stone's throw across the border in Pennsylvania. This is kind of what we came up with. Our parameters we used wells from this part of Pennsylvania and we used, I believe, 117 wells. Literally along the border and we picked wells that had been on line for at least 100 days so they weren't in their initial production where they had a big spurt of production. They had production that had settled down and those 117 wells average about 3.5 million cubic feet a day, each. We used the ad valorem tax structure in New York, we assumed the wells are horizontal, and we put a drilling project that would

be most likely to occur and the DEC could manage. This is hard to see, it is in my handouts but I have a summary of it. I will just walk through it quickly. Three hundred and sixty (360) wells will be drilled on 40 pads with 9 wells per pad, 6 acres per pad. The production amount we talked about. It would produce 465 billion cubic feet of gas in these three counties and the counties would probably be Broome, Chemung, and I think Tioga, New York. It would have a tax assessed value of \$4.7 billion dollars. Local taxes for those three counties would be \$132 million dollars, State taxes would be about \$47 million and Federal taxes would be about \$115 million. We would probably produce about 7,500 jobs in those three counties in that year to drill these 306 wells. So, I will summarize it and one small thing that I left out, the annual royalty payments to landowners would be about \$280,000,000. Keep points, \$132 million dollars of property taxes staying locally in the counties, utilize land, 6 acres per pad, 240 acres of total disturb land, taxes per acre, \$550,000, taxes per multi well pad \$3.3 million dollars, and 7,500 high paying jobs.

Natural gas development. Safely benefits consumers and the communities. It doesn't rely on tax subsidies to operate and it relies on fact and science, not publicity stunts, hype or emotion. Which there is a lot of in this whole issue. I will say that many of the presentation made a lot of issues. I think that there is going to be road traffic. It will be addressed by the companies. If you talk to the County Executive in Bradford County, Pennsylvania he will tell you that their roads in Bradford County, Pennsylvania are better now than they ever were and it is one of the most heavily drilled counties in Pennsylvania. The companies have been rebuilding the roads better than what they started out with and in most cases, they are rebuilding the roads before they start the drilling process to help themselves of course, but everybody is finding much, much better transportation conditions. I can go on and on and I am not going to sit here and blow our horn on it, but I think a lot of the issues that were brought up which are really good issues, are being addressed by the industry. A lot of that goes because of the people who've raised issues, the industry is really responding to that. Thank you for your time.

Chairman Gould: Our final speaker of the night is Mary Hajdu, Attorney at Law.

Mrs. Hajdu: Good evening everybody, I'm Mary Hajdu. I am an attorney that practices on my own but for this particular project, I'm working of counsel with the law firm of Burgett and Robbins in with the Law firm out of Bridgerow, Pennsylvania, Morasic and Pollichec(?). They are from Washington County, Pennsylvania. That was the birth place of the Marcellus boom.

Obviously shale gas drilling is on everyone's agenda and I want to talk a little bit about why there is such hoopla. First and foremost, we do need to take into account that shale gas drilling has done what 40 years of governmental incentives and regulations have failed to do. Basically it is reduced our reliance on the unstable middle east, reduced Co2 admissions, help revitalize manufacturing because it is a lot cheaper now to have manufacturing and power those plants and power those plants and we do need as a society a healthy manufacturing base. Manufacturing puts a lot of unskilled people to work so that they can have a descent standard of living. We've also seen real reduction in our energy costs. It doesn't seem like it this winter but we actually have had real reductions and we have replaced our dependence on dirty coal.

I am not going to go into this too much but there is some hoopla about the workforce. Basically as was previously said, nearly a quarter of a million jobs have been created in Pennsylvania and these are solid jobs. These are jobs that often have on the job training but required a high school diploma, clean driving record, clean drug test. They don't require as highly skilled positions as you might think and these are certainly livable wages.

Municipalities have benefited greatly in Pennsylvania with this drilling. One guy told me it's sort of like a Wal-Mart coming to your town but without all the petty larcenies. It's kind of funny but basically these are companies who are coming in, they are not asking for tax rebates, they are willing to come in, they are willing to pay their taxes and they are creating structures in your town that are worth millions of dollars that they will pay real property tax on and they do pay real property taxes. The landowner doesn't pay that, the owner of the well pays that. Incidentally because of that



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Pennsylvania is really seeing a revitalization of their economy. They are third in the United States in corporate investment or corporate expansion.

There is also a smaller economic impact and I want to talk about that a little bit. This is an actual deal that was negotiated by our partners, Morasic and Pollichek(?), down in Pennsylvania. This is important. This is an example of what can happen with you don't have a moratorium. In February of 2012, they started the Mercer County Landowners Group. By June 2012, they received this offer and ultimately accepted this offer. This offer basically provided a 5 year option to drill and for that, each landowner was paid a sum of \$3,850 per acre for that 5 year option to drill. That is a lot different than what we are used to here in Chautauqua County with a \$1.00 an acre, \$2.00 an acre, that sort of thing. In addition, they also received a gross royalty of 18 1/2%. We're use to a net royalty of 12 1/2%. Gross royalty means of course that none of the expenses are subtracted before the royalty is figured. How do they do this? This is a whole different animal. The volume of gas that is taken out is so much different, so much greater than what we are used to with vertical wells. Certainly the technology is better. We don't have the risk of the dry hole like you had with the vertical wells so the landowners benefit greatly. The average Marcellus well in Washington County where these folks were paid royalties in the first year of production of \$1,000 per acre, per month. Certainly royalties will go down over time but that can be life changing royalties for some people.

I submit to you the real debate here is not about natural gas versus renewables. I would love it if we could power our way of life with renewables but every responsible analysis out there has concluded the same thing. Renewables are not there yet. Really the debate is and even the Sierra Club recognizes several years ago the debate is natural gas versus coal. We have slowly moved as a country from coal to natural gas. I am not going to go over this too much. We've already seen this. This is basically the 640 acre plot, the vertical versus horizontal wells.

I want to talk a little bit about compulsory integration because I think that it is important. Believe it or not, New York has a pro-drilling statue called compulsory integration. We have it and so does North Dakota to this extent. Other states also have compulsory integration but not as favorable to drillers as we have. Basically what that provides is, 60% of the acres in an area decide to allow drilling than it can occur. What I want to explain here is basically we have an actual map. This is what is called a spacing unit that was on file at the Pennsylvania DEC's office. What occurs is that after you sign your lease, maybe a year or two down the road the company comes to you and says, look, we drew a spacing unit and it includes your property. This is an example of how they look. They don't follow the property lines. They draw them from northwest to southeast because apparently there is a grain to the shale and this allows for maximum drainage of the gas. The acres that are inside the red box are working for the landowners so whatever acres you have inside that red box will produce royalties for you off of that well pad. They do not have to put the well site smack dap in the middle. There is a lot of play with that now because they basically go down into the formation and turn it horizontally so it's a little bit different than what we're use to where the well pad had to go exactly where the driller wanted it do that they could hit the pool.

What will happen and I think that New Yorkers need to be aware of this. If drilling occurs here in New York and the moratorium is lifted, I respectfully submit that you are much better off as part of a landowner group than with compulsory integration. Because we as a landowner group negotiate higher royalties, better surface protection, better water protections, better insurance protections, lots of other protections that you would not have with compulsory integration. In this particular example, the people who are in the landowner group will get royalties of about 18 1/2%. If you come in at the compulsory integration they are allowed to subtract off the cost production. You are going to be down to a royalty of about 9 or 10% so you are roughly going to have about half the royalty that your neighbors will have if you are not in a landowner group.

This is an example of a completed well site. New York is going to require those to be fenced and locked. I represent the Snow Belt Landowners Group and we thought that it was kind of funny when we came up with that name in the spring of 2013 but it doesn't seem so funny anymore. Basically this is a joint venture with our Pittsburg based attorneys. Our Pittsburg based attorneys have leased almost 400,000 acres, signed thousands of leases and not a single client has had an issue with water and we think that is because they have some pretty stringent leases and very, very

stringent water clause in their leases. Our landowners are willing to lease. We represent about 190,000 acres in Chautauqua, Cattaraugus, and Allegheny counties. We are not an oil and gas company. We do not represent oil and gas companies. We are truly independent from them. We feel that our job is to negotiate the best possible lease for landowners. We are not currently offering leases because quite frankly the bargaining position is horrible right now if you are a New York landowner. We have the moratorium. We did think that we would be in a position last February to secure a lease but it became clear that the moratorium wasn't going to be lifted and we just were not able to get any descent offer to present our landowners. We think that in many instances the perspective of the landowners is not considered or is poo pood. Basically landowners are voters and they are taxpayers and they certainly care about their land and I think that sometimes this cavalier attitude that is portrayed of landowners is really a bit of an insult to these people. Many of our landowners are very, very tied to their land. They raise crops, they have been in the same farm or house for generations and they understand that any activity on the surface has to make sure it doesn't interfere with their way of life, that they don't impair their quality or quantity of water and that they don't end up with pollutants on the surface because they have crops and animals.

The other thing that kind of gets lost in this debate and I think it's very important to understand and that is, when you purchase your property, you purchase it from the surface to the center of the earth. There are many layers that are either valuable or potentially could become valuable. Unfortunately back in the 80's there were lots of leases that were done here in Chautauqua County, I would say probably 75% of Chautauqua County is already leased. A lot of those leases actually back in the 80's, they are valid contracts and they leased away from the surface to the center of the earth. I have seen tons of these leases and people will bring them in and I will say, "unfortunately I can't help you because you already leased that away". What we do as a landowner group we say, look, we have something called (*inaudible*) clauses that allow the drillers to go to the desired formation and in this particular case, it's probably the Utica shale and then anything below that is released back, So suppose in 10 years a new layer becomes valuable, you want the ability to lease that out. Royalties have steadily risen over the years. Twelve and a half percent in the 80's was a good royalty, it was a descent royalty, given all that the industry had to deal with. Now, royalties are up around 18/19/20% and why lock yourself into a specific royalty now when that could change in the future.

We believe that fracking can be done safely. We do think there were mistakes in other states, particularly Pennsylvania. We do think New York has learned from those mistakes and we do think with the oversight envisioned by the DEC, we can have a very productive relationship with the drillers. I just want to kind of stress to everybody, I don't think anybody studies this more than the DEC. They are probably the world's authority on this and I think they know what they are doing. Obviously, the State has to fund it, they have to fund the oversight but we think that it can happen.

So why is this topic so controversial? I think part of that is the history of the industry. Historically, as I indicated, you didn't, as a landowner, have any choice where that well pad went so people would say, gee, it's right off my back porch or things like that and that kind of left a sour taste in people's mouth. This is different. You do have choice. In a particular lease that we negotiate we give the landowner the choice of where the well pad will be. You have the right to reasonable refuse the location of the well pad. The leasing of the old way was different. It was structure that really did not give landowners a whole lot of bargaining power. Leasing the old way basically involved a land man knocking on your door, the land man generally were not permitted to cross out things in that standard lease they gave you that leased away from the surface to the center of the earth. They were allowed to offer you a \$1.00 an acre for a 5 year option to drill. They couldn't offer you a \$3,850 an acre. There was no real negotiation. You had no right to audit the well production. You basically fashion your own royalty, you didn't have any particular water protection clauses in there and certainly no (*inaudible*) clauses, meaning you lease from the surface to the center of the earth and you didn't have any protections against shut ins because shut ins can happen with natural gas drilling. This was an industry that was started by wild catters, it didn't require a whole lot of money to start up. Put a hole in the ground and hopefully something good happened. This was an industry that historically didn't have the oversight that we're talking about here today. New York has 5,000 natural gas wells.

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There is 11,000 gas wells in the entire State and 5,000 of them are here and I can guarantee you that none of those wells were built to the standards that we're talking about with the horizontal hydro fracking.

Why do we think this is different? The cost of entry into this business is huge. This is a much different game. These are not wild catters, these are some of the biggest names in the oil industry and natural gas industries that are involved in exploration. Basically they send anywhere from \$5 to \$8 million dollars per well. What you are looking at here is a graphic of a company called X-Co and they are detailing all of their plans for their wells in Pennsylvania. Notice none of them are in New York. They are in Pennsylvania, Ohio and West Virginia. Basically this graphic shows a multibillion dollar investment into these rural counties. These are larger companies. They do have a reputation to risk. A lot of them are traded on the markets and as was said earlier, there is market pressure to clean up their act a little bit. In addition, a lot of these companies want to work with landowner group. There was just recently a landowner group of 110,000 acres that four companies went together and leased and those – when you are negotiating on behalf of those 110,000 acres you can get a lot of protection in those leases. It is a lot different than negotiating for your 40 acres or a 100 acres. Many of these landowner groups have special provisions, like bonding, insurance, certainly hold-harmless agreements. Shifting the burden of title examination to the drillers. Those are all important legal protections for the landowners.

As I said, we do think this will be different. Basically, we do think that New York is not going to allow open pits or ponds. I understand from the Governor's office that basically they are going to make everyone go to a closed loop system and I think that is a huge environmental plus. The Governor's office has recognized that. Most of the problems that happened in Pennsylvania happened for two reasons. One is open pits and ponds and the other is adequate inspection during the casing process. The open pits and ponds are significant. This technology started in Texas where it was very dry and sparsely populated. What they would do is pump out that spent frack water, put it in these open pits on the surface or rubber lined pits, it would evaporate, they would up the rubber and be on their way. Well, when you come to Pennsylvania and you try and do that, you are basically putting spent frack fluid into a wet ground, wet rubber lined ground. We have snow melt, we have spring rains and it's inevitable that something like that is going to flood and create contamination. That is why we won't allow open pits and ponds here in New York and we shouldn't. That's is a very significant environmental plus.

Also, New York is going to have significant casing redundancy as was already indicated in the prior slides. I am told that the Governor's office is going to insist something like 13 inspections during the casing process as compared to Pennsylvania. One of the drillers told me that they have 2 or 3 inspections during the casing process. Basically the old wells were never built to these standards and we do think it can be made safe.

Our landowner group works, as I said, pooling very large masses of landowners together. It levels the playing field, it certainly gives us the ability to ask for greater protections and we actually market these groups to a number of natural gas drillers, the largest natural gas drillers in the country. The result is better financial terms and legal protections. These are negotiated, instead at the kitchen table, at the highest corporate levels. Often the landowner groups result in leases from anywhere to 10 to 50,000 acres at a time. Typically we are able to have materially increase royalty and up front bonus payments. We also provide for certain things like the right to audit the wells production to make sure what they report as the wells production is indeed the production. Make sure that whatever is reported as the production of the well, as far as value goes, is fair market value, not what they sold the gas to their subsidiary for. So there is a lot of legal protections that can be negotiated and routinely are negotiated now in this industry. This is a different industry. We also have very stringent water and surface protection and well site approval. Some of the examples are, especially with the water, we have mandatory water testing before and after. We have an actually clause in our lease that says, if there is any change in either quality or quantity of water, it is presumed to be caused by drilling activities so you don't have to litigate that issue and they much replace the water. And it specifically spells out how they must replace the water. They can't put a tank on the yard and these companies are willing to agree to these terms. We also require special things on surface restoration.

You want the top soil put down last so you can plant your crops. Certain things such as an ad valorem real property tax that they typically agree to which is, if you have drilling on your 100 acre farm and now the value of your 100 acre farm doubles, your real property taxes double. We have a provision in the lease that says, o.k., driller, you caused this increase in my real property taxes, I will pay 18 ½% and you pay the rest and those are things that they are willing to do. We even have kind of a funny thing. We have some areas, ski areas for example, do not want any drilling in winter. Golf areas do not want any drilling in summer and they are willing to negotiate those types of terms and there is even a group of Allegheny County deer hunters who say no drilling during deer season and believe it or not, they put those things in those leases. This is all about creating a good solid business relationship between landowner and drillers. Landowners have the gas, they would like to take it to market, they would like to be paid royalties, the drillers want to extract that gas to they have to come to some sort of mutually beneficial agreement.

Some of this is repetitious but basically we've all said we think the Utica is a real target, not the Marcellus. And basically this is one of the most lucrative shale place in the world. We need to be aware of that. This is a very, very substantial asset that we have and we're right here in the midst of it.

I do think that New York is missing the boat. New York has lost the opportunity. Basically the drillers do not have to come here to do business if they don't want to. All of these dark areas are other shale plays. Chesapeake was knocking at our door 2 years ago. They wanted to come and they wanted to drill here, very badly. Exxon Mobil actually sent one of their representative to the IOGA(?) Conference at Peak N Peak 2 years ago to let everyone know that they were interested in our area. They are not here anymore. Chesapeake has gone to Kansas and I think that New York is missing out. Sure, maybe they will come around to us, but I think that New York has really created an anti-business environment and it's going to take some time before they trust us again and are willing to come back. They don't have to do their business here but guess what? We have to import roughly 95% of the natural gas that we need in the State of New York. You know where that 95% of that gas comes from? Other fracked gas and usually it's from Canada, Ohio, West Virginia, or Pennsylvania. So basically, it's a crazy business policy where we have to import all this gas and we are not paying a dime of royalties to New York landowners. That money is all going out of State. I would submit to you that we don't really as a business State have a history of totally precluding a business or industry. It's very few that we outright ban. Basically, we look for ways to allow commerce to thrive. For example, a guy that I know who does a lot of these talks, he talks about driving in New York. If we didn't have oversight and enforcement and we didn't have vehicle inspection, road rules, and laws, and that sort of thing, driving could be like driving in Bangladesh. It's probably a very dangerous thing to drive in Bangladesh but New York, we have found ways to regulate it, we found ways to oversee it and it has become relatively a safe activity. Same thing with nuclear medical waste, same thing with vaccines. We found ways to find a happy medium where we do not out and out ban an industry.

Basically what I want to get across is, I think that we're in danger of constructing sort of a Great Wall of China around New York State. I do think that New York is missing out. I do think that New York landowners are missing out immensely and basically what happened with China was they sort of had the idea that we know more and we are a superior society so we'll erect this wall. Meanwhile unbeknownst to them, the rest of the world flourished beyond their walls and they did miss out and they were held back for quite a long time. I think that we are having that proverbial China wall built around us. I think that there are significant economic and political forces at play that make it more desirable that we produce natural gas. Russia, for example, supplies all the natural gas to Great Britain. Do you wonder why Great Britain was not up in arms about what recently happened in the Ukraine. They couldn't. Certainly we are poised to be a natural gas producer for other democracies around the world. We think that regulations are effective. We want you to not forget the rights of the landowners and basically I want to talk just briefly about the local fracking bans.

I would caution any municipality to do an actual ban. Think about it. Even the State of New York who has all these attorney generals who can research the law, even the State hasn't enacted an out and out ban. We only have a moratorium. There is an issue here about whether you as a municipality are taking the property rights of your citizens. Do you really want to be the defendant in

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that law suit when you are talking about millions of dollars that potentially are being deprived? I don't think a fracking ban is wise and I also think that it's not permitted under the New York statutes. Basically the oil/gas and solution mining law has said that oil and gas exploration is exempt from municipal home rule. Meaning you can't – I don't think these town fracking bans are going to hold up. But that doesn't mean that you can't do anything. One thing that I would like to get across to you is, there is a guy named Art Buckley, he is a Wyoming County Planning Director. He has studied this and gone to many of these sites. He has done a lot of work on this and he's willing to share his work with any other municipality. Basically, what he says is, he doesn't recommend a fracking ban, he basically says, there is a lot that you can do as a municipality. You can regulate things, you can regulate when the trucks are on the road so they are not out there when the school buses are out, you can regulate things like where the compression stations go, what they look like. Down here on the right is an example of a mobile compression station. You don't have to look at that. Here's another compression station that was actually - you can have a zoning law that says, look, if you are going to build a compressor station, you need to locate it in a particular area, it needs to look a certain way and this one looks like a barn. There is a lot of things that can be done. At least Mr. Buckley believes that you can have certain bonding requirements so that you can protect your roads. I can tell you that generally they do – in my experience with Pennsylvania, the roads have not been an issue. They do fix them, they do repair them. They want to get this resource out of the ground and if that road is not up to snuff, they will make sure that it is appropriate so that they can get their traffic over it. Thank you.

Chairman Gould: Thank you very much Mrs. Hajdu. We have now come to the part of our agenda where we will be able to ask questions and have answers if any of the Legislators would like to.

Legislator Keefe: Mrs. Hajdu, you say that you don't represent a gas company or oil company, but you are here to sell fracking. Who do you work for? You are making money from somebody here.

Mrs. Hajdu: I represent about 190,000 acres and several thousand landowners in Allegheny, Cattaraugus, and Chautauqua Counties and they are seeking leases. That is who I represent.

Legislator Keefe: I have another question for you because it is a legal question. Well, I might as well ask some of the other ones. What does the community gain from these operations?

Mrs. Hajdu: Certainly, if you have millions of dollars flowing into your community that helps a lot of things. Many of these people who actually get the royalties are very tied to their communities, especially in Pennsylvania where there has been already the receipt of some of the benefits of this. A lot of these people continue to farm, they continue to work their farms, they have been in the community for years. I think certainly the flowing of income into a community only helps deal with many of these issues.

Legislator Keefe: O.k., here is my question. If I have land butting to a neighbor and my neighbor says he wants fracking on his property but I do not, are my mineral rights protected?

Mrs. Hajdu: Well, it depends. If you are part of, suppose what happens, if you remember that graphic that I showed where there was a red box, if 60% of the acres inside that red box want to allow natural gas drilling, it can occur. You cannot stop because of our compulsory integration law. That is a law of the State of New York. So you need to be aware of that, that your remedy is that you are going to be brought in forcibly and you are going to be paid 12 ½% net royalty as opposed to your neighbors who will have negotiated a lot of other protections and have probably twice the royalty.

Legislator Keefe: Where do you get all the water that you need for fracking?

Mrs. Hajdu: That is a good question because everyone concentrates on the water and I am glad that you asked that. The Carnegie Mellon University actually did a study because there is a concern, are we using way too much water with the fracking. And they looked at 2010 and 2011 in Pennsylvania when it was the height of the Marcellus boom. They looked at what did the HVHF industry use for fracking and they found on average they were using 2 to 3 million gallons per day of water. It sounds like a heck of a lot. However, livestock industry uses 77 million gallons per day, other mining operations use 69 million gallons per day. Manufacturing used over 700 million gallons per day. The end result that was concluded by Carnegie Mellon was we are absolutely in no danger of this industry depleting our water particularly here in the northeast where we have an abundant water supply. I will also note that the trend is to recycle that water. Mr. Hogan was talking about that a little bit earlier. They basically pump it out of the ground, put it in the trucks and go to the next well and use it on that one, so a lot of the water is recycled.

Mrs. Keefe: Where is the byproduct waste disposed?

Mrs. Hajdu: I can't tell you that. Maybe one of the other folks can tell you that. But, if you think about it, we've been able to regulate waste of lots of other industries. Lots of other industries that are far more significant or concern. I have faith that we can do that with this industry.

Legislator Keefe: What is the impact to the -- what will be the impact of disposal systems?

Mrs. Hajdu: I can't tell you that. I think at some point you have to have faith that the State will do its job.

Legislator Keefe: I want the fracking people to do their job.

Mrs. Hajdu: If you look at the history, suppose we would have said, no automobiles in the State of New York until they reached the level of safety that they are today. Automobiles, believe it or not, it's only been in the last 30 years that they actually became fairly safe with the antilock braking, restraint systems. We are at the lowest highway death rate since 1948 which is amazing. Imagine where we would be as a State if we didn't allow automobiles in our State until the 90's. I think there has to be a balance. I think you have to understand that the world moves forward and that there is some give and take with everything. In this particular case, I do think that landowner rights are getting trampled. You own that resource.

Legislator Keefe: Are the companies responsible for any leakage that occurs and is there a long term or eternal insurance coverage for damage that may result from fracking and will this coverage exist beyond the existence of the fracking corporation?

Mrs. Hajdu: One of the things that our leases do involved is extensive insurance provisions because we want to make sure we don't have a fly by night -- I don't think that this is a fly by night industry anyway, anymore. Maybe it was back with the wild catters but it certainly isn't anymore. These are some of the largest best capitalized companies in the world that are doing this. I would certainly rather have them involved than maybe somebody trying to do vertical wells all over the place that maybe don't have the resources to answer or don't have the insurance coverage to answer. We do require not only insurance but we also require bonding, real bonding that is issued by an independent company. There are lots of legal protections that our leases offer that would not be available to someone who only comes in on a compulsory integration or that has a standard lease.

Legislator Keefe: What is the percentage of local workers that get hired compared to transient workers?

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Mrs. Hajdu: I can't tell you that, I don't know. I know generally there is net benefit.

Legislator Keefe: Do you have any idea what the damages are done to the highways, the streets, bridges and roads?

Mrs. Hajdu: I can tell you generally the experience in Pennsylvania is that those were fixed. That the roads are actually better than they were when they first came. If you talk to any municipality down there, I think they will confirm that.

Legislator Keefe: What is the responsibility of the fracking company as far as water contamination, noise, gas emissions, additional traffic, dust and other negative impacts on fracking process?

Mrs. Hajdu: I think that is all regulated by the DEC and again, you have to have trust. I mean, we have a pretty good DEC. I think that these are engineers, these are people that have the experience handling lots of industries, not just this one and I think that they can handle this. Certainly if anyone else would like to chime in, I would be glad to let someone answer as well.

Legislator Lemon: My question is, I think that it was Mr. Sherwood who talked Sealand Waste coming into the Town of Carroll. Who was it that mentioned that?

Mr. Sherwood: It was me.

Legislator Lemon: I believe that it was February of 2011 as Clerk of the Legislature, I wrote a motion on behalf of the Legislator at that time, Mrs. Downey, and it passed on the Legislature that we supported the Town of Carroll and that we did not want Sealand Waste coming into the Town of Carroll. You suggested that it's possible that their motive might be to do something with the excess water and waste from the HVHF. Do you have any knowledge that that is factual and that could be their motive or – I mean, what is the motivation for you to say that?

Mr. Sherwood: The motivation for me to say that is one, geographic, two, corporate, why is a company from Rochester looking at Chautauqua County so close to the Pennsylvania border. It is purely speculation on my part. It is looking at potential links in a chain. Liquid waste and this gets into a whole section of DEC's law, regulating solid and liquid waste. My understanding is and Bill can probably speak to this a little better, maybe some other speakers, liquid waste cannot be disposed of in a C&D landfill. Some of the waste material from drilling could be disposed of in a C&D landfill. Sealand Waste identified the waste that they planned to process but within that scoping document they also left a reservation that maybe other types of waste would be accepted in the future. So, it is purely speculation on my part and it's really more of a question than an answer but I think that is it something that we have to look at because I know that this is an industry that will develop a whole lot of waste, liquid and solid.

Legislator Lemon: My next question would be then to Mrs. Hajdu. Are there things that you could actually write into a contract that would hold the fracking companies responsible to not dispose of that liquid waste – I mean, is that something that we could actually have written up as part of a contract or as speaking for the Town of Carroll. Is that something that the Town of Carroll could come on board with some kind of legal expertise to say if this company does come in, we do not want this product in our town?

Mrs. Hajdu: Certainly with individual landowner leases, that is what I do, you can put a lot of things in landowner leases. This is all part of give and take, all part of the negotiation. If they want your gas enough, they will agree to things. Certainly those are things that you can put in there. We feel the best thing to do is have certain presumptions in the agreement that presumes that they

caused certain things so you are not litigating that issue and then having insurance so that you have a way to recoup the cost of cleaning it up and things like that. That way, it's a least headache for the landowner. With regards to the Town of Carroll, basically I would defer you to Art Buckley because he basically feels that municipalities have a lot of room to regulate and to say, look, we don't want this, we don't want that, we want these roads, you can't go on these roads, you can only do it at these times, you can require bonding. I would suggest that you contact Mr. Buckley. He basically feels that you shouldn't do an out and out ban but with well-crafted legislation and I know that he has done some models of it and he's willing to share that with municipalities. You can do a lot to make sure that you are part of the process so that you are not surprised and that you have a good relationship with these people.

Legislator Lemon: Thank you.

Mr. Sherwood: May I take a stab at that one also?

Legislator Lemon: Sure.

Mr. Sherwood: Somebody will correct me I am sure if I am wrong. But my understanding, having read a good portion of that document is that New York State DEC has primary regulatory authority on oil and gas drilling operations. I think what Mrs. Hajdu is referring to is primarily the one place where they have left it open for the municipalities for transportation. This is where the municipalities under the existing law have the right to impose their own regulatory conditions on their roads. What is being argued now before the State Supreme Court is the roll of home rule and the ability of municipalities to zone certain classes if industries, either within certain parts of their municipality or to ban it or put a moratorium on it all together. This has gone through 2 lower court rulings and has been upheld so far in the 2 lower courts. The Supreme Court made an exception to actually hear the case because both the lower court rulings, if I understand correctly, the decisions were unanimous to preserve that right for home rule to the municipalities. That is a right that we have in New York. It's just like the compulsory integration the State of New York has done us some favors. I do want to come back to trusting the DEC. I am going to do it this way. The gentleman whose name is on this title page right here, Mr. Eugene Leff(?) participated in a legal forum in Jamestown back in 2012. The Chautauqua County Water Quality Task Force as I mentioned as submitted four rounds of questions on DEC documents. I attended that forum and had a great opportunity to ask the question that we had asked several times already and that is, what monitoring has DEC done of their mitigation measures that they have been using from the previous version since 1992 that confirms or affirms to them that those mitigation measures are both being applied and are effective? I assumed since his name was on this document, I was probably talking to the right person. His answer to me was that he was not aware of any (*inaudible*) review monitoring that DEC has done on those mitigation measures since 1992. So I think I would love to trust DEC. I heard Bill's explanation of their relationship with DEC. So far it doesn't sound terribly trustworthy and again, I am talking about the Division of Minerals. So, I think that we have to be at least cautious about who we trust and how we develop trust. How do you develop a relationship, not just because somebody is wearing a badge but because they have demonstrated that they are the stewards and also charged with the responsibility of developing the resource.

Mr. Hogan: I think that it is a valid point. I have worked with the DEC. I know most of the folks in Albany and Allegheny and some of the other regions. They are really hard working people, they are geologist and engineers for the most part, inspectors. Their hands are tied and it really goes down to funding. I talk to a lot of these guys, both on the record and off the record and their biggest complaint is, we'd like to get to this position. We'd like to get to address this and we'd like to address that. They won't let us go. They wouldn't pay for gasoline to drive out to certain well sites a year or two ago to double check on operations. That was the State of New York. Until that DEC is funded , I think there is a big problem and I think that you have to fund the DEC, they need to hire more people,



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and they need to train more people. I will be the first to say it and I am sure a number of the DEC guys if they were standing here, although, they wouldn't dare do it because they would probably be looking for work, they would agree 100%. I know talking to a number of them that is exactly what they say. Our hands are tied. We want to be involved and we can't get out to these sites, we can't follow up. So that is a little bit of a problem that we have in New York State. They definitely need to be funded correctly and frankly, the industry wants them there. We want them to be there because they protect us as well as they protect the landowners. We need them to be properly funded, properly trained and certainly staffed effectively.

Legislator Heenan: This is for Mr. Hogan please. The size of Chautauqua County, if they were to put wells all through the County, I am looking at how many years that would take. It would be five, ten, or fifteen to maximize it and then my second part would be, when that is all done, what happens to all of these good paying jobs? It sounds like the gold rush and when the gold is gone, everybody is gone and of course you are going to have some people tending the wells and what have you but it's just a question.

Mr. Hogan: It's a good question. I can't tell you exactly how long it's going to take to develop. It's not something that happens overnight. There is estimates in Pennsylvania that it will take 50 years to fully develop the Marcellus, maybe more. I have even heard higher numbers. So I would say you are in the ballpark. It is not going to be the case where there is going to be a rig on every street corner. I think what will happen when New York opens up, there will be one or two companies that will come in and try it. Based on their results, there could be more. I don't see a gold rush happening. Those high paying jobs, they might be here for 50 years. That is not all bad. We have a lot of corporations that we have given a lot of tax money to, to set up shop here and they have lasted four or five years and their gone. This industry supports itself. We're not asking for any tax money.

Chairman Gould: I have a question about fracking with liquid nitrogen. I have heard some rumors about that. Wouldn't that be cleaner than what they are doing now, a little more expensive?

Mr. Hogan: It probably wouldn't be any more expensive and it is used. It's used in the shallower shale's. As a matter of fact, if somebody was to try and frack the Marcellus in Chautauqua County they would probably use nitrogen and not water. That has an issue to do with pressures. The shallow zones don't have enough pressure to really push the fluids back out so you'd use probably liquid nitrogen. You could use CO2 also. But along with that, when you get deeper and you start getting into the 7,000 foot range, the bottom hole pressures become so high that nitrogen is forced into those holes that the treating pressures get to hot. You get into 16, 17, 18,000 psi at the surface. Frankly, it's beyond the capability of the equipment that we have available to do it at that depth. That is why it is not being used. To address it even further, there is work being done today on using propane as the liquid rather than water. Propane can be pumped as a liquid, it can carry sand, it can be gelled or made capable of being a little bit thicker than what it normally is so it will carry sand. The biggest issue right now in the industry is the fact that propane is highly flammable liquid, in its liquid state or in its gaseous state and they are still working on that technology. I think that might be something that will come in the future. It's being used in Canada. There is a company trying it right now down in the Eagle Ford shale in Texas. Industry is worried about the safety concern but it may come around.

Legislator Borrello: First I want to say thank you to all of the speakers tonight. This was a great discussion and very informative and I heard a lot of this previously presented but still received new information. I too actually have a question for Mr. Hogan. I just kind of want to keep this in perspective here. You mentioned that – well, first of all, New York State has to lift this moratorium that is number one. Number two is, it looks like from what I can see that there are several areas where Marcellus is abundant in other parts of New York State. Correct me if I am wrong but if someone is going to come to New York after the ban is lifted and after we have gone through the series of

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regulations and God knows how many situations where the DEC is going to set up regulations and laws and tax and everything else, once we get through all of that, then they are going to start drilling the Marcellus layer. Then and only then, I am going to assume, will we even start to consider the Utica shale which is deeper and I assume more expensive to get to so in your estimation, if we had lifted this ban tomorrow, when would you realistically think we'd even start talking about Utica shale which is really all we have in Chautauqua County?

Mr. Hogan: Well, it's my personal opinion, not an industry opinion but it's talked about frequently among industry players. If the ban was lifted tomorrow the law suits would start the day after. Realistically, five or six years. That is kind of where I think it would be and maybe a well would get drilled or two. There was a suggestion a while ago to the Governor to why not take an area and designate a company to come in and drill a well with DEC living on location with the engineers. Just try it and see what happens and that was flatly rejected by the Governor's office. I think that you are looking at 5 to 7 years. I think that it is possible that the Utica could be developed at the same time. I mean, there might be interest in western New York to develop the Utica at the same time somebody would elect to test the Marcellus in New York, to the east.

Legislator Borrello: Just from an economic standpoint, if you can reach Marcellus at a lower and assuming less costly, why would you try go to something deeper especially let's face it, this is all bringing about a lower cost of natural gas. Just like oil, when the cost of oil is down they don't further out and deeper for oil. I mean it has to be the same economic situation, isn't it?

Mr. Hogan: The Marcellus in central New York lies about as deep as the Utica does here. The formation plunges into what we call the basin or into that part, so the cost is pretty close to the same. I wouldn't think that that would be a reason why not to develop that resource.

Legislator Borrello: But realistically no less than, your opinion, no less than 5 years away from exploring that here in this area.

Mr. Hogan: As I have said to a couple of folks at DEC who have been there for a good while, he said, you know, if the Governor opens the gate tomorrow, I will be retired before they ever start doing it. So, that is really the case. It's going to be the new guard that is going to be on duty.

Legislator Borrello: Well, I thank you. I just want to bring up this point because I think that people think that starting tomorrow we're going to have drilling coming here. It's quite a ways away and in New York State we're going to make it difficult to do business here like we normally do and there is going to be a lot of other locations that are likely going to be a lot friendlier and a lot sooner than we are. So, we have time to talk about this further. We have time to figure this out and likely, we're going to have a long time before we have to worry about this in Chautauqua County.

Mr. Boria: Can I make one comment?

Legislator Borrello: Sure.

Mr. Boria: To Mr. Borrello's question, why would someone come here to drill the Utica before they would go to the Binghamton area for example to drill the Marcellus. Most of Chautauqua County is already leased. They don't have to negotiate with property owners. They can come in here and drill whenever they want under leased land. That is kind of an incentive right now and I think we might see some of that.

Legislator Borrello: Even with the fact that number one, there is a ban in place. But, even with the fact that they have to figure out the regulations when it comes to this. If it is not the same process, I am assuming that there is going to be some time to figure out how they are going to address this issue of costs.

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Mr. Hogan: I think that Bill made a very good point but it's interesting if you look at Chautauqua County and in existing lease position and you probably have looked at it a lot more than I do, I am not a land man but, Chautauqua County leases are held by I would say probably a 100 different companies and all the wells that have been drilled here have been drilled on 40 acre spacing, maybe some that are spaced down to 20 acre spacing. If you are going to put all these companies together, they are all going to have to agree because they have the mineral rights. They are going to have to agree to it. It's not going to be the mom and pop companies that we know that have drilled here for the last 30 years. This is the XTO's, the Shell's, the Chevron's that are going to drill these wells. So somebody is going to have to work that out and I have to tell you, trying to get a 100 oil and gas guys to agree on who's going to - believe me, you better have a couple of lawyers working on that one, so it's not going to be a flash thing that you can put that acreage position together and drill 640 acre spacing.

Legislator Borrello: Just more of a statement on my side, my concern is having the worst of both worlds in Chautauqua County and that is not the jobs that come with the drilling but the impact of those folks trying to come here to dispose of their waste, the impact on our roads, people are going to want to run water through our filtration systems, our water disposal plants. These are the things that concern me. We may never see a drill hit the ground in Chautauqua County but we are going to have to be concerned about the impact of areas around us especially neighboring counties in New York State should the ban be lifted. If they are going to be coming to us to dump the waste, take the water from our lakes and rivers, run the water in those trucks across our roads and we may not have the benefit of this drilling company here replacing the roads like they do in Pennsylvania, because they are not drilling here. That is my concern. My concern is absolutely the worst of both worlds for Chautauqua County. My personal opinion is and this is very premature, I will add, is that if you don't drill it here, you don't dump it here and you don't drag it across our roads either. Either we get the benefit or we don't get the liability.

Mr. Hogan: I do like the temperature in here tonight. This building is heated with natural gas and so it's a fact that we all use this product and I don't see an alternative in the immediate future. I think we'd all agree that eventually solar, wind, wave action, there is all sorts of alternatives on the way, but they are not here yet. They can't heat this building next year or the year after so we all have to do it. Nobody wants it in their backyard but everybody is pretty happy to use it. That is kind of the facts. I think given the opportunity, we should participate in that. Everybody wants, oh, let's get it all from Texas and Louisiana and let them - we have it under our feet too. I think that we ought to try and develop it and that's not even getting into the issue of landowners correlative rights.

Mrs. Hajdu: I just want to add one thing. Just south of Clymer there is an injection well in Pennsylvania and how do you think they get there? They come on New York roads. We already have that going on now. The truck traffic and that sort of thing, so we're kind of in that worst case scenario.

Legislator Borrello: That is an issue.

Mr. Sherwood: There are a lot of things being discussed that aren't really being addressed by the rest of the panel and I want to come back to your point. Again, let me reiterate. If high volume hydraulic fracturing and horizontal drilling are permitted in New York State, gas development may take place in one part of the State and waste management may take part in another part of the State. I am not saying that the sky is falling, I am saying that because that is how DEC wrote that document. That is how they plan to permit these operations. It's a system of activities, not a single activity and you don't necessarily get to choose. As I mentioned, New York State DEC has regulatory authority over all of those activities with the exception of transportation issues. The big question right now is home rule. I am not advocating for or against and I appreciate Mr. Hogan's point. We all stayed home last week because it was cold however when I see Ohio developing their resource, when I see West Virginia developing their resource, when I see Pennsylvania developing their resource, I have to

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wonder, are we really doing the smart thing to have all the northeast develop their resource at the same time. We just had a little discussion here about the possibility of propane. I read maybe the next or page in that chapter which was experimental flameless propane. My point is, I do believe that industry improvements will come with time. I do benefit from the gas resource. I have a gas well on my own property that is one of the old ones. I have one in sight on the neighbor's property, so I feel that I am contributing to the cause and I'm gaining from the benefit. I'm benefitting from the natural gas, there is no question of that. I think that we're honestly misled by some of the questions that have been put before us and we should be asking harder questions. I was pleased to hear Mrs. Hajdu say that they build some of those protections for landowners into their leases. This says that you test for a year. After a year, you don't test anymore. The driller is not required to test anymore. Maybe we should be looking at that part of the equation and saying what is fair for the landowner. When are you protected? You just own your house for a year. Is that when you stop testing? Has that given contaminates sufficient time to migrate in a place like Chautauqua County that has 4,000 water wells. I don't want to go on and on but I do want to emphasize the point that Bill made because I think that it would be easy to get starry eyed and picture those big dollars signs especially for landowners. A lot of land is already leased in Chautauqua County. I agree with Mrs. Hajdu's point that landowners have rights I guess I would ask, what landowners? Just the ones with leases or the ones without leases and in the scope and scale of this operation there is not going to be any difference except for the payments. Because the non-leased people are going to feel the effect of the scope and scale of high volume hydraulic fracturing. Thank you.

Chairman Gould: I guess we'll take one more question from Mr. Niebel.

Legislator Niebel: Mr. Chairman, I was just wondering if anyone on the panel has heard anything about banks in Pennsylvania or Ohio not willing to lend money for mortgages for homes that are in a certain distance of hydro fracked well? Just a question.

Mrs. Hajdu: According to the folks that we deal with, that has never been an issue regarding mortgages. Actually, if you are receiving royalty payments, you are probably a better credit risk anyway. It has not been an issue in Pennsylvania. I don't think that that is really going to be an issue. It hasn't been an issue in Ohio either.

Legislator Niebel: Mary, I understand that if you are receiving a royalty but if you are an adjacent property owner and there is the potential of contamination of your well water that would be one of the reasons why a bank would not lend money for that particular home.

Mrs. Hajdu: Well, you are far better protected under these types of situations if you have a lease, the types of leases that we do because at least you have insurance coverage that is going to deal with that. It is not unusual for some of these leases to require \$100 million in coverage. I don't know of anybody in Chautauqua County who has that kind of coverage. There are things that can be done to make sure that that is not a problem. If we didn't have banks bulking at the vertical wells that are not built to these standards, I would be shocked if we had banks bulking at this.

Legislator Niebel: Except that the hydro fracked wells can run out 2 miles in any direction where a vertical well is just straight down.

Mrs. Hajdu: There (*cross talk*) contamination so much greater with a vertical well than it is with a hydro fracked well.

Legislator Niebel: I am not sure on that but you haven't heard anything about the banks not willing to lend.

Mrs. Hajdu: I have not heard at all of that being an issue.

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Mr. Wahl: I am not expert on that but if you do some googling on that, you will find that in deed there are banks that will not give mortgages for houses that are - even houses that have leases. Not even ones that have wells near them or on them. Home equity loans are an issue, homeowners insurance is an issue. Nationwide Insurance will not insure for any kind of fracking activity whatsoever. Just wanted to tag onto your question too on how long would it take. Remember that in this area as has been said, we have a lot of leases that are already existing that are for truly pennies on the dollar. I will say that, if you have the choice certainly going to a landowners association is the better way to go but if you already have a lease on that and they are talking about several hundred different companies, chances are really good that that lease doesn't have an anti-flipping clause in it. So it's not those hundred companies would have to agree on drilling units etc., those hundred companies would say, o.k., Chevron will take your offer because that is a way better – there is a lot of head room in there for them to negotiate and they would just flip those leases, sell it to one big company and drilling could happen a lot faster than what we are thinking.

Chairman Gould: Thank you very much. I would like to thank the panel for being here tonight. I am sure if anybody has any questions, they can email the panel.

Legislator Lemon: MOVE to adjourn.

Legislator Himelein: SECOND.

*Unanimously Carried - Meeting adjourned at 9:25 p.m.*

## REGULAR SESSION

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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, March 26, 2014  
Mayville, N.Y.

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Ahlstrom)

Legislator Himelein delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Heenan and duly carried the minutes were approved. (3/26/14).

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1<sup>st</sup> Privilege of the Floor

My name is Dale Reynolds, I own a \$70,000 home at Burton Ave., in the Town of Ripley. I was born in Ripley in 1939, completed high school in 1958. I did some time in the Navy after high school. I worked 40 years doing computer support work. I retired on December 2004 with investments over \$500,000. My life has been nothing but hell in the name of the Mormon Church since I retired. I have had 3 heart attacks, prostate cancer from stress that I have gone through over the last 6 years. I left Ripley when I was 23 years old, returned in August of 2011. I have been in the Mayville jail for over 5 months because of the "Order of Protection Law." This jail time costs me over \$30,000 of income. The Ripley Judge caused this. A month after I moved to Ripley, I had words with this lady and my life has been nothing but hell. In talking to many people in Ripley, I am not on the person that she put the screws to over the last 20 years. I wrote her up in Albany and that cost me 5 weeks in Mayville Jail. I still go to Dunkirk to once a month until August of next year to talk to my PO, to make sure that I am living my life right. This 60 miles round trip is great at \$3.70 a gallon. I have been going through the same problem with my first wife in Erie. She put the Order of Protection on me on April 1, 2008. This will run out in July of this year. The divorce was final October 1, 2011 and the divorce costs me \$500,000 in investments, a \$150,000 home in Erie, 14 months in jail because of this "Order of Protection Law". She's still gets \$600 in alimony because I put up with her crap over 50 years.

Chairman Gould: Sir, what does this have to do with anything on the agenda?

Mr. Reynolds: I am asking for relief on my property tax for the time that I spent in jail here.

Chairman Gould: It's not the agenda.

Mr. Reynolds: I'm sorry sir but –

Chairman Gould: You get to speak like this at the second privilege of the floor.

Mr. Reynolds: May I have some more time, sir?

Chairman Gould: At the second privilege of the floor you will get 3 minutes.

Mr. Reynolds: Thank you sir.

Chairman Gould: Anybody else to speak to the first privilege of the floor? Seeing no one, I will close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN  
NO VETOES FROM 2/26/14

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STATE OF THE COUNTY ADDRESS  
BY  
COUNTY EXECUTIVE HARRIGAN

**(County Executive's Message can be seen on line and a copy in the Legislative Clerks' Office)**

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COMMUNICATIONS:

1. Letters(2) – County Exec. – Re: Appts. to Boards
2. Report – Fn. Dir. Marsh – February 2014 Investment Report
3. Email – Res. Passed by Dunkirk City Council – Re: Hydro-Fracking
4. Letter – NYS Comm. Of Correction – Re: Notice of Violations/Jail
5. Minutes – Fire Advisory Board – February/2014
6. Minutes - Chautauqua County Soil & Water Cons. Dist. – January/2014
7. Letter – Cornell University – Re: Training for Local Highway & Public Works Departments
8. Res. – Fulton County – Re: Use of Seal for SAFE Act
9. Letter – Kinder Morgan Energy Partners, LLC – Re: Tenn. Gas Pipeline
10. Letter – NYSAC – Re: Ack. of Motion 2-14
11. Minutes – Chaut. County Soil & Water Conservation District – March/2014

RENEW & AMEND RES. 47-14 – Authorize Agreement w/ NYS DOT for Performance of Federal-Aid Project PIN 5760.53 – (See page 62 for text)

Legislator Runkle: Motion to renew Res. 47-14.

Legislator Heenan: Second.

*Unanimously Carried*

Legislator Runkle: The second part of this is, I would make a motion to amend per amendments that went through a committee.

Legislator Heenan: Second.

*Unanimously Carried*

Chairman Gould: Any discussion on the resolution as amended?

RENEW & AMEND RES. 47-14 – as amended – Unanimously Adopted – March 26, 2014

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RES. NO. 63-14

Confirm Appointment – South & Center Chautauqua Lake Sewer District 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

REGULAR SESSION

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

A. Jackson Smith, Jr.  
15 Sunset Ave.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/20

Signed: Wilfong, Nazzaro, Himelein, DeJoy

Unanimously Adopted – March 26, 2014

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RES. NO. 64-14  
Confirm Re-Appointment - Chautauqua County Youth Board

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive, Vincent W. Horrigan, 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 Youth Board.

Abigail Jopek                      Youth Representative  
11 Wood Street  
Westfield, N.Y. 14787  
Term Expires: 12/31/16

Signed: Tarbrake, Keefe, Lemon, Wilfong

Unanimously Adopted – March 26, 2014

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RES. NO. 65-14  
Recognition of Earth Day

By Public Facilities Committee:  
At the Request of Legislators Vanstrom and Tarbrake:

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; therefore be it



JOURNAL OF PROCEEDINGS

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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 26, 2014 through Saturday May 17, 2014, 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: Wilfong, Nazzaro, Himelein, DeJoy

Unanimously Adopted – March 26, 2014

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RES. NO. 66-14

Authorization for Joint Funding Agreements with U.S. Department of Interior-Geological Survey

By Public Facilities Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County, through its support of the County Sewer Agency, has 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; 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: Wilfong, Nazzaro, Himelein, DeJoy

Unanimously Adopted – March 26, 2014

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RES. NO. 67-14

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project  
PIN 5760.79

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Project for the Replacement of the County Route 63, Ross Mills Bridge over Cassadaga Creek, BIN 3324420, in the Town of Ellicott, Chautauqua County, PIN 5760.79 (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, now estimated to be \$243,000, to be borne at the ratio of

REGULAR SESSION

80% Federal funds and 20% Non-Federal funds, of which 75% is anticipated to 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 and Right of Way Incidentals phases of the project PIN 5760.79; and

WHEREAS; the ~~Non-Federal~~ Local share is calculated to be ~~\$48,600~~ \$12,150 and can be covered with existing funding in account D.5112.390; therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is 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 Right of Way Incidental phases of the Project or portions thereof; 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 Right of Way Incidental 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 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, That 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 ~~\$194,400~~ \$230, 850

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002 Federal Aid - Surface Transp Program \$194,400  
D.5112.390.R358.9003 NYS Aid-Marchiselli Program \$ 36,450

Signed: PF - Wilfong, Nazzaro, Himelein, DeJoy (Amend by Substitution in A.C. New text underlined)  
– Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – March 26, 2014

**Strikethrough Indicates Deletion; Underlined Indicates New**

JOURNAL OF PROCEEDINGS

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RES. NO. 68-14  
Amend Chautauqua County Purchasing Policy

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan and Legislator Pierre Chagnon:

WHEREAS, pursuant to Section 104-b of New York State General Municipal Law (GML), the County Legislature adopted a purchasing policy in Resolution 182-92, as amended by Resolutions 268-93, 171-94, 124-09, and 142-13; and

WHEREAS, pursuant to Local Law 2-14 of the County of Chautauqua, the County is authorized to undertake "best value" procurements pursuant to Section 103 of New York State General Municipal Law; and

WHEREAS, it is appropriate that the County's Purchasing Policy be amended to reflect the use of best value procurements and the standards to be utilized for such procurements; therefore be it

RESOLVED, That Paragraph 4 of the Chautauqua County Purchasing Policy is hereby amended as follows:

4. Lowest Responsible Offer. In the event a contract is awarded to other than the lowest responsible dollar offer, the purchase order, contract request form, or Agreement of Service shall be accompanied by written documentation and justification specifying why such award furthers the purposes of this resolution. When a contract is awarded utilizing "best value" procedures pursuant to Section 103 of New York State General Municipal Law, the award shall be based to the extent possible on objective and quantifiable analysis, and best value RFPs shall include a description of the manner in which the evaluation of the offers and award of the contract will be conducted, and as appropriate, identify the relative importance of price and non-price factors.

Signed: Vanstrom, Wendel, Himelein, DeJoy, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – March 26, 2014

RES. NO. 69-14  
Authorize Agreement with Town of Mina for Court Security Detail

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Town of Mina has requested that the Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Mina for the period of January 1, 2014 through December 31, 2014, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of \$27.64; therefore be it

**Underlined Indicates New**

REGULAR SESSION

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

Signed: Wendel, Niebel, Keefe, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – March 26, 2014

RES. NO. 70-14

Authorize Execution of the New York State STOP-DWI Foundation and New York State Highway Safety Program Grant for STOP-DWI Crackdown Enforcement

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the State of New York Governor's Traffic Safety Committee of the Department of Motor Vehicles approved its application for STOP-DWI Crackdown Enforcement; and

WHEREAS, the New York State STOP-DWI Foundation will provide funding in the amount of \$48,576 for the period of October 1, 2013 through September 30, 2014 with no local funds; therefore be it

RESOLVED, That the Chautauqua 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 to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3315.---.1	Personal Services – STOP DWI	\$13,248
A.3315.---.4	Contractual – STOP DWI	\$35,328

INCREASE REVENUE ACCOUNT:

A.3315.R338.9000	New York State Aid—Other Public Safety	\$48,576
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Signed: Wendel, Niebel, Keefe, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – March 26, 2014

RES. NO. 71-14

Authorize Execution and Increase Appropriation Accounts for New York State Office of Homeland Security Grant – Public Safety Answering Point

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of the Public Safety Answering Point; and

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WHEREAS, the State of New York will provide funding in the amount of \$93,515.00 with no local funds for a contract period from May 1, 2013 to April 30, 2015; and

WHEREAS, the 2014 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 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3020.W911.---4	Contractual – E911 Wireless	\$93,515.00
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3020.W911.R338.9010	Other Public Safety E911 WRLS	\$93,515.00
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Signed: Wilfong, Niebel, Keefe, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – March 26, 2014

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RES. NO. 72-14

Authorize Execution of Agreement and Increase Appropriation Accounts for Seneca Nation of Indians Funding Grant

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has received notice that the Seneca Nation of Indians has approved a grant award with Chautauqua County for the purpose of funding a full-time School Resource Officer at the Silver Creek Central School District pursuant to a comprehensive drug interdiction initiative; and

WHEREAS, the Seneca Nation of Indians will provide funding in the amount of \$400,000.00 with no local funds for a contract period from March 1, 2014 to December 31, 2016; and

WHEREAS, the 2014 Chautauqua County budget does not include 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 Seneca Nation of Indians; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---1	Personal Services – Sheriff Operations	\$55,323
A.3110.---8	Employee Benefits – Sheriff Operations	\$34,325

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R226.0000	Chrgs: Other Gov-Public Safety	\$89,648
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## REGULAR SESSION

Signed: Wendel, Niebel, Keefe, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – March 26, 2014

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RES. NO. 73-14  
Transfer and Increase Appropriations From TA-91 Trust Account

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Legislature authorized the Chautauqua County Fire Coordinator through Resolution 239-91 to accept cash contributions for deposit in a trust account, TA.91.0000, that was established in order to accept donations and gifts; and

WHEREAS, the Emergency Services Trust Account since inception has received over \$50,000 in gifts and donations and has purchased over these same years more than \$41,000 in new equipment for HazMat and other County Teams; and

WHEREAS, Chautauqua County is in need of new safety equipment for the protection of the special volunteers of the County HazMat Team who answer calls with the County SWAT team; and

WHEREAS, the acquisition of safety equipment is an appropriate use of funds received in TA.91.0000; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2014 Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.2	Equipment – HazMat	\$ 2,747
A.3640.----.4	Contractual – HazMat	6,617

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3640.----.R270.5000	Gifts/Donations: HazMat	\$ 9,364
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Signed: Wendel, Niebel, Keefe, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – March 26, 2014

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RES. NO. 74-14  
Increase 2014 Health Accounts for COLA

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Department of Health has awarded a Cost of Living Adjustment (COLA) award to the Chautauqua County Division of Health pursuant to Part N of Chapter 56 of the Laws of 2013; and

WHEREAS, the 2013-2014 COLA appropriation must be used for expenditures associated with the recruitment and retention of staff and/or other critical non-personal service costs

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which are allowable under the contract for which the COLA is based and directly support the initiative, and

WHEREAS, the COLA funds must expended by March 31, 2014; and

WHEREAS, the 2014 Chautauqua County Adopted Budget must be adjusted to reflect these changes; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4035.4	Contractual – Family Health /Planning	\$45,649.00
A.4042.4	Contractual – Rabies Control	\$ 2,045.00
A.4059.4	Contractual – Early Intervention (CSHCN)	\$ 1,859.00
A.4189.LEAD.4	Contractual – Lead CLPPP	<u>\$23,742.00</u>
		\$73,295.00

INCREASE REVENUE ACCOUNTS:

A.4035. .R345.0FPC	State Aid – Family Health Planning COLA	\$45,649.00
A.4042. .R345.0000	State Aid – Rabies Control COLA	\$ 2,045.00
A.4059. .R345.0CSH	State Aid – CSHCN COLA	\$ 1,859.00
A.4189.LEAD.R345.0LPC	State Aid – Lead Pilot COLA (Prim/Prev)	<u>\$23,742.00</u>
		\$73,295.00

Signed: Tarbrake, Keefe, Lemon, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – March 26, 2014

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RES. NO. 75-14

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 Vincent W. Horrigan:

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, 2014 through December 31, 2014.

Signed: Borrello, Chagnon, Niebel, Runkle, Nazzaro, Heenan, Larson

## REGULAR SESSION

Unanimously Adopted – March 26, 2014

RES. NO. 76-14  
Approving Labor Contract with the Civil Services Employees Association  
(CSEA) Unit 6323

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County's negotiating team and the Civil Service Employees Association (CSEA Unit 6323) have negotiated a tentative agreement for terms and conditions of employment from January 1, 2012, through December 31, 2017; and

WHEREAS, pursuant to Section 2.05(g) of the Chautauqua County Charter, the County Legislature must approve all labor contracts; it is therefore

RESOLVED, That the County Legislature hereby approves the tentative agreement between the County and CSEA Unit 6323 to include modifications to health insurance benefits and no increase in wages for 2012, no increase in wages for 2013, a two percent (2%) wage increase in 2014, a two percent (2%) wage increase in 2015, a two percent (2%) wage increase in 2016, and a two percent (2%) wage increase in 2017, and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate a new labor agreement with CSEA Unit 6323.

Signed: (A.S. – Vanstrom, Wendel, Himelein, DeJoy) – (Defeated in A.C. – Nazzaro, Chagnon) (Runkle, Borrello, Heenan voting "no")

Adopted – R/C Vote: 12 Yes; 6 No; 1 Absent (No's: Borrello, Heenan, Hemmer, Niebel, Runkle, Scudder) – March 26, 2014

LOCAL LAW  
INTRODUCTORY NUMBER 4-14  
CHAUTAUQUA COUNTY

A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

1. Purpose. The purpose of this Local Law is to continue the additional mortgage tax previously imposed and continued pursuant to Local Laws 6-05, 8-08, and 3-11 of the County of Chautauqua.
2. Additional Mortgage Tax. Pursuant to Section 253-o of New York State Tax Law and other applicable law, there is hereby continued an additional tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Chautauqua and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents on such mortgage if the principal



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debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars.

3. Administration, Collection, and Payment of Additional Mortgage Tax. The additional mortgage tax continued pursuant to this Local Law shall be administered, collected, and paid over to the County of Chautauqua in the manner provided in Section 253-o of New York State Tax Law and other applicable law.

4. Time Period of Continuation of Additional Mortgage Tax. The additional mortgage tax continued pursuant to this Local Law shall be continued for a period of three (3) years from the date of the enactment.

5. Effective Date. This local law shall take effect upon filing with the Secretary of State. A certified copy of this local law shall be mailed by certified mail to the New York State Commissioner of Tax and Finance and shall be filed with the County Clerk and the Office of State Comptroller.

Adopted by Legislature: 3/26/14  
Public Hearing by Executive: 4/2/14  
Adopted as Local Law 4-14

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2<sup>nd</sup> Privilege of the Floor

As I said before, I am Dale Reynolds, 52 Burton Ave, Ripley, New York. I want to say, I grew up with the people in Dunkirk. They are super people. Freddy and all of his gang including – I can't remember his name. He used to be a Deputy Sheriff. They have a good gang down there. Now, let me finish my statement here. Because of losing my funds, I am having a hard time paying my land tax in Ripley. I could not make an application for the school tax exemption. I was asked not go to the town building to apply for this exemption because this judge might be there, because she had this "Order of Protection" on me. I was at your meeting last fall, talking about a speeding ticket I received north of the Mayville High School. At 1:00 p.m., that afternoon, I was charged going 50 mph in a 35 mph zone. It was a clear day and I was doing less than 40. I went in front of the Town of Chautauqua judge many times to get this problem cleared up. I had to pay \$70 the first of March or they would pull my license. When it was all over the judge fined me \$100 and a service charge of \$90 to the State. The Brocton Judge is a friend of mine; he once told me that this Chautauqua judge is the worse judge in the County.

I am a good friend with Andy Goodell and Kathy Young and they know what the people are doing to me. I also working with the VA and the media and they are unhappy with the hell that I went through over the last 10 years.

I recently read a newspaper that the Town of Chautauqua, the friendliest town in the County. With the way judge and the State Police do their job, why do they call this a friendly town?

With all the problems I am having, my home is up for sale and I am moving to Ohio where their Stat is no the Empire State of Taxes. At the present time there are over 20 houses in Ripley that are having the same problems I am having. Taxes are killing them. What are these people in Ripley getting for their taxes? The answer is, nothing but illegal drugs. Tonight I am asking for your help with my problems. Thank you for your time. I have another friend, Steve Regrowth(?), he lives out in Ohio and has something to say.

Mr. Steve Regrowth(?), I'm from Jefferson, Ohio, originally from Erie, Pennsylvania. My address is 79 E. Jefferson Street, Jefferson, Ohio. About two weeks ago I talked with a gentleman from Blasdell, New York and he was telling me up in Mentor, Ohio how high his taxes are. He says that he has a home down in Florida, \$1,200 a year and it was less than anyone of his three properties in the area of Hamburg, N.Y. He wants to move back up here for a summer home from Florida, but

REGULAR SESSION

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he wants to move to Pennsylvania. So, Dale has been telling me all about the taxes and he wanted me to let you know that I talked to someone that wasn't far from Buffalo that is having the same headaches that you are when it comes to land taxes and why people are moving away or want to move away like this gentleman was. I thank you for your time and have a good evening.

My name is Grant Pearsoll, I am a former Starflight pilot. The reason I am a former Starflight pilot is I lost my medical certificate and became ineligible. What I would like to comment on and bring to the attention of the Legislature is that three years ago, I went to Ft. Walton Beach, Florida and brought back a OH58 Helicopter. It's a previous military helicopter. Brought it back for the use of the County and the Sheriff's Department and it was 3 years ago this month. That helicopter has sat unused for that entire 3 year period with the exception of one flight, as I understand it when it went off to be painted and came back and for a lone time it was stored in the public works hangar up at the airport. For the last several months it's been in the heated hangar at Jamestown. It's a real asset and it's just going to waste. I'm a 40 year Army pilot and I flew for Starflight for 5 years or almost 5 years and we're talking about public safety and there is an asset just sitting there going to waste. It does go to waste. That type of equipment just cannot sit and just be expected to remain in airworthy condition. So, I wanted to bring that to everyone's attention. Can I have a second bite of the apple on a different topic?

Chairman Gould: As long as you don't go over 3 minutes.

Mr. Pearsoll: Listening to the County Executive talk and the budget issues that we have, I would offer for consideration that the County stop using road salt in favor of just using grit and plows. This is not new science. A lot of states don't use it, northern states, and what it costs to purchase all of that and what it costs to repair all our roads in the spring, most of them look like they have been carpet bombed and there are savings there. I don't see it as detrimental to safety. Other states do it. Thank you.

Chairman Gould: Is there anyone else to speak to the second privilege of the floor? Seeing no one, I will close the second privilege of the floor.

MOVED by Legislator Heenan, SECONDED by Legislator Lemon and duly carried the meeting was adjourned. (7:28 p.m.)

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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, April 23, 2014  
Mayville, N.Y.

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Hemmer)

Legislator Keefe delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Wendel and duly carried the minutes were approved. (3/19 & 3/26/14).

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1<sup>st</sup> Privilege of the Floor

My name is Kevin Johnson, 24 Lodi Street, Forestville, N.Y. and I am the newly elected Mayor of Forestville. I just wanted to state that last night at our board meeting, we passed a resolution stating, the Board of Trustees for the Village of Forestville, Forestville, New York, agrees to abide by the terms set forth in the Chautauqua County resolution that would be presented to the Chautauqua County Legislature on April 23, 2014, titled: Authorizing Financial Assistance for the Village of Forestville. That was passed unanimously last night. Whatever help and assistance the County Legislature can give to us, they are very grateful for and we appreciate any help you can give. Thank you.

Hello, I'm Dave Flowers, also from Forestville, my wife and I live in Forestville. I have been a Chautauqua County resident my entire life and a Forestville resident for 18 years. I care very deeply for the village that my wife and I choose to call home and raise our two children in. The recent situation that has arisen through errors of past officials leaves us in a very difficult situation. Especially on top of this with the fact that I and a number of neighbors are also Carriage House employees who as I am sure that you are aware we are losing our jobs. If we were to incur a huge increase in taxes that we are facing coupled with the loss of my job and limited employment opportunities in the area, my financial future becomes very uncertain. This uncertainty may force us to consider relocating which neither my wife nor I relish. We appreciate very much the Legislature taking their time to consider a motion that is before them tonight to provide Forestville with a bridge loan and refund the landfill tipping fees. These alternatives to the huge tax increase will allow Forestville residents to stay in their homes and be part of the long term solution to problems that exists in our Village. We ask that you take this into consideration in determining your vote and vote in favor of this plan. Thank you.

Chairman Gould: Is there anyone else to speak to the 1<sup>st</sup> privilege of the floor? Seeing no one, I will close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN  
NO VETOES FROM 3/26/14

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COMMUNICATIONS:

1. Letters (6) – County Executive – Re: Appts. to Various Boards
2. Letter – County Executive – Resignation from S&CCLSD Board

## REGULAR SESSION

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3. Letter – County Executive – Resignation from COI Board of Directors
  4. Report – Fn. Director Marsh – March/2014 Investment
  5. Letter – H. Thorp – Re: Support in keeping Jmst. Airport Operational
  6. Letter – B. Hendricks – Re: Support in keeping Jmst. Airport Operational
  7. Letters (2) – NYS Dept. of State – Ack. Receipt of LL 3-14 & LL 4-14
  8. Highlights – NYS Fish & Wildlife – February/2014
  9. Letter – Assemblyman Kolb – Ack. Receipt of Motion 2-14
  10. Minutes – Chaut. County Soil & Water Conservation District – March/2014
  11. Letter – Gov. Cuomo – Re: Passage of On Time Balanced Budget
  12. Report on Financial Statements for the CCIDA - 2013
- 

Motions: (On file with 4/23/14 Legislature Data)

- 3-14 Support of Continued Local Control over Coordination of Non-Emergency Medicaid Transportation – Unanimously Adopted  
 4-14 Supporting Necessary Reforms to New York Labor Law – Unanimously Adopted
- 

## RES. NO. 77-14

Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:  
 At the Request of Chairman Frank “Jay” 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:

Pierre Chagnon 3714 Westman Road Bemus Point, NY 14712 Term Expires: 12/31/18	Replacing Vincent Horrigan
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Signed: Hemmer, Wilfong, DeJoy, Himelein

Unanimously Adopted – April 23, 2014

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## RES. NO. 78-14

Confirm Appointments – Emergency Medical Services Council

By Public Safety Committee:  
 At the Request of County Executive Vince W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Emergency Medical Services Council.

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Leonard F. Kupkowski  
3507 Werle Rd.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/16

Replacing Timothy Bertino

Greg Scott  
3517 Cemetery St.  
Kennedy, N.Y. 13747  
Term Expires: 12/31/14

Filing term of Marsha Holland

Ryan Walker  
4997 Main St.  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/16

Replacing Mike Schwertfeger

Signed: Niebel, Keefe, Tarbrake, Ahlstrom

Unanimously Adopted – April 23, 2014

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RES. NO. 79-14

Confirm Re-Appointment - Chautauqua County Aging Advisory Board

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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 L. Turzillo  
6 Alpine Dr.  
Silver Creek, N.Y. 14136  
Term Expires: 12/31/15

Signed: Tarbrake, Keefe, Wilfong

Unanimously Adopted – April 23, 2014

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RES. NO. 80-14

Confirm Appointment - Chautauqua County Youth Board

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive, Vincent W. Horrigan, 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.

## REGULAR SESSION

Jordan Mulholland  
5593 Centralia-Hartfield Rd.  
Dewittville, N.Y. 14781  
Term Expires: 12/31/17

Youth Representative

Signed: Tarbrake, Keefe, Wilfong

Unanimously Adopted – April 23, 2014

## RES. NO. 81-14

Confirm Appointment – Chautauqua Opportunities Board of Directors

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vince W. Horrigan, 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.

Janet Keefe  
17 Green Street  
Fredonia, N.Y. 14063

Filing term of Vince Horrigan

Signed: Tarbrake, Keefe, Wilfong

Unanimously Adopted – April 23, 2014

## RES. NO. 82-14

Confirm Appointments - Chautauqua County Visitors Bureau Board of Directors

By Planning & Economic Development Committee:  
At the Request of Chairman Frank "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 names 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

Keith Ahlstrom  
PO Box 254  
Dunkirk, NY 14048

Signed: Borrello, Niebel, Chagnon, Larson

Unanimously Adopted – April 23, 2014

JOURNAL OF PROCEEDINGS

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RES. NO. 83-14

Confirm Appointment - Chautauqua County Industrial Development Agency

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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.

<p>Bradley P. Walters PO Box 183 24 Liberty St. Bemus Point, N.Y. 14712 Term Expires: 12/31/15</p>	<p>Filing term of Michael Piazza</p>
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Signed: Borrello, Niebel, Chagnon, Larson

Unanimously Adopted – April 23, 2014

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RES. NO. 84-14

Confirm Appointment – Chautauqua County Planning Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vince W. Horrigan:

WHEREAS, County Executive Vince W. Horrigan, 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 appointment to the Chautauqua County Planning Board:

<p>Bernhard Auer 74 Center St. Bemus Point, N.Y. 14712 Term Expires: 12/31/17</p>	<p>Replacing Michael Rodgers</p>
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Signed: Borrello, Niebel, Chagnon, Larson

Unanimously Adopted – April 23, 2014

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RES. NO. 85-14

Confirm Re-Appointments – Off Track Betting

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

BE IT RESOLVED, That the following individual be and hereby re-appointed to the Chautauqua County Off Track Betting Committee for a term to expire 12/31/14:

## REGULAR SESSION

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

Legstr. Frank "Jay" Gould  
70 Hoag Road  
Ashville, N.Y. 14710

Fran Lus  
71 Peerless St.  
Brocton, N.Y. 14716

Signed: Borrello, Niebel, Chagnon, Larson

Unanimously Adopted – April 23, 2014

## RES. NO. 86-14

## Confirm Re-Appointments – Agriculture &amp; Farmland Protection Board

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

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

RESOLVED, That the Chautauqua County Legislature confirms the following re-appointments to the Agriculture & Farmland Protection Board:

James Joy  
Farmland Preservation Organization  
9825 Farel Road  
Fredonia, N.Y. 14063  
Term Expires: 12/31/2016

Fred Croscut  
Chmn. Soil & Water Board  
3375 Waits Corner Road  
Sherman, N.Y. 14781  
Term Expires: 12/31/2016

Dennis Rak  
10277 Christy Road  
Fredonia, N.Y. 14063  
Term Expires: 12/31/2016

Frank "Jay" Gould  
70 Hoag Road  
Ashville, N.Y. 14710  
Term Expires: 12/31/2016

Frank Walker  
3828 Sprague Hill Road  
Falconer, N.Y. 14733  
Term Expires: 12/31/2016

Stephen Kimball – Chairman  
3456 Drybrook Road  
Falconer, N.Y. 14733  
Term Expires: 12/31/2016

Brian Aldrich  
3146 E. Main Road  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/2016

Ginny Carlberg  
Cornell Cooperative Extension Agent  
1621 Carlberg Road  
Jamestown, N.Y. 14701  
Term Expires: 12/31/2016

Signed: Borrello, Niebel, Chagnon, Larson

Unanimously Adopted – April 23, 2014



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RES. NO. 87-14  
Establishing "Summer Hours" for County Employees

At the Request of Chairman Frank "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 27, 2014 through August 29, 2014.

Signed: Gould

Unanimously Adopted – April 23, 2014

RES. NO. 88-14  
Authorize Public Hearing on Proposed Lease for Airport Museum Hangar Space

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Jamestown Aviation Company LLC, is interested in leasing the museum hangar building; and

WHEREAS, the Airport Commission has recommended the acceptance of the negotiated lease; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to provisions of the General Municipal Law, a public hearing shall be held at the meeting of the County Legislature on May 28, 2014 at 6:40 pm in Legislative Chambers, Gerace Office Building, Mayville, NY 14757, on the proposed lease of the former airport museum hangar space, upon substantially the following terms and conditions:

1. Rent: Four hundred dollars per month, with a 2 percent increase per year thereafter plus ten percent of rental revenues
2. Term: Fifteen (15) year term commencing June 1, 2014, with cancellation by either party upon thirty (30) days written notice.
3. Utilities: Paid by the Tenant
4. General Maintenance: Tenant is responsible for all general maintenance including paint and basic repairs.
5. Use: Aircraft storage and related hangar use
6. County shall be responsible for:
  - a. Structural and other major repairs to include roofing, parking areas, cinder block repair.
  - b. Environmental issues caused by prior occupants
  - c. Real property taxes and special assessments

## REGULAR SESSION

7. Other: As negotiated by County Executive

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this public hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Wilfong, DeJoy, Himelein

Unanimously Adopted – April 23, 2014

## RES. NO. 89-14

## Amend Records Storage Capital Accounts and Close Projects

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Resolution 196-06 transferred appropriations from one Records Storage capital project account to another Records Storage capital account, but corresponding revenue accounts were not included; and

WHEREAS, once the appropriate budget amendments are made, Projects H.1620.618 Mold Remediation Record Storage and H.1680.620 Records Storage Facility Improvements can be closed; therefore be it

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

DECREASE CAPITAL REVENUE ACCOUNT:

H.1680.620.R503.1000	Interfund Transfers – Interfund Transfer	\$35,478
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INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.618.R503.1000	Interfund Transfers – Interfund Transfer	\$35,478
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; and be it further

RESOLVED, That the Director of Finance close out the accounts H.1620.618 and H.1680.620 for any further expenditures as of the year ending December 31, 2013 and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of account, any surplus or deficit be adjusted to the Reserve for Capital.

Signed: Vanstrom, Himelein, DeJoy, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – April 23, 2014

## RES. NO. 90-14

## Close Accounts for Completed Capital Projects as of 12/31/2013

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, Department Heads have notified the Department of Finance that the capital projects listed below have been completed or canceled;

## Completed Capital Projects:

CAPITAL ACCOUNT	PROJECT NAME
H.1310.621	TAX COLLECTION / ENFORCEMENT (2005)
H.1310.666	NEW WORLD SYSTEMS SOFTWARE (2008)
H.1410.600	IMAGING SYSTEM UPGRADE (2002)
H.1410.638	MICROFILM RECORDS (2006)
H1410.665	HIGH DENSITY SHELVING (2008)
H.1490.523	DPF COMUPUTERIZATION (1992)
H.1610.552	RECORD STORAGE CONSULTANT
H.1620.628	EMERGENCY GENERATOR (2006)
H.1620.629	HRC EXTERIOR RENOVATIONS (2006)
H.1620.630	GOB / HRC OFFICE RENOVATION (2006)
H.1620.648	HRC ELEVATOR REPLACEMENT (2007)
H.1620.650	COURT HOUSE RENOVATION (2007)
H.1620.661	BUILDING ENERGY STUDY (2007)
H.1680.587	WAN-TECH INFRASTR IMPROVE (2001)
H.1680.608	AS/400 UNGRADE (2003)
H.1680.645	FIBER OPTIC INSTALLATION (2006)
H.1680.653	COMPUTER UPGRADE PROGRAM (2007)
H.1680.654	HISTORICAL RESEARCH ROOM (2007)
H.3110.597	PISTOL RANGE RENOVATIONS (2001)
H.3150.06804	HEATING SYSTEM STUDY (2010)
H.3640.561	ENVIRON EMERGENCY FUND (1997)
H.4010.646	PRIVAT WATER SYSTEMS GIS (2006)
H.5130.604	EFC BOND (2002)
H.5130.639	AIR CONDITION UNIT - DPF (2006)
H.5130.658	SHERIDAN COLD STORE DOORS (2007)
H.5130.660	SHERIDAN 5 OVERHEAD DOORS (2007)
H.5130.669	SHERMAN SHOP FURNACE (2008)
H.5130.696	LARGE VEHICLE REPLACEMENT (2009)

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H.5610.133	RUNWAY 13-31 REHAB (2001)
H.5610.134	RUNWAY 7-25 LIGHT REHAB (2002)
H.5610.137	PARTIAL T/W FROM D-R/W 13 (2004)
H.5610.138	R/W 7-25 SAFETY IMPROVE (2004)
H.5610.140	SNOW REMOVAL EQUIPMENT (2005)
H.5610.142	FIRE & RESCUE VEHICLE (2006)
H.5610.146	PAVEMENT FRICTION METER (2007)
H.5610.147	SECURITY IMPROVE CONSTRUCTION (2007)
H.5610.149	MAINT BUILDING HEAT, DOORS, ROOF (2009)
H.5610.151	REPLACE ROOFTOP HVAC UNIT (2009)
H.5610.152	SNOW BLOWER REPLACEMENT (2011)
H.5610.226	T/W B CONSTR/MARK/LIGHT
H.5610.230	SNOW EQUIP STORAGE BUILDING (2006)
H.5610.232	NYS AIR PROGRAM (2007)
H.5610.233	RECON RUNWAY 6-24 & APRON (2007)
H.5610.235	RUNWAY LENGTH ANALYSIS (2007)
H.5610.237	10 BAY T-HANGAR CONSTRUCTION (2007)
H.5610.245	T HANGAR TAXILANES (2009)
H.5610.25748	SNOW REMOVAL EQUIPMENT (2010)
H.5610.25903	FRONT 72" MOWER - DNK (2013)
H.5630.663	PURCHASE 2 BASE RADIOS (2008)
H.5630.698	CARTS ARRA GRANT (2009)
H.6420.623	C & B DRY CLEANER SITE (2005)
H.7110.675	PARKS & BEMUS-STOW FERRY (2008)
H.8020.668	COUNTY COMPREHENSIVE PLAN (2008)
H.8020.690	GIS SERVER REPLACEMENT (2009)

now therefore be it

RESOLVED, That the Director of Finance close out the accounts listed above for any further expenditures as of the year ending December 31, 2013 and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of accounts, any surplus or deficit be adjusted to the Reserve for Capital.

Signed: Borrello, Chagnon, Vanstrom, Runkle, Himelein, DeJoy, Nazzaro, Heenan

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Unanimously Adopted – April 23, 2014

RES. NO. 91-14

Authorizing Agreement with Jamestown Advanced Products for Employee Picnic at the County Airport – Jamestown

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Jamestown Advanced Products has requested authorization to utilize the Chautauqua County Airport at Jamestown on Saturday, August 9, 2014 for their annual employee picnic (Raindate – Sunday, August 10, 2014); and

WHEREAS, the Chautauqua County Airport Commission has recommended that the County Legislature authorize and approve the employee picnic; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement with Jamestown Advanced Products for use of County Airport property for its annual employee picnic on the following terms and conditions:

1. Location: Event will be located in the vicinity of the Maintenance Building located on Turner Road in Jamestown;
2. Date: Saturday, August 9, 2014 (Raindate – Sunday, August 10, 2014);
3. Fees: Jamestown Advanced Products will pay the Chautauqua County Airport a fee of \$ 250.00 for this event;
4. Insurance: Appropriate event insurance coverage will be provided; and
5. Other: As negotiated by the County Executive

Signed: Hemmer, Wilfong, DeJoy, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – April 23, 2014

RES. NO. 92-14

Approving the Acceptance by the South and Center Chautauqua Lake Sewer Districts of New York State Planning Grant #31916 and the Related Expenditure of Funds

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 156-13, the Chautauqua County Legislature authorized the Administrative Body (hereinafter referred to as "Districts' Board") of the South and Center Chautauqua Lake Sewer Districts (hereinafter referred to as "Districts") to enter into a contract with GHD Consulting Services, Inc., to provide assistance in the preparation of an application to New York State for the cost of an expanded engineering study regarding the cost of a pipeline in the Chautauqua Lake Basin to the Districts' Wastewater Treatment Plant; and

WHEREAS, a grant application was made and New York State has awarded the Districts Chautauqua County Wastewater Consolidation Study Engineering Planning Grant #31916 through the New York State Clean Water State Revolving Fund in the amount of Fifty

REGULAR SESSION

Thousand Dollars (\$50,000) (hereinafter referred to as "Grant") requiring a local match of 20% of the project cost; and

WHEREAS, the local match can be met through the use of in-kind services provided by the Districts and Townships bordering Chautauqua Lake; and

WHEREAS, the total project is currently estimated to cost \$62,500, to be funded with \$50,000 from the Engineering Planning Grant and the balance from in-kind services provided by the Districts and Townships; and

WHEREAS, the acceptance of the Grant is not within the scope of projects and the operation thereof currently under the authority of the Districts' Board, and therefore requires the approval of the Chautauqua County Legislature; now therefore be it,

RESOLVED, That the Chautauqua County Legislature authorizes the acceptance of the grant by the Districts' Board; and be it further

RESOLVED, That the Chairman of the Districts is authorized to execute such contract; and be it further

RESOLVED, That the Director of Finance is directed and authorized to make the following adjustments to the Capital Budget:

<u>ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
ESS.8120.____.4 Contractual – CC Wastewater Consolidation Study		\$50,000

<u>ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:</u>		
ESS.8120.R3____	NYS Aid – Engineering Study Grant	\$50,000

Signed: Hemmer, Wilfong, DeJoy, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – April 23, 2014

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RES. NO. 93-14  
FEMA SAFER Grant Allocations

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Emergency Services was awarded FY 2010 funds for the Staffing for Adequate Fire and Emergency Response (SAFER) – Recruitment Program from the Department of Homeland Security (DHS) in the amount of \$393,860; and

WHEREAS, the grant is to support efforts to increase the number of trained, "front-line" firefighters available in their communities; and

WHEREAS, the grant is 100% funded with no matching funds and runs from the period of July 10, 2011 through July 09, 2015, and as may be extended by DHS; and

WHEREAS, Resolutions 129-11 authorized the County Executive to sign and accept the SAFER Grant; and

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WHEREAS, the Office of Emergency Services needs to appropriate funds to the 2014 budget to reimburse 15 students that qualified for the Tuition Reimbursement portion of the grant; therefore be it

RESOLVED, That the Director of Finance is directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.-----4	Contractual – Emergency Services	130,000
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INCREASE REVENUE ACCOUNT:

A.3010.-----R430.5007	Federal Aid – Homeland Security	130,000
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Signed: Niebel, Keefe, Tarbrake, Ahlstrom, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – April 23, 2014

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RES. NO. 94-14  
Amend Jail Capital Accounts and Close Projects

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Resolution 200-09 transferred appropriations from one Jail capital project account to another Jail capital account, but corresponding revenue accounts were not included; and

WHEREAS, once the appropriate budget amendments are made, Projects H.3150.693 Jail Visitation Walkway Repair and H.3020.692 Radio Shop Roof Replacement can be closed; therefore be it

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

DECREASE CAPITAL REVENUE ACCOUNT:

H.3150.693.R571.0000	Proceed L/T Obligations – Serial Bonds	\$25,237
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3020.692.R571.0000	Proceeds L/T Obligation – Serial Bonds	\$25,237
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; and be it further

RESOLVED, That the Director of Finance close out the account H.3150.693 and H.3020.692 for any further expenditures as of the year ending December 31, 2013 and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of account, any surplus or deficit be adjusted to the Reserve for Capital.

Signed: Niebel, Keefe, Tarbrake, Ahlstrom, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – April 23, 2014

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## REGULAR SESSION

## RES. NO. 95-14

Authorize Memorandum of Understanding in Support of the Creation of the Chautauqua Lake & Watershed Management Alliance

By Planning & Economic Development Committee:

At the Request of County Executive Vincent W. Horrigan, Legislators Borrello & Chagnon:

WHEREAS, Chautauqua Lake is a unique and invaluable asset of Chautauqua County that enhances the environment and quality of life, provides recreational and tourism opportunities, and spurs economic development; and

WHEREAS, the health and usability of Chautauqua Lake have been threatened by numerous factors, including, but not limited to, introduction of non-native species, excessive erosion in the lake watershed, and inadequate resources to address the Lake's needs; and

WHEREAS, various stakeholders, including several lake groups, associations, foundations, local governments, and the Chautauqua Lake Management Commission have made extensive efforts in the past to address various Chautauqua Lake issues; and

WHEREAS, it has been recognized that it is essential for the future of Chautauqua Lake's health to have a legal entity whose primary mission is to prioritize projects recommended in the Chautauqua Lake Management Plan and the Macrophyte Management Strategy, seek and procure funding to implement projects outlined in the plans, and allocate resources to the applicable entities tasked with undertaking the work; and

WHEREAS, the stakeholders have been meeting for well over a year, and with the support of local foundations, are in the process of establishing the Chautauqua Lake & Watershed Management Alliance, Inc., a non-profit corporation intended to qualify as a Section 501(c)(3) tax-exempt organization under the Internal Revenue Code; and

WHEREAS, the purpose of the Chautauqua Lake & Watershed Management Alliance will be to actively implement the above-stated mission; and

WHEREAS, it is essential that the County endorses the formation of this new entity by authorizing the County Executive to sign a memorandum of understanding to participate and support the formation of the Chautauqua Lake & Watershed Management Alliance; therefore be it

RESOLVED, That the County Legislature hereby authorizes the County Executive to sign a memorandum of understanding supporting the proposed non-profit corporate framework and the County's continued participation in the formation of the Chautauqua Lake & Watershed Management Alliance.

Signed: Borrello, Niebel, Larson, Chagnon

Unanimously Adopted – April 23, 2014

## RES. NO. 96-14

Authorizing Financial Assistance for the Village of Forestville

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan and Legislator Borrello:



## JOURNAL OF PROCEEDINGS

WHEREAS, the Village of Forestville is in financial distress as a result of two debts in the amounts of \$250,000 for an emergency code enforcement demolition, and \$150,000 for a water line project, that are both due to be paid immediately or in the near future; and

WHEREAS, the inclusion of the debt repayments in the Village's upcoming 2014-2015 budget would cause a potential tax increase for Village residents of approximately 400%; and

WHEREAS, pursuant to Local Law 18-95 of the County of Chautauqua, the County is authorized to assist local governments in the County for water, sewer, and drainage improvements, and due to the extraordinary financial distress of the Village of Forestville, it is appropriate that the County extend a bridge loan to the Village until it is able to refinance the \$150,000 obligation for the water line project on a long-term basis later this year; and

WHEREAS, pursuant to County Legislature Resolution 239-12, each town and village in Chautauqua County receives an annual credit for tipping fees of eighty (80) tons of demolition waste at the County Landfill, and due to the extraordinary financial distress of the Village of Forestville, it is appropriate that the County afford the Village the opportunity to forego fourteen (14) future years of demolition credits in exchange for the County refunding \$87,344 in tipping fees paid by the Village during its 2009 emergency code enforcement demolition; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into all necessary agreements to accomplish the following:

1. Bridge Loan. The County shall loan \$150,000 to the Village of Forestville from the Capital Reserve Fund at a rate of 2.5% for the water line project to be repaid immediately upon the Village's long term refinancing of the debt, but in any event no later than December 31, 2014, and upon such other terms and conditions negotiated by the County Executive;
2. Demolition Credits. The County shall refund from the County Landfill's EL 8160.1000 R 270.1000 account (Refund Prior Year Expense) \$87,344 in landfill tipping fees paid by the Village of Forestville to the County for its 2009 emergency code enforcement demolition, in exchange for the Village foregoing fourteen (14) future years of demolition credits it would otherwise be entitled to pursuant to Resolution 239-12;

and be it further

RESOLVED, That the County's financial assistance to the Village of Forestville pursuant to this resolution is contingent upon the following:

1. The Village requesting the Office of the New York State Comptroller to audit the Village's financial records and accounts for the past five (5) years, and render a report regarding the Village's current and future financial status; and
2. The Village participating in a task force to be formed by the County Executive and Chairman of the Legislature consisting of officials and stakeholders from the County, Town of Hanover, and Village that will examine the viability of the Village as a continuing independent municipal entity, including consideration of the potential of dissolution.

## REGULAR SESSION

3. The Village starting the process of obtaining grant monies for an independent study regarding the feasibility of dissolving the Village.

and be it further

RESOLVED, That the Director of Finance is authorized to make any necessary account transfers to implement the actions authorized by this resolution.

Signed: Runkle, Heenan, Borrello (A.C. Nazzaro, Chagnon voting "no")

**MOVED by Legislator Runkle, SECONDED by Legislator Borrello to amend by substitution:**

WHEREAS, the Village of Forestville is in financial distress as a result of two debts in the amounts of \$250,000 for an emergency code enforcement demolition, and \$150,000 for a water line project, that are both due to be paid immediately or in the near future; and

WHEREAS, the inclusion of the debt repayments in the Village's upcoming 2014-2015 budget would cause a potential tax increase for Village residents of approximately 400%; and

WHEREAS, pursuant to Local Law 18-95 of the County of Chautauqua, the County is authorized to assist local governments in the County for water, sewer, and drainage improvements, and due to the extraordinary financial distress of the Village of Forestville, it is appropriate that the County extend a loan to the Village to finance the \$150,000 obligation for the water line project; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into all necessary agreements to provide a loan of \$150,000 to the Village of Forestville at an annual interest rate of 3% for the water line project to be repaid immediately if the Village is able to secure long term refinancing of the debt, but in any event no later than June 15, 2019, and upon such other terms and conditions negotiated by the County Executive, to include a right of set-off by the County of the Village's sales tax distributions in the event of a default;

and be it further

RESOLVED, That the County's financial assistance to the Village of Forestville pursuant to this resolution is contingent upon the following:

1. The Village arranging an audit by a third party of the Village's financial records and accounts for the past five (5) years, to include a report regarding the Village's current and future financial status; and
2. The Village participating in a task force to be formed by the County Executive and Chairman of the Legislature consisting of officials and stakeholders from the County, Town of Hanover, and Village that will examine the viability of the Village as a continuing independent municipal entity, including consideration of the potential of dissolution.
3. The Village starting the process of obtaining grant monies for an independent study regarding the feasibility of dissolving the Village.

**Underlined Indicates New Language**

JOURNAL OF PROCEEDINGS

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and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.-----909            Fund Balance, Unreserved Fund Balance – Fund Balance    \$150,000

and be it further

RESOLVED, That the Director of Finance is directed to make the following changes to the 2014 Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.1989.FUND.4            Contractual – Fund Balance Allocation                            \$150,000

Adopted w/ Vanstrom voting "no" – April 23, 2014

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LOCAL LAW  
INTRODUCTORY NUMBER 3-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY SELF-INSURANCE PLAN AND  
PROVIDING FOR THE ADMINISTRATION THEREOF, PURSUANT TO  
ARTICLE 5 OF THE NYS WORKERS' COMPENSATION LAW

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The Chautauqua County Self-Insurance Plan ("Plan") provided for by Local Law 11-1979, as amended by Local Laws 1-1982, 4-1984, 3-1989, 7-1993, and 4-2007 pursuant to Article 5 of the Workers' Compensation Law, is hereby further amended.

Section 2. Section 8 of Local Law 4-1984, as amended, is hereby further amended to read as follows:

~~Section 8. Every new employee of any participant in the Plan, except volunteer fireman and civil defense volunteers, shall be required to undergo a physical examination before undertaking any of the duties of his/her employment, except in case of an emergency, in which case a participant employing such employee, shall arrange for such physical examination at the earliest possible time after undertaking of duties. The Administrator may require a physical examination or re-examination of employees of any participant in the Plan, in which case the participant employing such employees shall arrange for such physical examination that shall be paid from the funds of the Plan.~~

Section 3. Section 10(c) of Local Law 4-1984, as amended, is hereby further amended to read as follows:

(c) The share of each participant in the Plan shall be collected as provided in Section 67 of the Worker's Compensation Law, ~~except that the share of each of the towns and fire districts participation in the Plan shall be collected in the next succeeding tax levy.~~ Participants that fail to pay

**Strikethrough Indicates Deletion**

REGULAR SESSION

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such share when due shall be liable for a penalty of one percent (1%) for each month, or fraction thereof, that such payment is late.

Section 4. This local law shall become effective upon filing with the Secretary of State.

Laid on Desks: 3/26/14

Adopted by Legislature: 4/23/14 R/C Vote: 18 Yes; 1 Absent

Public Hearing by County Executive: 5/2/14

Adopted as 5-14

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2nd Privilege of the Floor

Kevin Johnson, Mayor of Forestville. I just want to thank the Legislature for your support tonight and for helping out 800 soles that needed some help. Thank you again.

Chairman Gould: Anyone else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one – I will entertain a motion to adjourn.

MOVED by Legislator Lemon, SECONDED by Legislator Tarbrake and duly carried the meeting was adjourned. (7:05 p.m.)

## JOURNAL OF PROCEEDINGS

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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, May 28, 2014  
Mayville, N.Y.

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Wendel)

Legislator Lemon delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Scudder and duly carried the minutes were approved. (4/23/14).

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1<sup>st</sup> Privilege of the Floor

My names is Richard Fenton, 6896 Charlotte Center Road, Sinclairville, N.Y. I would like to speak on the Merle Elderkin tax situation on his properties. It has come to my attention that he has over 20 properties and he would like to pay taxes on five of those to keep them. I am totally against this. This has been going on for, I am going to estimate, 10 to 20 years that he hasn't paid any taxes. I consider a farm a business. I am a small businessman. I have been in business for 42 years. Paid my taxes, I pay my house taxes just like everybody else in here. What I want to say is what would happen if, say, NRG didn't pay their taxes or Chautauqua Mall or Valeo, MRC? If Mr. Elderkin can get away with this, what is to stop these other places from doing the same thing? I don't think that he should be allowed to reacquire any of this property in any way, shape, or form. Whether it's by renting it to whoever may buy it or whatever. I think he's had plenty of time to come up with the monies or to sell off some of his properties to pay taxes on other properties. I don't think that he deserves anymore chances. I think tonight is the night, it's done. Thank you.

My name is Ranelle Elderkin, 5611, Rt. 380, Sinclairville, N.Y. I am Earl Elderkin's daughter and I'm here – my Dad has made numerous offers from \$200,000 to \$600,000 being the last offer and it was denied through Mr. Caffisch and Kurt Gustafson and they would not present it to anybody. I do have in my possession a letter stating the denial. Recently my sister and I became involved in the situation to see what we could do to help my Dad. That is the first time and I ever met Jim Caffisch. He gave us papers indicating each parcel separately that my Dad could reacquire as long as he paid everything including the taxes, interest and penalties and he did not have to pay it as a whole. He could pick and choose what parcels he wanted to reacquire. He also made a comment to me that was very offensive. He said that he was going to make my Dad the poster child of Chautauqua County because he did not pay his taxes. He has never indicated that he wasn't in favor of us paying separate parcels. He never indicated at one time he was going to combine anything. My Dad and I went to the Taxation Department on April 30<sup>th</sup> and we paid \$221,332.78 as we were supposed to do, as they instructed us we could do. We had the opportunity to do that. We were also again lead to believe that other than the final legislation approval, it would be accepted. Jim Caffisch's exact words were, never in legislation history has the money ever been denied. Over the years my Dad has acquired each parcel separately. He's also, I forgot to mention, a Veteran. I am asking you to take into consideration my Dad still needs to make a living, he still needs to have money and he borrowed money to pay the taxes that he's paid so obviously he needs to have an income. At this point, my Dad is in the process of putting the funds together to save his home. He reluctant to do so because he's afraid that Jim Caffisch will also try and put other parcels and try and combine them so he won't be able to afford to save his home that he lives in. Thank you.

## REGULAR SESSION

Chairman Gould: Is there anyone else to speak to the first privilege of the floor? Seeing none, I will close the first privilege of the floor.

PRESENTATION:


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FISHING ESSAY CONTEST  
GRAND PRIZE AWARD WINNERS

COMMENDATION:


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CHAUTAUQUA LAKE VARSITY GIRLS BASKETBALL TEAM  
BY LEGISLATOR HIMELEIN

6:40 P.M.


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PUBLIC HEARING  
LEASE WITH JAMESTOWN AVIATION CO. LLC.  
AT JAMESTOWN AIRPORT

Chairman Gould: Is there anyone here to speak to the public hearing? (6:40 p.m.) Seeing no one, we'll close the public hearing. (6:41 p.m.)

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VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN  
NO VETOES FROM 04/23/14

COMMUNICATIONS:

1. Letters (3)- Resignation Frederick A. Larson-Legislature, Airport Comm., CC Land Corp
2. Certificate of Acceptance to Fill Vacancy-Charles F. Cornell
3. Letters (3)-Co. Exec. Harrigan - Appts. to Various Boards & Commissions
4. Letter-The United Arts Appeal-Thank you for Occupancy Tax Support
5. Report-NYS Fish, Wildlife, & Marine Goals
6. Report-Quarterly Report for Small Business Development Center
7. Res. - Fulton County-RE: Residency Waiting period-Opposing Early Voting
8. Res. – NYSAC 2014 Resolutions
9. Proof of Publication for Public Hearing on Airport Lease
10. Res. – Fulton County-Mayday for Mandate Relief
11. Report – Fin. Director Marsh-April 2014 Investment Report
12. NYS Dept. of State- Ack. Receipt of LL—14
13. NYS Assembly-Ack. Of Resolution 4-14

MOTION: (On file with 5/28/14 Leg. Data)

- 5-14 Supporting Resolutions by the Towns of Charlotte and Cherry Creek Requesting the NYS Legislature to Enact a Law to Expedite the Development of the Everpower Wind Generation Project in Their Towns – Adopted w/ Legislators Borrello, Runkle, Scudder, Hemmer voting “no”
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JOURNAL OF PROCEEDINGS

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RES. NO. 97-14

Appointment of Charles F. Cornell as Legislator from District 12, City of  
Jamestown, NY.

At the Request of Chairman Frank "Jay" Gould and Legislator Nazzaro:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Frederick A. Larson, District 12; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 12, (City of Jamestown) Committee recommending the appointment of Charles F. Cornell 142 Hotchkiss Street Jamestown, N.Y.; and

WHEREAS, a Certificate of Acceptance has been received from Charles F. Cornell; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Charles F. Cornell is hereby appointed Legislator from District 12, comprised of the City of Jamestown.

Signed: Chairman Frank "Jay" Gould and Legislator Nazzaro

Defeated – R/C Vote: 7 Yes; 10 No (No's: Ahlstrom, Borrello, Chagnon, Heenan, Hemmer, Lemon, Runkle, Scudder, Tarbrake, Vanstrom) – May 28, 2014

RES. NO. 98-14

Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:

At the Request of Chairman Frank "Jay" 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:

David Rowe  
3740 Westman Road  
Bemus Point, N.Y. 14712  
Term Expires: 6/1/2020

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein

Unanimously Adopted – May 28, 2014

RES. NO. 99-14

Confirm Appointments – Chautauqua County Charter and Code Review Commission

By Administrative Services Committee:

At the Request of Chairman Frank "Jay" Gould:

## REGULAR SESSION

WHEREAS, Section 1.05 of the Chautauqua County Charter directed that "no later than July 1, 2004 and every ten (10) years thereafter, a Charter and Administrative Code Review Commission shall be established to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to the County Charter and Administrative Code. The Commission shall consist of not more than ten (10) citizens of Chautauqua County with five (5) of the said members appointed by the County Executive and the remaining five (5) to be appointed by the Legislature" and

WHEREAS, the report of such Commission shall be presented to the Executive and the Legislature not later than July 1, 2015; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Charter and Administrative Code Review Commission:

Joe Galati  
2527 Palm Rd.  
Jamestown, N.Y. 14701

Paul Shanahan  
PO Box 163  
Celoron, N.Y. 14720

Ellen Ditonto  
16 Norton Ave.  
Jamestown, N.Y. 14701

Rod Rogers  
10533 Empire Rd.  
Forestville, N.Y. 14062

Diane Hannum  
10435 Bayshore Drive  
Dunkirk, NY 14048

Signed: Scudder, Vanstrom, Wilfong, DeJoy, Himelein

Unanimously Adopted – May 28, 2014

## RES. NO. 100-14

Confirm Appointment - Chautauqua County Historian's Advisory Commission

By Administrative Services Committee:

At the Request of: County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore it be

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Historian's Advisory Commission.

Terry Niebel  
3199 E. Main Rd.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/16

Replacing Larry Barmore

Signed: Scudder, Vanstrom, Wilfong, DeJoy, Himelein

Unanimously Adopted – May 28, 2014



JOURNAL OF PROCEEDINGS

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RES. NO. 101-14  
Authorizing Lease for Airport Museum Hangar Space

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Jamestown Aviation Company LLC, is interested in leasing the museum hangar building; and

WHEREAS, the current lease with the airport museum expired on December 31st 2013; and

WHEREAS, the Airport Commission has recommended the acceptance of the negotiated lease; and

WHEREAS, the necessary public hearing pursuant to Article 14 of the General Municipal Law has been held; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Jamestown Aviation Company LLC, for the period June 1, 2014 through May 31, 2029, upon substantially the following terms and conditions, for the former airport museum hangar space:

1. Rent: Four hundred dollars per month, with a 2 percent increase per year thereafter plus ten percent of rental revenues
2. Term: Fifteen (15) year term commencing June 1, 2014, with cancellation by either party upon thirty (30) days written notice.
3. Utilities: Paid by the Tenant
4. General Maintenance: Tenant is responsible for all general maintenance including paint and basic repairs.
5. Use: Aircraft storage and related hangar use
6. County shall be responsible for:
  - a. Structural and other major repairs to include roofing, parking areas, cinder block repair.
  - b. Environmental issues caused by prior occupants
  - c. Real property taxes and special assessments
7. Other: as negotiated by County Executive

Signed: Hemmer, Wilfong, DeJoy, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

RES. NO. 102-14  
Acceptance of Bike Racks from Chautauqua County Health Network

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Health Network (CCHN) desires to promote the health and wellness of the community through active transportation; and

## REGULAR SESSION

WHEREAS, Chautauqua Area Regional Transit System (CARTS) is the only provider of open-to-the-public transportation in Chautauqua County; and

WHEREAS, CCHN has obtained New York State Department of Health funding to promote health and wellness including the purchase of four transit bus bike racks; and

WHEREAS, CARTS desires to partner with CCHN in providing healthy transportation options to the citizens and visitors of Chautauqua County; and

WHEREAS, CCHN desires to give the transit bike racks to Chautauqua County CARTS; and

WHEREAS, pursuant to County Law § 215 the Chautauqua County Legislature may accept personal property to be utilized for lawful County purposes, now therefore be it

RESOLVED, That the County Executive is authorized to enter into any agreements necessary to accept the four transit bike racks from CCHN for CARTS use.

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein

Unanimously Adopted – May 28, 2014

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RES. NO. 103-14

Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5760.95

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Lucy Trail, Transportation Enhancement program project will improve Pedestrian and Bicycle Travel along County Road 67 between the Village of Celeron and City of Jamestown, Chautauqua County, PIN 5760.95 (the "Project"); and

WHEREAS, 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 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-IV) phase of the project PIN 5760.95; and

WHEREAS, the Preliminary Engineering (Design I-IV) phase of the project PIN 5760.95 is estimated to be \$150,000; therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is 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-IV) Phase of the Project or portions thereof; and it is further

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RESOLVED, that the sum of \$150,000 is hereby appropriated from H.7110.25953 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 Right of Way Incidentals 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 it is further

RESOLVED, That A ~~Fund-Balance~~ Capital Reserve is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.~~-----~~009 878 Fund Balance, Unreserved Fund Balance – Reserve for Capital \$ 30,000

; and it is further

RESOLVED, that the Director of Finance is authorized and directed to make the following changes to the Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.~~-----~~9 Interfund Transfers – Interfund Transfers \$ 30,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.7110.25953 Contractual – Mayville Lucy Trail \$150,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.7110.25953.R459.7000 Federal Aid – Transportation Capital \$120,000

H.7110.25953.R503.1000 Interfund Transfer – Interfund Transfer \$ 30,000

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein, Runkle, Heenan, Borrello, Chagnon  
(AC-Amended to take out of the Capital Reserve Account A878)

Adopted w/ Legislators Ahlstrom, Chagnon, Runkle, Heenan, Lemon, Vanstrom, Niebel voting “no”) –  
May 28, 2014

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**Strikethrough Indicates Deletion**

## REGULAR SESSION

## RES. NO. 104-14

## Authorize Funding for the Apron Reconstruction Project at the Dunkirk Airport

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horigan:

WHEREAS, Chautauqua County anticipates approval of a grant from the Federal Aviation Administration (FAA) to pay 90% of the allowable costs incurred in accomplishing the following project at Chautauqua County Airport/Dunkirk: Reconstruct Apron FAA AIP Project No. 3-36-0022-xx-14 (Project); and

WHEREAS, the New York State Department of Transportation (NYSDOT) is offering a matching grant for the federal grant to cover 50% of the non-federal share of eligible costs; and

WHEREAS, the matching grant by NYSDOT would result in the Project being funded by a 90% share of the allowable costs by the FAA, 5% share by NYSDOT, and 5% share by the County; and

WHEREAS, the Airport Commission has considered and recommended that the County accepts this funding as the Project is crucial for the operation of the airport; and

WHEREAS, funding for the Project has not been included in the 2014 airport budget and,

WHEREAS, if Chautauqua County and/or the FAA notifies NYSDOT that Chautauqua 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 New York State share noted above shall be increased proportionately up to a maximum increase of 15%; therefore be it

RESOLVED, That Chautauqua County commits the necessary funding for the project described above at Chautauqua County Airport/Dunkirk; and be it further

RESOLVED, That the County Executive be authorized to execute all necessary documents on behalf of Chautauqua County with New York State in connection with the 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 documents in connection with the project; and be it further

RESOLVED, That the County Executive be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for this funding on behalf of the County with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of the eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That this Resolution shall take effect immediately and that A Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.----,----.878	Fund Balance, Reserved Fund Balance – Reserve for Capital	\$54,220
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfer – Transfer to Capital	\$ 54,220
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25935.4	Contractual - Rehabilitate General Aviation Apron	\$1,084,400
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610. 25935.R459.2000	Federal Aid – Airport Federal Capital Grants	\$ 975,960
H.5610. 25935.R359.7001	New York State Aid – Airport Capital Grants	\$ 54,220
H.5610. 25935.R503.1000	Interfund Transfer – Interfund Transfers	\$ 54,220

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein, Runkle, Heenan, Borrello (AC: Chagnon voting no)

Adopted w/ Legislators Ahlstrom, Chagnon, Scudder, Lemon, Vanstrom, Niebel, Runkle voting “no” – May 28, 2014

RES. NO. 105-14

Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5760.94

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Mayville Lakeside Pedestrian and Bicycle Path, Transportation Enhancement program project will construct a 1.4 mile paved asphalt Multi-use Trail along the Chautauqua Rails to Trails Corridor, for residents of and visitors to the Chautauqua Lake Area, in the Village of Mayville, Chautauqua County, PIN 5760.94 (the "Project") which 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 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 the Right-of-Way Incidental Phases of the Project PIN 5760.94; and

WHEREAS, the above phases of the Project are estimated to be \$80,000 and are included in the existing capital budget, account H.8020.37893; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is 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 the Right-of-Way Incidental Phases of the Project or portions thereof; 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 Preliminary Engineering (Design I-VI) and the Right-of-Way Incidental Phases exceeds the amount appropriated above, the County of Chautauqua shall convene its

## REGULAR SESSION

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.

Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein, Heenan, Borrello, Chagnon (AC: Runkle voting no)

Unanimously Adopted – May 28, 2014

## RES. NO. 106-14

Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5760.61

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Bridge Deck Sealing Project, PIN 5760.61 (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, now estimated to be \$115,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; 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 Construction & Construction Inspection phases of the project PIN 5760.61; therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is 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 Construction & Construction Inspection phases of the Project or portions thereof; 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 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

JOURNAL OF PROCEEDINGS

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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, That D Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

D.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$ 23,000
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RESOLVED, That 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	\$115,000
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program	\$ 92,000
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Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

RES. NO. 107-14

Authorizing the Divestment of the President's Residence Property at JCC

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Jamestown Community College (JCC) currently owns residential property located at 636 Winsor Street in the City of Jamestown that has historically been used as the JCC President's residence; and

WHEREAS, the property consists of an approximately 6,700 square foot house on 0.44 acres of land designated on the Chautauqua County Tax Map as Tax Parcel Number 379.19-6-4; and

WHEREAS, the President's Residence property is no longer useful or required for community college purposes by JCC, and no longer fits the mission of JCC; and

WHEREAS, because JCC did access state capital funds for the renovation of the President's Residence, 50% of the net proceeds of the sale will be remitted to the State of New York; and

WHEREAS, the divestment of the property provides the opportunity to reduce operating costs of the College; now therefore be it

## REGULAR SESSION

RESOLVED, That the Chautauqua County Legislature hereby finds that the President's Residence property is no longer useful or required for community college purposes by JCC; and be it further

RESOLVED, That the Chautauqua County Legislature authorizes JCC to effectuate the divestment of the property at a sales price estimated to be as low as \$120,000.00, not including closing and other related costs, with the foregoing dependent on SUNY Board of Trustee approval.

Signed: Scudder, Vanstrom, Wendel, DeJoy, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

RES. NO. 108-14  
Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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:

October 1, 2013- March 31, 2014

	TOWNS		CITIES
Arkwright	2,412.99	Dunkirk	28,470.07
Busti	43,795.31	Jamestown	69,076.00
Carroll	13,593.24		
Charlotte	5,132.63	TOTAL	\$97,546.07
Chautauqua	39,599.50		
Cherry Creek	3,956.11		
Clymer	8,144.66		VILLAGES
Dunkirk	8,324.17		
Ellery	40,816.03	Bemus Point	2,688.73
Ellicott	38,114.51	Brocton	662.60
Ellington	3,916.62	Cassadaga	1,303.64
French Creek	8,198.92	Celoron	2,269.84
Gerry	6,079.49	Cherry Creek	446.90



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Hanover	25,354.83	Falconer	4,488.82
Harmony	9,716.99	Forestville	890.73
Kiantone	7,786.95	Fredonia	17,432.31
Mina	15,342.97	Lakewood	13,743.24
North Harmony	17,995.46	Mayville	3,175.18
Poland	8,213.01	Panama	1,181.82
Pomfret	33,292.58	Sherman	808.51
Portland	7,295.15	Silver Creek	3,078.64
Ripley	7,128.65	Sinclairville	906.32
Sheridan	9,198.82	Westfield	4,535.82
Sherman	4,090.88		
Stockton	6,914.74	TOTAL	\$57,613.10
Villanova	3,985.46		
Westfield	12,347.58		
TOTAL	\$390,748.25		

Signed: Scudder, Vanstrom, Wendel, DeJoy, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

## RES. NO. 109-14

Authorize Agreement with Village of Bemus Point for Enhanced Police Services

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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 2014 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of July 3, 2014 through September 2, 2014, for an estimated cost not to exceed \$6,600.00, based on an hourly rate of \$37.28 for general patrols and an hourly rate of \$47.66 for national holidays; now 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: Wendel, Tarbrake, Ahlstrom, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

REGULAR SESSION

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## RES. NO. 110-14

Authorize Agreement with Chautauqua Lake Central School District to Provide Enhanced Police Services

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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, 2014 through December 31, 2014, for an estimated cost not to exceed \$2,500, based on an hourly rate of \$37.28; 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: Wendel, Tarbrake, Ahlstrom, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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## RES. NO. 111-14

Authorize Agreement with Village of Mayville for Enhanced Police Services

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Village of Mayville has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2014 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Mayville for the period of June 22, 2014 through September 2, 2014, for an estimated cost not to exceed \$10,000.00, based on an hourly rate of \$37.28 for general patrols and an hourly rate of \$47.66 for national holidays; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Mayville for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Tarbrake, Ahlstrom, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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## RES. NO. 112-14

Increase Appropriation and Revenue Accounts for Replacement of Patrol Vehicle

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, the County Sheriff's Office received insurance recovery funds due to the total destruction of patrol vehicle CX732; and

WHEREAS, the County Sheriff's Office will need to make an unexpected capital expenditure to replace the destroyed vehicle; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3197.999.4	Contractual – Sheriff Vehicle Replacement	\$31,133
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3197.999.R268.0000	Sale of Property/Compensa - Insurance Recoveries	\$31,133
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Signed: Wendel, Tarbrake, Ahlstrom, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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RES. NO. 113-14

Transfer Appropriation Funds to Capital Budget

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Emergency Services Capital Budget for 2014 included an estimate for the purchase of a vehicle; and

WHEREAS, the bids for the vehicle were higher than the estimated costs; and

WHEREAS, funds are needed to cover the difference of \$3,435; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2014 Capital Budget:

DECREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual - Hazardous Materials	\$ 3,435
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INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$ 3,435
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3997.999.4	Contractual – EMS Vehicle Replacement	\$ 3,435
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3997.999.R503.1000	Interfund Transfers – Interfund Transfers	\$ 3,435
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Signed: Wendel, Tarbrake, Ahlstrom, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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## REGULAR SESSION

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RES. NO. 114-14  
Authorize Acceptance of Aid to Prosecution Funds 2014-2015

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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, 2014 through March 31, 2015; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the 2014 Budget includes appropriations and funding for this grant; now 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: Wendel, Tarbrake, Ahlstrom, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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RES. NO. 115-14  
Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2014-2015

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded \$195,200.00 to the multi-agency "GIVE" Task Force to reduce violent crimes in the primary jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the funded "GIVE" Task Force partners consist of the City of Jamestown Police Department, and the Chautauqua County Agencies of the District Attorney, Sherriff's Office and Probation Office; and

WHEREAS, the City of Jamestown Police Department has been awarded \$69,174.00 of the total "GIVE" funding and will sign and administer a separate contract with the New York State Division of Criminal Justice Services (DCJS) for said funding; and

WHEREAS, the Chautauqua County Agencies consisting of the office of the District Attorney (\$69,878.00), the office of the Chautauqua County Sheriff (\$46,848.00) and the office of Probation (\$9,300.00) will share the balance of such funds; and

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WHEREAS, the office of the District Attorney, Sheriff and Probation have included a portion of these grant funds in the 2014 budget with the balance to be included in the 2015 budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Gun Involved Violence Elimination Grant ("GIVE") contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$126,026.00 for the term of July 1, 2014 to June 30, 2015, and any other necessary agreements to implement the project.

Signed: Wendel, Tarbrake, Ahlstrom, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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RES. NO. 116-14

Authorize Acceptance of Indigent Legal Services Grant for the Period June 1, 2013 to May 31, 2016

By Audit & Control Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$269,919.00, for the operational period of June 1, 2013 through May 31, 2016; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; 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 New York State Indigent Legal Services for the period of June 1, 2013 through May 31, 2016, in the amount of \$269,919.00, or as amended; 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 Office of Indigent Legal Services.

Signed: Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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RES. NO. 117-14

Authorize Acceptance of Indigent Legal Services Grant for the Period of January 1, 2014 to December 31, 2016

By Audit & Control Committee:  
At the Request of County Executive Vincent W. Horrigan:

REGULAR SESSION

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded funding by virtue of the Upstate Quality Improvement and Caseload Reduction competitive grant authorized by the New York State Office of Indigent Legal Services, in the amount of \$299,528.00, for the operational period of January 1, 2014 through December 31, 2016; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; 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 New York State Indigent Legal Services for the period of January 1, 2014 through December 31, 2016, in the amount of \$299,528.00, or as amended; 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 Office of Indigent Legal Services; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2014 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1170.----.1	Personal Services – Public Defender	\$63,000
A.1170.----.4	Contractual – Public Defender	\$10,483
A.1170.----.8	Fringe Benefits – Public Defender	<u>\$26,000</u>
		\$99,843

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1170.R338.9009	NYS Aid: Other Public Safety: Aid Indig	\$99,843
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Signed: Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

RES. NO. 118-14

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 County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County has been awarded \$200,000 to fund a 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

JOURNAL OF PROCEEDINGS

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RESOLVED, that the County Executive be authorized to execute any and all agreements with the New York State Housing Trust Fund Corporation and its Office of Community Renewal (OCR), as well as any and other documents necessary to implement the Private Wastewater and Well Assistance Program, for so long as such funding is available to County; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2014 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4090.----.1	Personal Services – Environmental Health	\$ 2,280.00
A.4090.----.4	Contractual – Environmental Health	<u>197,720.00</u>
		\$200,000.00

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4090.----.R478.9WSA	Federal Aid – Wastewater & Well Assistance	\$200,000.00
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Signed: Tarbrake, Lemon, Scudder, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

RES. NO. 119-14

Increase 2014 Health Accounts to Accept Susan G. Komen Funds

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Susan G. Komen Breast Cancer Foundation, Inc. has awarded the Chautauqua County Division of Health within the Department of Health & Human Services funds for educational materials; and

WHEREAS, the Division of Health facilitates access to breast and cervical cancer screening and diagnostic services for uninsured and underinsured women in Chautauqua, and

WHEREAS, the Division of Health will provide additional training for existing Cancer Services Program outreach staff, advertising, and outreach incentives with the awarded funds, and

WHEREAS, the 2014 Chautauqua County Adopted Budget must be adjusted to include these awarded funds; now, 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 Division 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 Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4	Contractual - Public Health Nursing	\$4,240.00
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4010.NURS. R168.9000	Other Health Department Income	\$4,240.00
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## REGULAR SESSION

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Signed: Tarbrake, Lemon, Scudder, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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RES. NO. 120-14

Authorizing County Executive to Execute the Resource Allocation Package

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Youth Board recommends the manner in which Youth Bureau funding from the New York State Office of Children and Family Services (OCFS) is dispersed through a Resource Allocation Plan (RAP); and

WHEREAS, signing the RAP will qualify the County of Chautauqua for State reimbursement for the 2014 program year; and

WHEREAS, the amount approved for allocation to the County is \$152,596.00, as amended; and

WHEREAS, OCFS will reimburse the County for expenditures made in accordance with the approved Program Applications and Budgets for the agencies listed on the program summary; and

WHEREAS, the County RAP 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, Lemon, Scudder, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 28, 2014

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RES. NO. 121-14

Allocating 3% Occupancy Tax Funding from the 2014 Off-Cycle Contingency Account

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Resolution 94-13 re-established guidelines for allocation of the original 3% occupancy tax revenues, and provides that a portion of the annual allocation for development of attractions and events be held in a contingency account to be utilized for unanticipated project requests occurring outside the annual application review process; and

WHEREAS, the Tourism Review Panel has met to consider and has made recommendations for the off-cycle requests received; therefore be it



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RESOLVED, That the following additional projects are approved for 3% Occupancy Tax funding from the 2014 budget:

Babe Ruth Baseball World Series Championship	\$686.00
JSB Arena Skating and Gymnastics Extravaganza	\$6,560.00
Jamestown Jammers Marketing Initiative	\$2,834.00

Signed: Borrello, Heenan, Niebel, Chagnon, Runkle, Nazzaro

Unanimously Adopted – May 28, 2014

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RES. NO. 122-14  
Environmental Assessment and Approval of Funding of Projects for 2014  
2% Occupancy Tax Projects

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 161-13 that the Chautauqua County Department of Planning & Economic Development (CCPED) conduct a New York State Environmental Quality Review (SEQR) for the projects approved by the Waterways Panel for funding in 2014 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 Bly Hill Road Ditch Stabilization project, ranked as number 3 on the Waterways Panel list provided below, be classified as a Type II Action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law, and therefore does not require additional environmental review; and

WHEREAS, the CCPED recommends that the projects that are ranked as numbers 1, 2, 4, and 5 on the Waterways Panel list provided below be classified as Unlisted under 6 N.Y.C.R.R. 617.2 of the Environmental Conservation Law; 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 and analyzed the SEAF for each project, and considered any relevant areas of environmental concern and 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 below 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, is issuing a negative declaration; and be it further

REGULAR SESSION

RESOLVED, That project numbers 1 through 5 below 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 2014 County Budget.

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
SAREP - Canadaway Creek Habitat Restoration /Sportsfishing Aquatic Resource Education Program	1	\$ 2,650	\$ 2,650
Goose Creek Streambank Stabilization /Chautauqua County Soil and Water Conservation District	2	\$ 40,000	\$ 40,000
Bly Hill Road Ditch Stabilization / Chautauqua County Soil and Water Conservation District	3	\$ 17,300	\$ 17,300
Camp Merz Shoreline Stabilization / Chautauqua County Soil and Water Conservation District	4	\$ 37,000	\$ 37,000
Silver Creek Streambank Protection / Village of Silver Creek	5	\$ 40,000	\$ 40,000

Signed: Borrello, Heenan, Chagnon, Niebel, Runkle, Nazzaro

Unanimously Adopted – May 28, 2014

RES. NO. 123-14  
Amend 2014 Budget to Include Additional IGT Matching Funds

By Audit & Control Committee:  
At the Request of County Executive Vincent W. Horrigan:

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; therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

<u>INCREASE THE USE OF FUND BALANCE:</u>		\$3,095,492
A.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$3,057,565

and be it further

JOURNAL OF PROCEEDINGS

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RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2014 budget:

<u>INCREASE APPROPRIATION ACCOUNT:</u>		\$3,095,492
A.6102.-----4	Contractual – Medical Assistance MMIS	<del>\$3,057,565</del>
<u>INCREASE REVENUE ACCOUNT:</u>		\$6,190,984
EH.4530.REV.R3020.3300	Intergovernmental Transfer – Medicaid IGT	<del>\$6,115,130</del>

Signed: Runkle, Nazzaro, Heenan, Borrello, Chagnon

MOVED by Legislator Runkle, SECONDED by Legislator Heenan to amend as shown.  
*Unanimously Carried*

Unanimously Adopted as amended – May 28, 2014

RES. NO. 124-14

Approving Contract Between South and Center Chautauqua Lake Sewer Districts and O'Brien & Gere Engineers, Inc. for Chautauqua Lake Integrated Sewage Management Plan

By Audit & Control Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Wastewater Consolidation Group (hereinafter referred to as the "Group") has solicited on behalf of the South and Center Chautauqua Lake Sewer Districts (hereinafter referred to as the "Districts") proposals for an engineering study (hereinafter referred to as the "Study") of the most cost effective solution for the treatment of wastewater within the Chautauqua Lake Basin by a request for proposals dated March 17, 2014 (hereinafter referred to as the "RFP"); and

WHEREAS, the Group has recommended to the Districts the acceptance of the proposal of O'Brien & Gere Engineers, Inc. (hereinafter referred to as "O'Brien & Gere") dated April 21, 2014 (hereinafter referred to as the "Proposal") for a cost of \$49,995; and

WHEREAS, the Districts have received a grant through the New York State Clean Water State Revolving Fund in the amount of \$50,000 (hereinafter referred to as the "Grant") to pay the cost of the Study; and

WHEREAS, pursuant to Resolution 92-14, the Chautauqua County Legislature authorized the Districts to accept the Grant and appropriated the Grant funds of \$50,000 to pay the cost of the study; and

WHEREAS, the Board of Directors of the Districts have authorized a contract with O'Brien & Gere to perform the Study subject to the approval of the Chautauqua County Legislature; now therefore be it

RESOLVED, That the entry by the Districts into a contract with O'Brien & Gere to perform the Study in accordance with the RFP and the Proposal is authorized; and be it further

RESOLVED, That the Chairman of the Districts is authorized to execute such contract.

**Strikethrough Indicates Deletion**

## REGULAR SESSION

Signed: Runkle, Nazzaro, Heenan, Borrello, (AC: Chagnon abstained from voting)

Unanimously Adopted w/ 1 Abstention (Chagnon) – May 28, 2014

RES. NO. 125-14  
Quit Claim Deeds

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

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. 44-13; 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.

Offer Number	Munic.	Parcel ID No	Purchaser	Offer Amt	Taxes Owning
QC-380-2014	Gerry	064489-267.00-2-15	Merle J. Elderkin	\$ 24,122.29	<del>-\$ 24,122.29</del>
QC-381-2014	Gerry	064489-267.00-2-14	Merle J. Elderkin	\$ 29,540.73	<del>-\$ 29,540.73</del>
QC-382-2014	Gerry	064489-267.00-2-4	Merle J. Elderkin	\$ 30,216.88	<del>-\$ 30,216.88</del>
QC-383-2014	Stockton	066889-267.00-1-14	Merle J. Elderkin	\$ 135,187.75	<del>-\$ 135,187.75</del>
QC-384-2014	Gerry	064489-302.18-2-39	Merle J. Elderkin	\$ 333.13	\$ 333.13
QC-441-2011	Gerry	064489-269.00-1-20	Estates of Robert & Phoebe Deering	\$ 4,806.87	\$ 4,806.87
QC-447-2011	Gerry	064489-318.00-3-17	Jason E. Clark	\$ 2,805.27	\$ 2,805.27
QC-403-2014	Jmstn.	060800-388.17-2-12	Kathleen Spitale	\$ 5,497.10	\$ 5,497.10
QC-228-2014	Clymer	063200-297.00-1-31	Kelly Carpenter	\$ 2,995.01	\$ 2,995.01
QC-313-2014	Poland	065600-339.11-1-61	Christopher R. & Tracey A. Hendrickson	\$ 251.30	\$ 251.30
<b>TOTALS:</b>				<b>\$235,756.33</b>	<b>\$235,756.33</b>

Strikethrough Indicates Deletion

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Signed: Scudder, Vanstrom, Wendel, DeJoy, Himelein (AS: Amended to remove QC380, QC381, QC382, QC383)

Adopted w/ Legislator Keefe, Niebel voting "no" – May 28, 2014

2<sup>nd</sup> Privilege of the Floor

Vince Horrigan, County Executive, Bemus Point, New York. After 8 years and 5 months, Bill Daly has retired, done an incredible job in economic development in tough times in Chautauqua County and I am pleased to have with us here tonight for those who have not met him, the Chairman of our Planning and Economic Development and CEO of our IDA, Mr. Kevin Sanvidge. I would just like him to rise. (Applause). He is going to do great. Thank you.

Chairman Gould: Anyone else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one, I will close the second privilege of the floor.

MOVED by Legislator Ahlstrom, SECONDED by Legislator Himelein and duly carried the meeting was adjourned. (7:36 p.m.)

## REGULAR SESSION

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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, June 25, 2014  
Mayville, N.Y.

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator Nazzaro delivered the prayer and pledge of allegiance.

MOVED by Legislator Borrello, SECONDED by Legislator Himelein and duly carried the minutes were approved. (5/28/14).

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1<sup>st</sup> Privilege of the Floor

My name is Dale Reynolds, 52 Burton Ave. The first part of June I was across the street. This is the third time I've been over and I will tell you, that facility changed something tremendous. We no longer have (*inaudible*), we have good shower curtains and they did a super job, thank you.

Chairman Gould: Anybody else to speak to the first privilege of the floor? Seeing no one else, we will close the first privilege of the floor.

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RES. NO. 126-14

Appointment of Beth A. Kresge as Legislator from District 12, City of Jamestown, N.Y.

At the Request of Legislators Ahlstrom, Heenan, Keefe, Nazzaro, DeJoy:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Frederick A. Larson, District 12; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 12, (City of Jamestown) Committee recommending the appointment of Beth A. Kresge, 645 Lakeview Avenue, Jamestown, N.Y., 14701; and

WHEREAS, a Certificate of Acceptance has been received from Beth A. Kresge; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Beth A. Kresge is hereby appointed Legislator from District 12, comprised of the City of Jamestown.

Signed: Ahlstrom, Heenan, Keefe, Nazzaro, DeJoy

Unanimously Adopted – June 25, 2014

Chairman Gould: Congratulations Mrs. Kresge. (Applause)

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JOURNAL OF PROCEEDINGS

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REPORT:

CAPITAL PROJECT  
by  
CHAIRMAN OF PLANNING BOARD  
DOUGLAS BOWEN

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VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN  
NO VETOES FROM 05/28/14

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COMMUNICATIONS:

1. Certificate to Fill Vacancy on County Legislature
  2. Certificate of Acceptance by Person Nominated to Fill Vacancy
  3. Letters(3) – County Executive – Appts. to Various Boards
  4. Report – Fn. Director Marsh – Investment Report – May/2014
  5. Minutes(2) – Chaut. Co. Soil & Water Conserv. District – April/May-2014
  6. Letter – JCC – Invite to President's Roundtable
  7. NYSAC – 2014 Chaut. Co. Overview & State Budget Impact
  8. Letter – NYSAC - Senate Bill 7291 – Re: Restrictions of Publically Owned Nursing Homes Outside NYC
  9. Letter – NYSAC – Re: IGT Payment Activity Approved by Federal Government
  10. Letter – NYS Dept. of Ag. & Markets – Re: RFP for Farmland Protection Implementation Projects
  11. Highlights – Fish & Wildlife – April/2014
  12. Letter – Assemblyman Kolb – Re: Ack. Receipt of Motion 5-14
  13. 2015 Capital Budget & 2016-2020 Capital Plan
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RES. NO. 127-14

Confirm Re-Appointments – Chautauqua Opportunities Board of Directors

By Human Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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.

Susan Forrester Mackay  
73 Eagle St.  
Fredonia, N.Y. 14063  
Term Expires: 6/30/15

Joseph Gerace  
235 Hunt Rd. W.E.  
Jamestown, N.Y. 14701  
Term Expires: 6/30/15

Benjamin Spitzer  
5841 Snug Harbor Dr.  
Mayville, N.Y. 14757  
Term Expires: 6/30/15

Legst. Janet Keefe  
17 Green Street  
Fredonia, N.Y. 14063  
Term Expires: 6/30/15

Paul Whitford  
25 Pearl Street  
Jamestown, NY 14701

## REGULAR SESSION

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Term Expires: 06/30/15

Signed: Tarbrake, Keefe, Scudder, Wilfong

Unanimously Adopted – June 25, 2014

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## RES. NO. 128-14

Confirm Re-Appointment - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan has submitted the following re-appointment to the Chautauqua County Legislature for action; therefore be it

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

Lance Ehrhardt  
8490 Hahn Rd.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/16

Signed: Chagnon, Heenan, Ahlstrom

Unanimously Adopted – June 25, 2014

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## RES. NO. 129-14

Confirm Re-Appointments – Seneca Trail Resource Conservation & Development Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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 Seneca Trail Resource Conservation and Development Board:

Re-Appointments:

Lawrence Brown  
11 Snell Place  
Jamestown, New York 14701  
Term Expires: 5/31/2017

Fred Croscut  
3375 Waits Corners Road  
Sherman, New York 14781  
Term Expires: 5/31/2017

Tom Ormond  
225 Miller Valley Rd.  
Kennedy, N.Y. 14747  
Term Expires: 5/31/2017



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Signed: Chagnon, Heenan, Niebel, Ahlstrom

Unanimously Adopted – June 25, 2014

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RES. NO. 130-14  
County Road 312 Road Repairs

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County highway transportation system, which includes roads and bridges, is essential to economic development, job creation and to quality of life; and

WHEREAS, this spring a section of County Road 312 (Bard Road) in the Town of Arkwright between Griswold Road and Rood Road became impassable and was closed to protect the safety of the traveling public; and

WHEREAS, the Chautauqua County Department of Public Facilities has estimated the cost of repairs at \$400,000; and

WHEREAS, this roadway failure was unplanned, unforeseen, and therefore not budgeted, and the funding level necessary to repair this area goes beyond normal maintenance and will require additional funding for proper reconstruction; and

WHEREAS, the County budget should be amended to conform to these adjustments for additional funding; therefore be it

RESOLVED, That D Fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

D.----,----.909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$400,000
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and be it further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual – Capital Improvements: Highway Imprv.	\$400,000
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Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

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RES. NO. 131-14  
Adjust Capital Appropriation (CHIPS)

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

## REGULAR SESSION

WHEREAS, the New York State Department of Transportation has made \$339,944 in additional funds available for extreme winter recovery improvements on highways and bridges; and

WHEREAS, the Chautauqua County capital budget already includes \$3,741,212 for capital improvement; and

WHEREAS, the budgetary amounts should be amended to conform to these adjustments for CHIPS funding; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with New York State, in connection with receipt of this additional funding; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual – Capital Improvements: Highway Imprv.	\$339,944
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.R350.1000	NY State Aid: CHIPS	\$339,944
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Signed: Hemmer, Nazzaro, Wilfong, DeJoy, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

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RES. NO. 132-14

Abolish Office of the Sheriff's Civil Petty Cash Fund and Authorize Increase in Petty Cash Fund for the Victim Impact Panel

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County Resolution No. 89-56 established a revolving petty cash fund of \$200 to be used by the Civil Division of the Chautauqua County Office of the Sheriff; and

WHEREAS, Chautauqua County Resolution No. 85-99 reduced the Civil Division petty cash fund to \$100; and

WHEREAS, Chautauqua County Resolution No. 134-04 established a petty cash fund in the amount of \$200.00 for the Victim Impact Panel; and

WHEREAS, Chautauqua County Resolution No. 60-13 increased the Victim Impact Panel petty cash fund to \$300.00; and

WHEREAS, the petty cash fund in the amount of \$100.00 established by Chautauqua County Resolution No. 89-56 and modified by Chautauqua County Resolution No. 85-99 is no longer necessary nor used by the Civil Division; and

WHEREAS, speaker fees related to the Victim Impact Panel require the petty cash fund be replenished every other month, rather than quarterly; therefore be it

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RESOLVED, That the petty cash fund established by Resolution No. 89-56 and modified by Resolution No. 85-99, in the amount of \$100.00, is hereby abolished; and be it further

RESOLVED, That the Victim Impact Panel's petty cash fund is hereby increased by \$150.00 to a total amount of \$450.00; 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: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

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RES. NO. 133-14  
Authorize Acceptance of Crimes Against Revenue Program

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the District Attorney's Office has applied for a grant in the amount of \$100,000.00 from the New York State Department of Taxation and Finance pursuant to its Crimes Against Revenue Program for the period from July 1, 2014 through June 30, 2015; and

WHEREAS, such funds are to be utilized to develop and implement effective enforcement strategy ("strategic plan") in collaboration with the State Department of Taxation and Finance (DTF) and other governmental agencies as appropriate, in order to detect, investigate, prosecute and deter revenue crimes; 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 detect, investigate, prosecute and deter revenue crime; 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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following budgetary adjustments to the 2014 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services-District Attorney	\$ 28,000
A.1165.----.4	Contractual-District Attorney	\$ 4,620
A.1165.----.8	Employee Benefits-District Attorney	<u>\$ 17,380</u>
	Total	\$ 50,000

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1165.R338.9012	State Aid: Crimes Against Revenue Program	\$ 50,000
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Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

REGULAR SESSION

Unanimously Adopted – June 25, 2014

RES. NO. 134-14

Authorize Agreement with Erie 2-Chautauqua-Cattaraugus BOCES for Culinary Arts Instruction

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County is required pursuant to the New York State Correction Law and Education Law to provide appropriate educational services to eligible inmates housed at the County Jail; and

WHEREAS, Erie 2-Chautauqua-Cattaraugus BOCES has successfully administered various education programs at the jail, and has the ability to oversee a culinary arts program; and

WHEREAS, Chautauqua County desires to offer a culinary arts program to eligible inmates in an effort to assist such inmates in obtaining gainful employment when released from jail, and has negotiated a tentative agreement with BOCES for the period of August 1, 2014 through July 31, 2015, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$35,257; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Erie 2-Chautauqua-Cattaraugus for a culinary arts instruction program.

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

RES. NO. 135-14

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 Vincent W. Horrigan:

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 2, 2014 through June 30, 2015, the deputy to be shared between both facilities at a total sum not to exceed \$90,017, plus any agreed upon overtime hours compensated at the rate of \$58.16 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.

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Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

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RES. NO. 136-14

Authorize Agreement with Town of Kiantone for Court Security Detail

Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Town of Kiantone has requested that the Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Kiantone for the period of January 1, 2014 through December 31, 2014, for an estimated cost not to exceed \$6,500.00, based on an hourly rate of \$27.64; now therefore be it

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

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

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RES. NO. 137-14

Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant –  
Operation Stonegarden, 2014 Budget

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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 Operation Stonegarden; and

WHEREAS, the grant award is for a contract period from September 1, 2011 to August 31, 2014, with no local funds, and the 2014 Chautauqua County adopted budget does not include any of the remaining balance of funding available as of January 1, 2014 for 2014 expenditures; therefore be it

RESOLVED, That the Director of Finance is authorized to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---1	Personal Services - Sheriff Operations	102,916
A.3110.---2	Equipment - Sheriff Operations	12,410
A.3110.---3	Depreciable Equipment - Sheriff Operations	138,222
A.3110.---4	Contractual - Sheriff Operations	53,758
A.3110.---8	Employee Benefits - Sheriff Operations	<u>27,408</u>
		\$334,714

## REGULAR SESSION

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9OSG Federal Aid: Operation Stonegarden \$334,714

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

## RES. NO. 138-14

Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant – Bomb Detection, 2014 Budget

By Public Safety and Audit &amp; Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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 for a contract period from May 14, 2013 to August 31, 2014, with no local funds, and the 2014 Chautauqua County adopted budget does not include any of the remaining balance of funding available as of January 1, 2014 for 2014 expenditures; therefore be it

RESOLVED, That the Director of Finance is authorized to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---2	Equipment - Sheriff Operations	\$11,461
A.3110.---3	Depreciable Equipment - Sheriff Operations	77,219
A.3110.---4	Contractual - Sheriff	<u>21,214</u>
		\$109,894

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB Federal Aid: Bomb Detection \$109,894

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

## RES. NO. 139-14

Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant – Explosive ~~Detection~~ Canine ~~Team~~ Detection, 2014 Budget

By Public Safety and Audit &amp; Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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 the explosive ~~detection~~ canine ~~team~~ detection; and

(Strikethrough indicates deletion – Underlined indicates new)

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WHEREAS, the grant award is for a contract period from May 14, 2013 to August 31, 2014, with no local funds, and the 2014 Chautauqua County adopted budget does not include any of the remaining balance of funding available as of January 1, 2014 for 2014 expenditures; therefore be it

RESOLVED, That the Director of Finance is authorized to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---1	Personal Services - Sheriff Operations	\$ 4,493
A.3110.---3	Depreciable Equipment - Sheriff Operations	10,001
A.3110.---8	Employee Benefits - Sheriff Operations	<u>307</u>
		\$14,801

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9K9T	Federal Aid: Explosive Detection Canine Team	\$14,801
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Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

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RES. NO. 140-14

Increase Appropriation Accounts – Grantmakers Advantage Inc. U.S. Department of Homeland Security – Port Security Grant, 2014 Budget

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has been awarded grant funding from Grantmakers Advantage Inc., as Fiduciary Agent for the U.S. Department of Homeland Security, for the further implementation of port security; and

WHEREAS, the grant award is for a contract period from September 1, 2011 to August 31, 2014, with no local funds, and the 2014 Chautauqua County adopted budget does not include any of the remaining balance of funding available as of January 1, 2014 for 2014 expenditures; therefore be it

RESOLVED, That the Director of Finance is authorized to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3110.---3	Depreciable Equipment - Sheriff Operations	\$542,490
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9PSC	Federal Aid: Port Security	\$542,490
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Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

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## REGULAR SESSION

## RES. NO. 141-14

Authorize Revised Agreement with New York State Unified Court System Eighth Judicial District for Court Security

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, New York State Unified Court System Eighth Judicial District has requested the Chautauqua County Office of the Sheriff provide court security services during New York State's 2013-2014 fiscal year; and

WHEREAS, pursuant to Resolution 259-13, the Chautauqua County Office of the Sheriff has negotiated an agreement with New York State Unified Court System Eighth Judicial District for the period of April 1, 2013 through March 31, 2014, with total payments made by the Unified Court System to the County not to exceed \$671,371.00; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a revised tentative agreement with New York State Unified Court System Eighth Judicial District for the period of April 1, 2013 through March 31, 2014, with total payments made by the Unified Court System to the County now expected to be approximately \$748,042.00; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with New York State Unified Court System Eighth Judicial District for court security services as set forth above with revenues to be credited to account A.1162.1110.R333.0000.

Unanimously Adopted – June 25, 2014

Signed: Wendel, Niebel, Keefe, Ahlstrom, Tarbrake, Nazzaro, Heenan, Chagnon

## RES. NO. 142-14

Authorize Setting of Wage Rates for Senior Aides

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Title V of the Older Americans Act and Section 95-a of the New York State General Municipal Law, the Chautauqua County Office for the Aging has been directly operating the Senior Aides Program since 1988; and

WHEREAS, the Chautauqua County Office for the Aging is currently a sub-grantee of Title V funds utilized for the Senior Aides Program, and is subject to regulations issued by the United States Department of Labor (USDOL) and policies and procedures issued by Senior Service America, Inc. regarding wages paid to Senior Aides enrolled in the program; therefore be it

RESOLVED, That the County Legislature authorizes the setting of wage rates for Senior Aides by the Chautauqua County Office of the Aging, which shall be subject to the approval of the County Executive and in compliance with regulations of USDOL and the policies and procedures governing grantees and sub-grantees of Title V funds allocated to the Senior Aides Program.

Signed: Tarbrake, Keefe, Scudder, Wilfong



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Unanimously Adopted – R/C Vote: 19 Yes - June 25, 2014

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RES. NO. 143-14

Authorize Use of 3% Bed Tax Reserve for Emergency Roof Repairs for the 1875 Keeper's House at the Dunkirk Historical Lighthouse and Veteran's Park Museum

By Planning & Economic Development and Audit & Control Committees:  
At the Request of Legislators Scudder, Ahlstrom, Borrello, Heenan, Keefe, and County Executive Vincent W. Horrigan:

WHEREAS, the Dunkirk Historical Lighthouse and Veteran's Park Museum ("the Museum") is an important community asset and tourist destination of historical significance to Chautauqua County; and

WHEREAS, the Museum has undertaken a renovation of the roof of the 1875 Keeper's House, and upon removal of the existing shingles discovered unexpected damage affecting the underlayment of the roof that will cost over \$35,000.00 to repair; and

WHEREAS, unless repaired quickly, the collections of the Museum could be damaged including irreplaceable military artifacts; and

WHEREAS, pursuant to Section 1202-j of the New York State Tax Law and Local Law 2-08 of Chautauqua County, the County is authorized to expend the original 3% occupancy tax to maintain parks, recreational facilities, and tourist attractions, including public museums; and

WHEREAS, the Reserve for Occupancy Tax has sufficient funds available to cover the Museum's emergency roof repairs in the amount of \$35,000; therefore be it

RESOLVED, That the County appropriates \$35,000 of the Reserve for Occupancy Tax revenue to be allocated to the Dunkirk Historical Lighthouse and Veteran's Park Museum to complete emergency roof repairs on the 1875 Keeper's House as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----883	Fund Balance, Reserved Fund Bal – Resrv for Occupancy Tax	\$35,000
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and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2014 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4	Contractual – Promotion of Industry, Tourism	\$35,000
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Signed: Chagnon, Heenan, Niebel, Ahlstrom, Nazzaro

Unanimously Adopted – June 25, 2014

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## REGULAR SESSION

RES. NO. 144-14  
Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:  
At the Request of Chairman Frank J. Gould:

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 a comprehensive financial management policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, the first Financial Management Policy was adopted pursuant to Resolution 168-04, and was further amended by Resolutions 64-05 and 147-07; and

WHEREAS, the financial indicators set forth in Paragraph G of Section III of the Financial Management Policy have been modified by New York State; and

WHEREAS, the County wishes to continue to use the same financial indicators as New York State; therefore be it

RESOLVED, That Paragraph G of Section III of the County's Financial Management Policy is hereby amended by substitution to read as follows:

G. Financial Tracking System

To provide a quantitative analysis of the fiscal condition of county finances, the New York State Comptroller's Office has developed a series of fiscal indicators. The following indicators shall be computed and tracked on an annual basis upon completion of the audit of the County's basic financial statements. The final results shall be reported to the Audit and Control committee no later than September 30th. (See Appendix B)

Indicator 1: Year-End Fund Balance

1. Assigned and Unassigned Fund Balance – To identify the amount of fund balance that is available in the general, special revenue, and/or enterprise funds to provide a cushion for revenue shortfalls or expenditure overruns.
2. Total Fund Balance – To identify the amount of fund balance that is available to be used to fund operations, provide a cushion for revenue shortfalls or expenditure overruns, and/or is reserved for specific future purposes.

Indicator 2: Operating deficits

3. Operating Deficit – To identify local governments that are incurring operating deficits

Indicator 3: Cash Position

4. Cash Ratio – To identify the ability of the local government to liquidate current liabilities.
5. Cash % of Monthly Expenditures – To identify the ability of the local government to fund the ensuing fiscal year's operations from available cash.

Indicator 4: Use of Short-Term Debt

6. Short-Term Debt Issuance – To identify the amount of short-

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- term debt that is issued to meet obligations (cash flow).
7. Short –Term Debt Issuance Trend – To identify the trend in the issuance of short-term debt.

Indicator 5: Fixed Costs

8. Personal Services and Employee Benefits % Revenues – To identify the amount that revenues are restricted to be used for salaries and benefits.
9. Debt service % Revenues – To identify the amount that revenues are restricted to be used for debt service expenditures.

and be it further

RESOLVED, That Appendix B of the County's Financial Management Policy shall be replaced with the attached document.

Signed: Nazzaro, Heenan, Chagnon

Unanimously Adopted – June 25, 2014

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RES. NO. 145-14  
Adopting the 2015 Program Outcome Statements

At the Request of Chairman Frank J. Gould:

WHEREAS, Section 2.05(c) of the Chautauqua County Charter provides that the County Legislature shall annually adopt by resolution programs, goals, and objectives which shall be utilized in the formulation of the budget and measuring the success of its implementation; and

WHEREAS, additions and amendments to the 2014 Program Outcome Statements have been prepared by various County departments for 2015; now therefore be it

RESOLVED, That the County Legislature hereby adopts the 2015 Program Outcome Statements, which shall consist of the 2014 Program Outcome Statements with amendments to Program Outcome Statements: 311-312 Medical/Transitional Assistance; 313 Child Support & Fraud; 322 Public Health; 431-CARTS;

Signed: Gould

Unanimously Adopted – June 25, 2014

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RES. NO. 146-14  
Quit Claim Deeds

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

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 A under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

## REGULAR SESSION

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. 44-13; 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	Munic.	Parcel ID No	Purchaser	Offer Amt	Taxes Owning
QC-277-2012	Westfield	067289-672-9999-999.999.1883	Norfolk Southern Railway Company	\$ 10,771.30	\$ 10,771.30
QC-8-2014	C/Dnk.	060300-79.11-7-46	William Green	\$ 2,354.08	\$ 2,354.08
QC-10-2014	C/Dnk.	060300-79.12-1-7	Jeffrey A Hoffman	\$ 1,693.63	\$ 1,693.63
QC-11-2014	C/Dnk.	060300-79.12-4-41	Javier R Pagan & Alice Rios	\$ 1,058.69	\$ 1,058.69
QC-12-2014	C/Dnk.	060300-79.14-2-38	Candy Paredes	\$ 2,172.43	\$ 2,172.43
QC-23-2014	C/Dnk.	060300-79.16-5-40	Leland D & Karen A Lamoreaux	\$ 1,631.70	\$ 1,631.70
QC-24-2014	C/Dnk.	060300-79.17-1-38	Brenda K Korzeniewski	\$ 3,407.75	\$ 3,407.75
QC-28-2014	C/Dnk.	060300-79.18-5-51	Carl T & Linda M Bailey	\$ 5,641.31	\$ 5,641.31
QC-51-2014	Jmstn.	060800-370.18-3-6	Carmen DeJesus	\$ 3,244.20	\$ 3,244.20
QC-52-2014	Jmstn.	060800-370.18-3-73	Bumetta F McCargo-Leeper & Calvin H Leeper Jr	\$ 232.99	\$ 232.99
QC-53-2014	Jmstn.	060800-370.18-3-74	Bumetta F McCargo-Leeper & Calvin H Leeper Jr	\$ 2,715.84	\$ 2,715.84
QC-55-2014	Jmstn.	060800-370.19-10-37	Richard Welsh	\$ 4,360.41	\$ 4,360.41
QC-58-2014	Jmstn.	060800-370.19-3-47	James C McCray	\$ 4,847.13	\$ 4,847.13
QC-68-2014	Jmstn.	060800-370.20-4-74	AIC Group LLC	\$ 5,616.43	\$ 5,616.43
QC-83-2014	Jmstn.	060800-371.13-5-39	Steven D & Nancy Eastham	\$ 935.03	\$ 935.03
QC-84-2014	Jmstn.	060800-386.08-8-22	David B & Alaine Pearson	\$ 7,807.85	\$ 7,807.85
QC-95-2014	Jmstn.	060800-387.06-6-51	JNC Development Inc	\$ 5,106.83	\$ 5,106.83

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QC-118-2014	Jmstn.	060800-387.08-9-59	Jeffrey S Muntz & Marilyn M Hamrick	\$ 1,453.45	\$ 1,453.45
QC-122-2014	Jmstn.	060800-387.08-9-79	Vincent Donisi	\$ 3,751.41	\$ 3,751.41
QC-142-2014	Jmstn.	060800-387.13-5-16	Leslie C Fagan	\$ 3,078.07	\$ 3,078.07
QC-147-2014	Jmstn.	060800-387.14-6-84	Savitri Washington	\$ 25,021.80	\$ 25,021.80
QC-149-2014	Jmstn.	060800-387.14-7-38	Nicole M Spontaneo	\$ 7,815.87	\$ 7,815.87
QC-158-2014	Jmstn.	060800-387.18-5-15	Key Bank NA	\$ 4,409.10	\$ 4,409.10
QC-162-2014	Jmstn.	060800-387.19-5-38	Jeffrey T & Sally M Sphon	\$ 4,397.16	\$ 4,397.16
QC-176-2014	Jmstn.	060800-387.32-3-16	William Lucas	\$ 2,377.54	\$ 2,377.54
QC-177-2014	Jmstn.	060800-387.33-3-29	Chaut. Aerie #2145 Fraternal Order of Eagles Inc	\$ 14,446.02	\$ 14,446.02
QC-178-2014	Jmstn.	060800-387.39-1-25	Stephen D Reed	\$ 4,498.45	\$ 4,498.45
QC-180-2014	Jmstn.	060800-387.39-2-15	David D Gower	\$ 730.24	\$ 730.24
QC-190-2014	Jmstn.	060800-404.06-2-11	Tammy Peterson	\$ 7,030.76	\$ 7,030.76
QC-204-2014	Busti	062289-367.20-4-30	Ralph Cusimano	\$ 5,751.51	\$ 5,751.51
QC-205-2014	Busti	062289-385.04-1-68	Susan R Kelderhouse	\$ 15,220.94	\$ 15,220.94
QC-206-2014	Busti	062289-385.04-1-69.2	Susan R Kelderhouse	\$ 661.66	\$ 661.66
QC-208-2014	Busti	062289-402.00-2-37	Timothy B & Mary Carol Matteson	\$ 288.08	\$ 288.08
QC-209-2014	Busti	062289-404.01-2-12	Joseph L Ingrao II & Lori Ingrao	\$ 2,427.64	\$ 2,427.64
QC-211-2014	Chaut.	062889-211.00-1-18	Nicholas L Usher	\$ 4,545.57	\$ 4,545.57
QC-212-2014	Chaut.	062889-262.20-2-14	Estate of Henry J Rogers	\$ 3,435.41	\$ 3,435.41
QC-213-2014	Chaut.	062889-297.23-2-14	Estate of Jane S Lloyd	\$ 17,828.51	\$ 17,828.51
QC-215-2014	Chy. Crk.	063001-237.08-1-49	Marissaann White	\$ 8,157.39	\$ 8,157.39
QC-223-2014	Chy. Crk.	063001-237.12-2-15	Guy Ricketts Sr	\$ 1,855.69	\$ 1,855.69
QC-225-2014	Chy. Crk.	063089-220.00-1-24	Duane H Rowicki	\$ 3,171.31	\$ 3,171.31
QC-226-2014	Chy. Crk.	063089-237.00-1-16	Brian & Carolyn Culver	\$ 1,618.92	\$ 1,618.92
QC-231-2014	Ellery	063689-333.13-3-69	Mary Catherine Doyle	\$ 198.94	\$ 198.94
QC-238-2014	Ellicott	063889-353.00-2-63	Carl L Anderson	\$ 1,553.72	\$ 1,553.72
QC-239-2014	Ellicott	063889-353.00-2-64	Carl L Anderson	\$ 1,537.82	\$ 1,537.82
QC-244-2014	Ellicott	063889-371.15-1-47	John Wigren	\$ 438.11	\$ 438.11

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QC-245-2014	Ellicott	063889-371.15-1-49	John Wigren	\$ 7,516.00	\$ 7,516.00
QC-246-2014	Ellicott	063889-371.15-1-50	John Wigren	\$ 414.03	\$ 414.03
QC-249-2014	Ellicott	063889-386.10-4-1	Beverly D Bailey	\$ 4,838.21	\$ 4,838.21
QC-250-2014	Ellicott	063889-386.14-2-69	James C & Cathy McCray	\$ 411.64	\$ 411.64
QC-251-2014	Ellicott	063889-386.14-2-70	James C & Cathy McCray	\$ 411.64	\$ 411.64
QC-254-2014	Ellington	064000-288.19-1-15.2	Michael R Mederski	\$ 278.08	\$ 278.08
QC-257-2014	Ellington	064000-305.00-2-18	Michael R Mederski	\$ 1,115.04	\$ 1,115.04
QC-259-2014	Gerry	064489-285.00-1-30	Freeman Shirley	\$ 3,967.56	\$ 3,967.56
QC-262-2014	Gerry	064489-301.00-2-14.1	John N & Rosemarie Venable	\$ 9,934.69	\$ 9,934.69
QC-264-2014	Gerry	064489-319.00-3-12	Estate of Bruce A Parker	\$ 5,221.85	\$ 5,221.85
QC-265-2014	Gerry	064489-319.00-3-13	Estate of Bruce A Parker	\$ 2,198.58	\$ 2,198.58
QC-266-2014	Gerry	064489-319.00-3-14	Estate of Bruce A Parker	\$ 457.66	\$ 457.66
QC-273-2014	Han./S. Crk.	064603-49.05-3-11	Luis Alcivar	\$ 21,304.93	\$ 21,304.93
QC-283-2014	Hanover	064689-50.10-1-5	Eddie & Elizabeth B Blackman	\$ 429.31	\$ 429.31
QC-289-2014	Harmony	064889-432.00-1-27	Tammy & Scott Dickerson	\$ 1,267.48	\$ 1,267.48
QC-291-2014	Harmony	064889-434.00-1-18	Bryon E Johnson Jr & Ransford R Johnson	\$ 5,167.55	\$ 5,167.55
QC-292-2014	Kiantone	065000-404.12-2-1	Estate of Marcy J Morreale & Kristine Morreale	\$ 14,695.92	\$ 14,695.92
QC-293-2014	Kiantone	065000-404.12-2-2	Estate of Marcy J Morreale & Kristine Morreale	\$ 500.68	\$ 500.68
QC-294-2014	Kiantone	065000-404.12-2-3	Kristine Morreale	\$ 3,866.45	\$ 3,866.45
QC-296-2014	Kiantone	065000-404.16-2-37	Roger W Allen	\$ 217.19	\$ 217.19
QC-297-2014	Kiantone	065000-422.00-2-37	Alan & Bonita Mackie	\$ 3,026.64	\$ 3,026.64
QC-298-2014	Mina	065200-309.00-1-14	Michael B Connolly	\$ 4,269.05	\$ 4,269.05
QC-299-2014	Mina	065200-359.14-3-36	Lee N & Linda M Ligo	\$ 470.19	\$ 470.19
QC-300-2014	Mina	065200-359.14-3-40	Lee N & Linda M Ligo	\$ 178.51	\$ 178.51
QC-301-2014	Mina	065200-359.14-3-41	Lee N & Linda M Ligo	\$ 265.32	\$ 265.32
QC-302-2014	Mina	065200-359.14-3-42	Lee N & Linda M	\$ 2,053.00	\$ 2,053.00

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			Ligo		
QC-303-2014	Mina	065200-359.14-3-43	Lee N & Linda M Ligo	\$ 24,577.09	\$ 24,577.09
QC-304-2014	Mina	065200-359.14-3-44	Lee N & Linda M Ligo	\$ 277.76	\$ 277.76
QC-305-2014	Mina	065200-359.14-3-45	Lee N & Linda M Ligo	\$ 265.32	\$ 265.32
QC-306-2014	Mina	065200-359.14-3-46	Lee N & Linda M Ligo	\$ 259.19	\$ 259.19
QC-309-2014	N. Harmony	065400-332.16-1-39	Nancy J Swanson	\$ 3,781.09	\$ 3,781.09
QC-315-2014	Pomfret/Fred.	065801-130.02-1-42	Ernest H Guichard	\$ 3,205.85	\$ 3,205.85
QC-319-2014	Pomfret	065889-164.00-2-22	Estate of Virginia Dale	\$ 886.46	\$ 886.46
QC-320-2014	Pomfret	065889-164.00-2-23	Estate of Virginia Dale	\$ 1,014.76	\$ 1,014.76
QC-321-2014	Pomfret	065889-164.00-2-24	Estate of Virginia Dale	\$ 4,282.06	\$ 4,282.06
QC-322-2014	Pomfret	065889-164.00-2-26	Estate of Virginia Dale	\$ 326.16	\$ 326.16
QC-323-2014	Prtlnd/Broc.	066001-144.16-2-10	Blind Mice Farms Inc	\$ 4,169.68	\$ 4,169.68
QC-328-2014	Portland	066089-111.19-1-8	Raymond L & Patricia Hemenger	\$ 16,047.89	\$ 16,047.89
QC-332-2014	Portland	066089-211.00-3-34	Richard A Gilbert Jr	\$ 1,636.34	\$ 1,636.34
QC-335-2014	Ripley	066200-224.00-2-43	Ronald Christensen	\$ 954.46	\$ 954.46
QC-344-2014	Sheridan	066400-98.05-1-8	Irma E Lopez	\$ 4,037.94	\$ 4,037.94
QC-346-2014	Shrmn./Shrmn.	066601-328.07-2-23	Russell A Weise Jr & Kay Weise	\$ 11,528.73	\$ 11,528.73
QC-347-2014	Shrmn./Shrmn.	066601-328.07-2-45	Russell A Weise Jr & Kay Weise	\$ 1,719.03	\$ 1,719.03
QC-349-2014	Sherman	066689-311.00-2-22	Russell A Weise Jr & Kay P Weise	\$ 866.95	\$ 866.95
QC-350-2014	Sherman	066689-328.08-1-11.1	Russell A Weise Jr & Kay P Weise	\$ 624.90	\$ 624.90
QC-351-2014	Stk./Cass.	066801-181.19-1-21	Richard Swanson	\$ 7,505.40	\$ 7,505.40
QC-352-2014	Stk./Cass.	066801-181.19-1-27	Richard Swanson	\$ 2,697.27	\$ 2,697.27
QC-353-2014	Stk./Cass.	066801-181.19-1-28	Richard Swanson	\$ 8,998.48	\$ 8,998.48
QC-354-2014	Stockton	066889-196.00-3-13.2	Jason Evans	\$ 16,913.31	\$ 16,913.31
QC-355-2014	Stockton	066889-196.00-3-20	Timothy Ode	\$ 2,457.49	\$ 2,457.49
QC-356-2014	Stockton	066889-196.00-3-5	Eagle Forest Products Inc	\$ 2,705.89	\$ 2,705.89
QC-357-2014	Stockton	066889-198.00-1-13	Richard Swanson	\$ 6,555.48	\$ 6,555.48

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QC-358-2014	Stockton	066889-214.08-1-4	Timothy Ode	\$ 598.07	\$ 598.07
QC-359-2014	Stockton	066889-214.08-1-5	Timothy Ode	\$ 4,563.07	\$ 4,563.07
QC-360-2014	Stockton	066889-214.08-1-63	Timothy Ode	\$ 6,298.65	\$ 6,298.65
QC-362-2014	Stockton	066889-215.00-3-60	Timothy Ode	\$ 813.16	\$ 813.16
QC-363-2014	Stockton	066889-215.00-3-61	Timothy Ode	\$ 577.06	\$ 577.06
QC-365-2014	Stockton	066889-232.00-1-30	Timothy Ode	\$ 1,151.04	\$ 1,151.04
QC-366-2014	Stockton	066889-232.00-1-52	Timothy Ode	\$ 5,665.00	\$ 5,665.00
QC-367-2014	Villanova	067000-135.00-2-45.2	George P Vento Jr	\$ 8,083.45	\$ 8,083.45
QC-370-2014	Wstfld,/Wstfld,	067201-193.13-1-23	Manuel & Maria Rodriguez	\$ 2,471.07	\$ 2,471.07
QC-377-2014	Westfield	067289-208.10-4-58	Robert & Jane Riemenschneider	\$ 595.90	\$ 595.90
QC-378-2014	Westfield	067289-208.10-4-59	Robert & Jane Riemenschneider	\$ 595.90	\$ 595.90
QC-402-2014	Stockton	066889-267.00-1-16	Merle J Elderkin	\$ 124,863.12	\$ 124,863.12
	<b>TOTALS:</b>			\$ 590,346.36	\$ 590,346.36

Signed: Scudder, Wendel, Vanstrom, DeJoy

MOVED by Legislator Himelein, SECONDED by Legislator Ahlstrom to remove the following:

QC-238-2014	Ellicott	063889-353.00-2-63	Carl L Anderson	Carl L Anderson	\$1,553.72	\$ 1,553.72
QC-239-2014	Ellicott	063889-353.00-2-64	Carl L Anderson	Carl L Anderson	\$1,537.82	\$ 1,537.82

Unanimously Carried

Unanimously Adopted as amended – R/C Vote: 19 Yes – June 25, 2014

RES. NO. 147-14

Approving Labor Contract with Chautauqua County Sheriff's Supervisors' Association (CCSSA)

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County's negotiating team and the Chautauqua County Sheriff's Supervisors' Association (CCSSA) have negotiated a tentative agreement for terms and conditions of employment from January 1, 2012, through December 31, 2016; 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 County Legislature hereby approves the tentative agreement between the County and CCSSA to include changes to health insurance benefits and no increase in wages for 2012; a One Thousand Three Hundred Ninety-Four Dollar (\$1,394) retroactive increase to the 2013 base salary schedule; an additional One Thousand Four Hundred Thirty-Five Dollar



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(\$1,435) retroactive increase to the 2014 base salary schedule; an additional One Thousand Four Hundred Fifty-Six Dollar (\$1,456) increase to the 2015 base salary schedule; and an additional One Thousand Four Hundred Seventy-Seven Dollar (\$1,477) increase to the 2016 base salary schedule; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate a new labor agreement with CCSSA.

Signed: Scudder, Wendel, Vanstrom, DeJoy, Nazzaro, Heenan, Chagnon

Adopted w/ Legislators Niebel, Runkle, Scudder voting "no" – June 25, 2014

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LOCAL LAW  
INTRODUCTORY NUMBER 5-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER  
RE: FILLING OF VACANCIES IN THE COUNTY LEGISLATURE

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section I. Amendment to County Charter.

Section 2.03 of the Chautauqua County Charter governing the filling of vacancies in the County Legislature is hereby amended as follows:

Section 2.03 Vacancies

A vacancy in the County Legislature shall be filled ~~by the County Legislature~~ within thirty (30) days of the time when such vacancy occurs. The appointee shall serve until the commencement of the political year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. Any person appointed to fill a vacancy shall be a member of the same political party as the person who vacated the office and shall be ~~nominated~~ appointed by the district committee of said party. In the event the person vacating the office was elected with no party affiliation, the County Legislature may appoint any qualified elector who resides in the district where the vacancy exists.

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.

Mailed: 6/13/14

Tabled in Legislature: 6/25/14

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**Strikethrough indicates deletion – Underlined indicates new**

REGULAR SESSION

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2nd Privilege of the Floor

Dale Reynolds, 52 Burton Ave. As I came up here tonight, the Mayville and Westfield squad was digging out somebody down there by the bridge, west of Westfield. There was a bunch of kids down there hiking today. I don't know what happened. So, pray that everybody got out of there.

I was at the tax sale on Saturday and I got screwed royally. I've talked to a lawyer and the V.A. over a month ago, trying to get correct figures and the people in the tax office were very rude to me. I got a check for \$6,500 to pay my taxes and they wouldn't accept it. I lost my home in Ripley worth \$75,000 and I'm SOL, if you understand what I am saying. Mr. Hemmer, I believe your name is

Legislator Hemmer: Yes.

Mr. Reynolds: He worked very hard for me. You can't pay your tax when you are in jail. That's about all I got to say tonight and as I say, they were very rude to me on Saturday. I want some help. Thank you.

My name is Tim Kindberg, I'm the President of the Chautauqua County Sheriff Supervisor's Association and I live at 33 Pershing Avenue, Jamestown. On behalf of the 8 members of the Sheriff's Lieutenants, I would just like to thank the Legislature for their support tonight in approving this contract. I realize that when you have to go back to some of your constituents, when you have to vote on a contract for public employees, I am sure that it puts you between a rock and a hard place. But, I want to thank you.

My name is Lou Golando, 3537 Baker Street. Recently I have been looking at the website, and I would like to address that. It is very difficult and not user friendly when you are looking for a phone number, email address, trying to navigate through is very difficult process. Excuse me if I was computer illiterate on it but I do quite a bit of computer work and it was not very friendly. The other thing that I found very difficult was when you were looking for information and I will give you an example. One was, I was trying to find construction projects going on in the area, I couldn't find anything. Again, if it's my fault for not being able to find it, but it was just not a very user friendly, to orient yourself to try and get information. Whether you are looking for department heads, phone numbers, emails, etc.. I did talk to one of the Legislators and he told me how to look at a couple of things but again it was very difficult to find any of that information. It's something that maybe needs to be looked at through your I.T. Department to upgrade in today's day and age. Some of this stuff should be a lot more readily available and a lot easier to find than what it was going through your process that is on there now.

Chairman Gould: Anybody else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one-

Mr. Reynolds: I have one comment to make. What about the sinkhole in Ripley right now?

Chairman Gould: I didn't hear you sir.

Mr. Reynolds: We have a sinkhole in Ripley right now. Doug knows about it. This is the second time it's happened in the last year. When is the State going to do something about Rt. 20? Do you understand Doug?

Chairman Gould: Thank you. I will now close the 2<sup>nd</sup> privilege of the floor.

MOVED by Legislator Ahlstrom, SECONDED by Legislator Himelein and duly carried the meeting was adjourned. (7:08 p.m.)

## JOURNAL OF PROCEEDINGS

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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, July 23, 2014  
Mayville, N.Y.

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Lemon, Tarbrake Scudder)

Legislator Niebel delivered the prayer and pledge of allegiance.

MOVED by Legislator Himelein, SECONDED by Legislator Runkle and duly carried the minutes were approved. (6/25/14).

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1<sup>st</sup> Privilege of the Floor

My name is William A. Meacker. I live at 151 Central Avenue, Silver Creek, N.Y. I am here to address the Legislature in regards to the passing of title to transfer my property, my home, through an auction sale that was fraudulently conducted last month through fraudulent activities within the legal department in Chautauqua County and I am here to announce that there is current litigation that is on hold now, adjourned until August 18<sup>th</sup>. That this case is pending. The case is not resolved. The case is subject of this property. In other words, the property is the subject of the case. There are multiple issues involved. The core of those issues involve fraudulent activity by village officials in Silver Creek that have caused taxes to increase exponentially on my property, with water bills of \$30,000 against my home. If this Legislature agrees to pass title of my property, if you read and I'm sorry, I didn't prepare here but if you see the document that I sent to Mr. Borrello earlier and I provided him now, it addresses the situation that if the Legislature allows the transfer of this sale, that it also allows all of the encumbrances, all of the billings, all of the debts that have been accrued to be dissolved. To be wiped out as if they didn't exist. If this Legislature allows that to happen, you will be ratifying and allowing and endorsing fraudulent extortion billing by Village of Silver Creek that has been paid by Chautauqua County with no ability to repair or rebut those damages except for my law suit. So I am here to ask you to consider my case, to read my documents, to see that the case is in litigation, in your courts, New York State Supreme Court in Chautauqua and to table the sale of my property until the outcome of that case. That is all that I have to say. Thank you.

My name is John Jablonski of the Chautauqua Watershed Conservancy, 413 N. Main Street, Jamestown, N.Y. I am here tonight to encourage the County Legislature to approve the allocation of \$50,000 for the Goose Creek project before you through the waterway fund. It's been a wonderful example of team work between various agencies coming together quickly to undertake a very large project for the benefit of Chautauqua Lake and Goose Creek. I hope that you support that.

Secondly, I would like to invite you all to the Chautauqua Watershed Conservancy's annual meeting which is August 3<sup>rd</sup> at Webb's. With your permission, I would like to hand this out and also invite you to a meeting which is August 14<sup>th</sup>, where Scott Kishbau(?) the Chief of the monitoring section of DEC's lake program will be speaking for the Chautauqua Watershed Conservancy, Chautauqua Lake Association, and Jamestown Audubon Society on the state of lakes in New York State and harmful algae blooms and where that stands this summer. So, I would like to pass that out with your permission to the Legislature.

Chairman Gould: You have it.

## REGULAR SESSION

Mr. Jablonski: Thank you.

Chairman Gould: Anybody else to speak to the first privilege of the floor? Seeing no one else, we will close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN  
NO VETOES FROM 6/25/14

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## COMMUNICATIONS:

1. Letters (3) – County Executive – Appts. to Various Boards
  2. Report – Fn. Dir. Marsh – June/2014 Investment
  3. NYS Dept of Real Property – State Equalization Rates
  4. Letter – Senator Young – Re: Ack. Receipt of Motion 2-14
  5. Letter – Senator Young to Chmn. Gould – Re: Thanking for PowerUpWNY
  6. Letter – Slab City Organics – Re: Alternative Landfill Waste Solution
  7. Minutes – Chaut. County Soil & Water Conservation District
  8. Email – J. DeJong to Clerk Tampio – Re: Protect our Cornell Coop. Ext.
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Motion (On file w/ 7/23/14 Legislature Data)

6-14 In Support of Upgrades to NY State's Electrical Transmission Lines – Unanimously Adopted –

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TABLED LOCAL LAW 5-14 – A Local Law Amending the Chautauqua County Charter Re: Filling of Vacancies in the County Legislature (See pg. 205 for text)

Chairman Gould: Is there a motion to bring it off the table? Seeing none, we'll move on.

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## RES. NO. 148-14

Confirm Appointment – Southern Tier Extension Railroad Authority Board of Directors

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Southern Tier Extension Railroad Authority Board.

Richard E. Dixon	Filling Term of William Daly
107 Buffalo St.	
Jamestown, N.Y. 14701	
Term Expires: 2/28/17	

Signed: Borrello, Heenan, Ahlstrom, Chagnon, Niebel

Unanimously Adopted – July 23, 2014

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RES. NO. 149-14

Confirm Appointment – Southern Tier West Regional Planning & Development Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan 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 Southern Tier West Regional Planning Board.

Kevin M. Sanvidge 9 University Park Fredonia, N.Y. 14063 Term Expires: 12/31/14	Filling term of William Daly
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Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – July 23, 2014

RES. NO. 150-14

Appoint Jail Medical Director

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, section 501 of the Correction Law and 9 NYCRR section 7010.2(a) require that there shall be appointed a properly registered physician to serve as the physician of the Chautauqua County Jail; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment Robert Berke, M.D. to serve as the Jail Medical Director.

Signed: Wendel, Kresge, Tarbrake, Keefe, Niebel

Adopted w/ Himelein voting “no” – July 23, 2014

RES. NO. 151-14

Confirm Appointment - Chautauqua County Land Bank Corporation

By Planning & Economic Development Committee:  
At the Request of County Executive W. Horrigan:

WHEREAS, County Executive, Vincent W. Horrigan has submitted the following appointment to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Land Bank Corporation.

## REGULAR SESSION

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Beth A. Kresge                      Filling Term of Frederick Larson  
645 Lakeview Ave.  
Jamestown, N.Y. 14701

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – July 23, 2014

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## RES. NO. 152-14

Authorizing the North Chautauqua Lake Sewer District to Obtain an Engineering Report with Respect to Treatment Plant Improvements for Phosphorus Removal

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Department of Environmental Conservation (hereinafter referred to as *DEC*) has modified the State Pollutant Elimination Discharge System Permit (hereinafter referred to as *Permit*) of the North Chautauqua Lake Sewer District (hereinafter referred to as *District*) to provide for effluent monitoring for total phosphorus, an interim limit for total phosphorus of 1.0 mg/l (hereinafter referred to as *Interim Limit*), and a final effluent limit for a total phosphorus of 339.5 pounds per year, (hereinafter referred to as *Final Limit*), such Final Limit beginning June 1, 2018; and

WHEREAS, the District has obtained a report from URS Corporation - New York (hereinafter referred to as *Engineer*) entitled Interim Phosphorus Limit Compliance Evaluation dated May, 2014 which concludes that no capital upgrades should be required to meet the Interim Limit but that improvements will be required to meet the Final Limit; and

WHEREAS, the Engineer has provided to the District a proposal to prepare a report required by the Permit to be submitted by the District to DEC no later than December 31, 2014 which proposal shall be for a map and plan of the proposed improvement together with an estimate of the cost thereof suitable for the approval of such engineering report by the Chautauqua County Legislature under procedures set forth in County Law §268; and

WHEREAS, County Law §268 requires the approval of the Chautauqua County Legislature for the preparation of such report; now therefore be it

RESOLVED, That the Chairman of the North Chautauqua Lake Sewer District is authorized to execute a contract with URS Corporation – New York in the amount of \$19,170 to prepare a report required by the Permit to be submitted by the District to DEC no later than December 31, 2014 which proposal shall be for a map and plan of the proposed improvement together with an estimate of the cost thereof suitable for the approval of such engineering report by the Chautauqua County Legislature under procedures set forth in County Law §268, and be it further

RESOLVED, That the report is a study as part of preliminary planning and budgetary processes necessary to the formulation of a proposal for action which does not commit the District or the County to commence, engage in or approve the recommendations to be set forth therein, is a Type II Action under Part 617 of Title 6 of the *Official Compilation of Codes, Rules and Regulations of the State of New York* (NYCRR), specifically under 6 NYCRR §617.5(c)(21), requiring no further action under the New York State Environmental Quality Review Act, being Article 8 of the Environmental Conservation Law of the State of New York, pursuant to 6 NYCRR §617.6(a)(1)(i).

JOURNAL OF PROCEEDINGS

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Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – July 23, 2014

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RES. NO. 153-14

Authorization for Agreement with New York State to Maintain Land for Overland Trails

By: Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County maintains private and public land for the purposes of the Overland Trails; and

WHEREAS, the public land is located within New York State Reforestation Areas and a Wildlife Management Area to minimize impacts and reduce costs, and

WHEREAS, in order for County to continue maintaining the Overland Trails on the public lands owned by New York State an agreement must be entered into between County and New York State; and

WHEREAS, the Parks Commission has reviewed and supports an agreement between County and New York State for the purposes of continuing the use of this land; now therefor

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County Executive to enter into an agreement with New York State in order to continue maintaining public land for the purposes of the Overland Trails.

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – July 23, 2014

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RES. NO. 154-14

Authorize Compensation to Niagara Mohawk Power Corporation for Cut Timber

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, in 2008, Chautauqua County contracted with Forecon, Inc. to create a 15-year (2010-2025) forest management plan for 11 reforestation properties owned by the County; and

WHEREAS, in May 2012, Chautauqua County Department of Public Facilities entered into an agreement with Chautauqua County Soil and Water Conservation District (CCSW) to implement the harvesting schedule for reforestation properties; and

WHEREAS, in October 2012, CCSW personnel marked property referred to as "Property #3," located on Irish Road in the Town of Ripley; the parcel is bisected by a Niagara Mohawk Power Corporation (Niagara Mohawk) electric right of way; according to the Forecon, Inc. Management Plan, the property on both sides of the right of way was believed to be owned by Chautauqua County; and

WHEREAS, in 2014, Chautauqua County procured a harvest contract with Brushrun Lumber to remove designated trees from Property #3; and

REGULAR SESSION

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WHEREAS, in June 2014, CCSW personnel were notified by Senior Supervisor-Transmission Forestry for Niagara Mohawk, that a portion of the harvested property, parcel 363-L-15, is owned by Niagara Mohawk as of on June 11<sup>th</sup>, 1962, as described in a deed recorded in the Chautauqua County Clerk's Office in Liber 1203 of Deeds at page 106; and

WHEREAS, the parcel owned by Niagara Mohawk was incorrectly correlated on the County Geographic Information System (GIS); and

WHEREAS, on June 24<sup>th</sup> 2014, Ryan Blothenburg sent correspondence to the Director of Chautauqua County Department of Public Facilities, stating that after conducting a walk-through of the property with CCSW personnel, the harvested timber totaled in value of \$16,000; and

WHEREAS, Niagara Mohawk has drawn up a settlement proposal in which Chautauqua County will provide Niagara Mohawk with \$15,000 in damages out of the receipts from the timber sales for which, if accepted, Niagara Mohawk will not seek treble damages for the cut timber; now therefore be it

RESOLVED, That the County Executive is authorized to execute all necessary agreements and related reimbursement requests for settlement on behalf of the County with Niagara Mohawk in connection with this matter.

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy, Runkle, Borrello, Heenan, Chagnon

Unanimously Adopted – July 23, 2014

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## RES. NO. 155-14

Authorizing Contract for 2015 Administration of Chautauqua County Self-Insurance Plan

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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 2015; and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Forty-two Thousand Three Hundred Fifty Nine Dollars (\$142,359) for the 2015 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: Scudder, Wendel, Vanstrom, Himelein, DeJoy, Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

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RES. NO. 156-14  
Participant's Share of 2015 Chautauqua County Self-Insurance Plan Costs

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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 2014 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 2015.

## REGULAR SESSION

## Towns

Arkwright	\$42,568.48	Harmony	\$37,983.69
Busti	\$63,541.65	Kiantone	\$18,790.57
Carroll	\$25,086.48	Mina	\$33,733.11
Charlotte	\$14,475.49	N Harmony	\$66,443.50
Chautauqua	\$154,841.36	Poland	\$72,317.23
Cherry Creek	\$14,139.57	Pomfret	\$67,640.77
Clymer	\$11,087.77	Portland	\$44,354.03
Dunkirk	\$22,509.45	Ripley	\$23,199.28
Ellery	\$94,687.59	Sheridan	\$59,812.49
Ellicott	\$151,208.73	Sherman	\$8,026.16
Ellington	\$10,177.11	Stockton	\$22,586.37
French Creek	\$17,274.43	Villanova	\$18,574.75
Gerry	\$10,571.53	Westfield	\$28,513.72
Hanover	\$74,414.49		

## Villages / Cities

Bemus Point	\$10,046.39	Mayville	\$16,227.88
Brocton	\$10,917.00	Panama	\$2,067.48
Cassadaga	\$6,306.27	Sherman	\$2,819.15
Celoron	\$6,739.99	Silver Creek	\$56,100.10
Cherry Creek	\$1,814.89	Sinclairville	\$2,485.66
Falconer	\$15,685.83	Westfield	\$87,302.19
Forestville	\$3,129.00		
Fredonia	\$192,787.03	Dunkirk (City)	\$273,203.36
Lakewood	\$35,390.64	Jamestown (City)	\$922,358.85

Chautauqua County \$2,350,261.10

Signed: Scudder, Wendel, Vanstrom, Himelein, DeJoy, Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

## RES. NO. 157-14

Authorize Transfer of Tax Foreclosure Properties to Chautauqua County Land Bank Corporation

By Administrative Services Committee

At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, pursuant to Resolution 65-12, Chautauqua County created one of the first five (5) authorized land bank corporations in New York State; and

WHEREAS, New York State's land bank legislation was enacted to address the negative impacts of distressed or at-risk structures and abandoned vacant property in New York's communities; and

WHEREAS, pursuant to Resolutions 149-12, 201-12, and 141-13, the County transferred six (6) tax foreclosure properties to the Chautauqua County Land Bank Corporation in its first year (2012), and transferred twelve (12) properties to the Land Bank in its second year (2013); and

WHEREAS, the third year plan for the Land Bank includes provision for the County transferring at least eighteen (18) tax foreclosure properties to the Land Bank in 2014; 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:

City/Town	Village	Parcel Identification Number	Property Location
City of Dunkirk		060300-79.12-1-6	31 N Pangolin St
City of Dunkirk		060300-79.16-3-40	35 St Hedwigs Ave
City of Dunkirk		060300-79.18-2-27	431 Swan St
City of Dunkirk		060300-79.18-4-75	703 Eagle St
City of Dunkirk		060300-79.19-5-24	630-632 Grant Ave
City of Dunkirk		060300-79.19-5-58	734 Main St
City of Dunkirk		060300-96.07-4-43	28 Newton St
City of Jamestown		060800-370.19-3-45	220 Crossman St
City of Jamestown		060800-370.20-3-12	123 Weeks St
City of Jamestown		060800-370.20-4-53	21 Jeffords St
City of Jamestown		060800-370.20-6-24	942-944 E 2Nd St
City of Jamestown		060800-387.17-7-7	255 Hazeltine Ave
City of Jamestown		060800-387.19-1-45	270 Cole Ave
City of Jamestown		060800-387.19-3-61	215 Prospect St
City of Jamestown		060800-387.26-4-56	11 Bush St
Hanover	Silver Creek	064603-49.09-1-39	19 Andrus St
Westfield	Westfield	067201-192.16-2-27	45 Franklin St
Westfield	Westfield	067201-210.05-1-78	77 Union St

Signed: Wendel, Vanstrom, Himelein, DeJoy (A.S. – Scudder voting “no”)

Adopted – R/C Vote: 13 Yes; 3 No; 3 Absent - Legislators Niebel, Runkle, Scudder voting “no” – July 23, 2014

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## REGULAR SESSION

## RES. NO. 158-14

Increase Appropriation Accounts for New York State Division of Criminal Justice Services Grant –  
Narcotics Control, 2014 Budget

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has been awarded grant funding from the State Division of Criminal Justice Services for the further implementation of Narcotics Control; and

WHEREAS, the grant awards are for a contract period from July 1, 2012 to December 31, 2014, with no local funds, and the 2014 Chautauqua County Adopted budget does not include any of the remaining balance of funding available as of January 1, 2014 for 2014 expenditures therefore be it

RESOLVED, That the Director of Finance is authorized to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4230.3113.1 Personal Services – Southern Tier Regional Task Force	\$26,193
A.4230.3113.4 Contractual - Southern Tier Regional Task Force	91,555
A.4230.3113.8 Employee Benefits -- Southern Tier Regional Task Force	2,284

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4230.3113.R432.4000 Federal Aid-Drug Control	\$120,032
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Signed: Wendel, Kresge, Tarbrake, Keefe, Niebel, Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

## RES. NO. 159-14

Authorize County to Accept Aid to Defense Grant

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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 County of Chautauqua has participated in this program in the past and is desirous of accepting such grant for the duration of the Aid to Defense Program; and

WHEREAS, these revenues have been included in the adopted 2014 budget in the amount of \$14,000.00 and will be included every year hereafter so long as the Aid to Defense Program exists; therefore be it

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

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RESOLVED, That the County Executive is authorized to sign any and all application documents and agreements necessary to receive the funding and implement the Aid to Defense Program; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Division of Criminal Justice Services.

Signed: Wendel, Kresge, Tarbrake, Keefe, Niebel, Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

RES. NO. 160-14  
Increase 2014 Division of Health Accounts for COLA

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Department of Health has awarded a Cost of Living Adjustment (COLA) to the Chautauqua County pursuant to Chapter 57 of the Laws of 2006; and

WHEREAS, the 2014-2015 COLA appropriation must be used for expenditures associated with the recruitment and retention of staff and/or other critical non-personal service costs which are allowable under the contract for which the COLA is based and directly support the initiative; and

WHEREAS, the COLA funds must expended by December 31, 2014; and

WHEREAS, the 2014 Chautauqua County Adopted Budget must be adjusted to reflect these changes; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4035.NURS.4	Contractual – Family Health /Planning	\$ 16,638
A.4042.----.4	Contractual – Rabies Control	\$ 1,931
A.4059.----.4	Contractual – Early Intervention (CSHCN)	\$ 930
A.4082.----.4	Contractual – WIC	\$ 62,795
A.4090.----.4	Contractual – Env Health (ATUPA)	\$ 3,546
A.4189.LEAD.4	Contractual – Lead CLPPP	<u>\$ 25,177</u>
		<u>\$111,017</u>

INCREASE REVENUE ACCOUNTS:

A.4035.R345.0CSC	State Aid – Cancer Services COLA	\$ 11,228
A.4035.R345.0IAC	State Aid – Immunization Action COLA	\$ 5,410
A.4042.R345.0000	State Aid – Rabies Control COLA	\$ 1,931
A.4059.R345.0CSH	State Aid – CSHCN COLA	\$ 930
A.4082.R345.0WIC	State Aid – WIC COLA	\$ 62,795
A.4090.R345.0CLC	State Aid – ATUPA COLA	\$ 3,546
A.4189.LEAD.R345.0LPC	State Aid – Lead Pilot COLA (Prim/Prev)	<u>\$ 25,177</u>
		<u>\$111,017</u>

## REGULAR SESSION

Signed: Tarbrake, Keefe, Wilfong, Lemon, Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

## RES. NO. 161-14

## Increase 2014 Health Accounts to Accept NYS Health Foundation Funds

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Health Foundation has awarded to Chautauqua County funding to increase community supports for breastfeeding within hospitals, primary care practices, workplaces, and at home; and

WHEREAS, the funding will make use of tools and programs designed around breastfeeding best practices to make it easier for moms to make the healthiest choice for their babies; and

WHEREAS, the NYS Health Foundation funding is contingent upon Chautauqua County Division of Health's ability to raise matching funds; and

WHEREAS, the required match has been secured; and

WHEREAS, the 2014 Chautauqua County Adopted Budget must be adjusted to include these awarded funds; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4	Contractual - Public Health Nursing	\$72,500
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4010.NURS. R168.9CSB	Other Health Department Income	\$72,500
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Signed: Tarbrake, Keefe, Lemon, Wilfong, Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

## RES. NO. 162-14

## Adjust 2014 Adopted Budget – Home Energy Assistance Program Administrative Funding

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Temporary and Disability Assistance (OTDA) Center for Employment and Economic Supports has awarded to Chautauqua County Department of Health & Human Services Home Energy Assistance Program (HEAP) Administrative funding based on the number of auto pay regular and emergency HEAP benefit applications; and

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WHEREAS, the HEAP Administrative funds are used to meet staffing and operational needs for the program; and

WHEREAS, the 2014 Chautauqua County Adopted Budget needs to be adjusted; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.6141.----.1	Personal Services – Home Energy Assistance Program	\$139,500
A.6141.----.8	Employee Benefits – Home Energy Assistance Program	\$ 11,559
		\$151,059

DECREASE APPROPRIATION ACCOUNT:

A.6141.----.4	Contractual – Home Energy Assistance Program	\$ 86,596
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INCREASE REVENUE ACCOUNT:

A.6141.R464.1000	Federal Aid – Home Energy Assistance Program	\$ 64,463
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Signed: Tarbrake, Keefe, Lemon, Wilfong, Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

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RES. NO. 163-14

Authorize Allocation of 2014 2% Occupancy Tax Project Funding as a Match for the Goose Creek Streambank Stabilization Project

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan, Chairman Jay Gould, Legislators' Vanstrom, Borrello, Wendel, Wilfong:

WHEREAS, Chautauqua Lake is a unique and invaluable asset for Chautauqua County that enhances the environment and quality of life, provides recreational and tourism opportunities, and spurs economic development; and

WHEREAS, the health and usability of Chautauqua Lake have been threatened by numerous factors at various times, including, but not limited to, excessive erosion in the lake watershed which has contributed to major weed and algae growth; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development (CCPED) and other stakeholders, through the development of the *Chautauqua Lake Watershed Management Plan* and the *Watershed and Stream Assessment: Goose Creek and Dutch Hollow Creek Report of Findings* developed by Barton & Loguidice, identified Goose Creek as a major contributor of sediment and nutrients into Chautauqua Lake; and

WHEREAS, the Chautauqua County Soil & Water Conservation District (CCSWD) and the United States Department of Agriculture Natural Resource Conservation Service (USDA-NRCS) submitted a grant application to the Environmental Quality Improvement Program (EQIP) for an environmental restoration project intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of 3,800 feet of streambank on Goose Creek, at a cost of \$438,120; and

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WHEREAS, the CCSWD and the USDA-NRCS was awarded \$298,949 through the EQIP grant based in part on the findings of the *Watershed and Stream Assessment: Goose Creek and Dutch Hollow Creek Report*, with a requirement for local funding participation in the amount of \$139,171 to finance the remaining portion of the project; and

WHEREAS, the Ralph C. Sheldon Foundation and the Chautauqua Watershed Conservancy have realized the importance of this project and have committed \$80,000 and \$10,000, respectively toward the local participation requirement, leaving a funding gap of \$49,180; and

WHEREAS, the landowner Mr. Jeff Carlson has committed approximately \$5,000 in matching funds for an additional Conservation Reserve Enhancement Program grant, which is essential to the long-term success of the project, but outside the scope of the USDA-NRCS EQIP funded project; and

WHEREAS, the CCDPED is actively engaged in the formation of the Chautauqua Lake and Watershed Management Alliance, a successor to the Chautauqua Lake & Watershed Management Commission, which may receive expedited approval from the United States Internal Revenue Services as a charitable not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code if a significant public need can be demonstrated for the implementation and management of the grant funding available from the USDA-NRCS EQIP grant; and

WHEREAS, the 2014 budget includes \$245,500 for Lakes and Waterways projects of which \$108,550 has not yet been assigned, and this project meets the criteria for use of these funds; therefore be it

RESOLVED, That Chautauqua County pledges up to \$50,000 from the 2014 2% Occupancy Tax Lakes and Waterways Project account to fulfill the local participation requirement for the USDA-NRCS EQIP grant for the stabilization of 3,800 feet of streambank on Goose Creek, contingent on the remaining match funding being committed to the project and the landowner committing to the Conservation Reserve Enhancement Program grant once the project has been completed.

Signed: Borrello, Niebel, Heenan, Ahlstrom, Chagnon, Runkle, Nazzaro

Unanimously Adopted – July 23, 2014

## RES. NO. 164-14

Authorize Allocation of 2% Occupancy Tax Reserve Funding in Support of the Creation of the Chautauqua Lake & Watershed Management Alliance

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan, Legislators' Borrello, Chagnon:

WHEREAS, pursuant to Chautauqua County Resolution 95-14, the County Legislature authorized the execution of a memorandum of understanding to support the formation of the Chautauqua Lake & Watershed Management Alliance because Chautauqua Lake is an invaluable asset whose health and usability has been threatened by numerous factors, and establishing a legal entity, whose primary mission is to prioritize projects recommended in the Chautauqua Lake Watershed Management Plan and the Macrophyte Management Strategy, would greatly benefit the future of Chautauqua Lake; and



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WHEREAS, in addition to the County's endorsement of support, memorandums of understanding supporting the Alliance have been pledged by a majority of the future members including foundations, municipalities, watershed organizations and other stakeholders; and

WHEREAS, the Ralph C. Sheldon Foundation has pledged \$50,000 for the first year of operations which is to be matched with County funding, and the Reg Lenna Foundation has pledged \$100,000/year for two (2) years; and

WHEREAS, it is essential during its formation stage, and for its long-term survival, that the County pledges seed funding to match the Ralph C. Sheldon Foundation and other local funding to support the formation of the Chautauqua Lake & Watershed Management Alliance; and

WHEREAS, the current balance of the reserve for 2% Lakes and Waterways Reserve is \$471,458, and this project meets the criteria for use of these funds; therefore be it

RESOLVED, That Chautauqua County, through the Reserve for 2% Occupancy Tax Lakes and Waterways, pledges \$50,000 supporting the creation of the Chautauqua Lake & Watershed Management Alliance either directly to the Alliance or via the Chautauqua Region Industrial Development Corporation (the non-for-profit arm of the CCIDA) on behalf of the Alliance:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----889 Fund Bal., Res. Fund Bal – Misc Res: Lakes & Waterways \$50,000

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2014 budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual – Promotion of Ind., Watershed Admin \$50,000

Signed: Borrello, Ahlstrom, Heenan, Niebel, Chagnon, Runkle, Nazzaro

Unanimously Adopted – July 23, 2014

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RES. NO. 165-14  
Amend Capital Accounts and Close Projects

By Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Projects H.1620.25787-HVAC Upgrade – GOB, HRC, and Jail and H.3110.06857-Patrol Room Expansion are included in the capital budget; and

WHEREAS, these projects were combined under one bid and the budget can be consolidated into one project; and

WHEREAS, the budget for Project 25787 is in excess of the current estimate and can be reduced; and

WHEREAS, project H.3150.613 was completed under budget and has a current surplus of \$435,669.53; therefore be it

## REGULAR SESSION

RESOLVED, That the surplus from project H.3150.613 be applied to project H.1620.25787, and be it further

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

DECREASE CAPITAL APPROPRIATION ACCOUNTS:

H.1620.25787.4	Contractual – HVAC Upgrade-GOB, HRC, Jail	\$737,551
H.3110.06857.4	Contractual – Patrol Room Expansion	\$444,445
H.3150.613.4	Contractual – Jail Bond (2004)	\$435,670

DECREASE CAPITAL REVENUE ACCOUNTS:

H.1620.25787.R571.0000	Proceed L/T Obligations – Serial Bonds	\$737,551
H.3110.06857.R571.0000	Proceed L/T Obligations – Serial Bonds	\$444,445
H.3150.613.R571.0000	Proceed L/T Obligations – Serial Bonds	\$435,670

; and be it further

RESOLVED, That the Director of Finance close capital accounts H.3150.06857 and H.3150.613.

Signed: Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

## RES. NO. 166-14

Amend 2014 Budget to Include Additional IGT Matching Funds

By Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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; 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	\$2,627,246
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and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2014 budget:

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INCREASE APPROPRIATION ACCOUNT:

A.6102.----.4	Contractual – Medical Assistance MMIS	\$2,627,246
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INCREASE REVENUE ACCOUNT:

EH.4530.REV.R3020.3300	Intergovernmental Transfer – Medicaid IGT	\$5,254,491
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Signed: Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – July 23, 2014

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RES. NO. 167-14

A Resolution Authorizing Various Capital Improvements in and for the County of Chautauqua, New York, at a Total Maximum Estimated Cost of \$4,076,317, and Authorizing the Issuance of \$4,076,317 Bonds of Said County to Pay the Cost Thereof

By Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, all conditions precedent to the financing of the capital project 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 and undertaking of such capital project; now 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. Various capital improvements consisting of (i) HVAC system improvements at County buildings at a maximum estimated cost of \$3,300,000, and (ii) various improvements at the County jail and sheriff's office, including roof replacement, repointing and patrol room expansion at a maximum estimated cost of \$776,317, in and for the County of Chautauqua, New York, are hereby authorized.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years for HVAC system improvements, and twenty-five years for the County jail and sheriff's office, pursuant to subdivisions 13 and 12(a)(1), respectively, of paragraph a of Section 11.00 of the Local Finance Law; provided, however, that the portion of HVAC work allowable to the jail and sheriff's office is entitled to the twenty-five year period of probable usefulness.

Section 3. The plan for the financing of the aforesaid objects or purposes is by the issuance of \$4,076,317 bonds of said County, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. The faith and credit of said County of Chautauqua, New York, are hereby irrevocable 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. 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.

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Section 5. 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 6. 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 serial 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 7. 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,
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. 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 9. 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: Runkle, Borrello, Heenan, Chagnon, Nazzaro

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent – July 23, 2014

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RES. NO. 168-14  
Quit Claim Deeds

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

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 A under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

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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. 44-13; 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.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amt.	Taxes Owning
<b>AUCTION PROPERTIES:</b>					
PA-1-2014	C/Dnk.	060300-79.08-3-42	Michael E & Marie P Guziec	\$ 160.00	\$ 175.89
PA-2-2014	C/Dnk.	060300-79.09-2-9	Peter T Smith	\$ 48,000.00	\$ 8,716.26
PA-3-2014	C/Dnk.	060300-79.11-1-66	Dunkirk Home Properties LLC	\$ 7,500.00	\$ 3,855.57
PA-4-2014	C/Dnk.	060300-79.11-1-68	Joel Hamlet	\$ 6,500.00	\$ 3,075.61
PA-5-2014	C/Dnk.	060300-79.11-6-3	Joel Hamlet	\$ 8,500.00	\$ 4,918.17
PA-6-2014	C/Dnk.	060300-79.11-6-70	Kevin Killion	\$ 225.00	\$ 989.43
PA-281-2012	C/Dnk.	060300-79.11-7-41	Dunkirk Home Properties LLC	\$ 3,000.00	\$ 5,301.15
PA-7-2014	C/Dnk.	060300-79.11-7-45	Joel Hamlet	\$ 100.00	\$ 299.01
PA-13-2014	C/Dnk.	060300-79.14-2-44	Maria Rosario Rodriguez	\$ 6,500.00	\$ 1,475.34
PA-14-2014	C/Dnk.	060300-79.14-4-2	Anthony D Dloniak	\$ 4,500.00	\$ 3,463.27
PA-15-2014	C/Dnk.	060300-79.15-1-10	Kevin Killion	\$ 4,400.00	\$16,026.72
PA-16-2014	C/Dnk.	060300-79.15-1-11	Kevin Killion	\$ 200.00	\$ 766.46
PA-17-2014	C/Dnk.	060300-79.15-1-12	Kevin Killion	\$ 250.00	\$ 937.81
PA-18-2014	C/Dnk.	060300-79.15-1-9	Kevin Killion	\$ 150.00	\$ 698.04
PA-19-2014	C/Dnk.	060300-79.15-3-72	David M Civilette	\$ 4,000.00	\$ 2,337.35

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PA-20-2014	C/Dnk.	060300-79.16-2-54	Dunkirk Home Properties LLC	\$ 2,750.00	\$ 5,517.55
PA-22-2014	C/Dnk.	060300-79.16-4-29	Zachary Lemiszko	\$ 300.00	\$ 694.76
PA-38-2010	C/Dnk.	060300-79.16-6-5	Dunkirk Home Properties LLC	\$ 4,600.00	\$ 7,498.70
PA-25-2014	C/Dnk.	060300-79.17-1-39	Bradley Mason	\$ 225.00	\$ 370.98
PA-29-2014	C/Dnk.	060300-79.19-2-18	Peter T Smith	\$ 150.00	\$ 378.38
PA-30-2014	C/Dnk.	060300-79.19-2-21	Lucy Pagan	\$ 150.00	\$ 326.28
PA-31-2014	C/Dnk.	060300-79.19-2-24	Dunkirk Home Properties LLC	\$ 6,750.00	\$ 6,283.78
PA-32-2014	C/Dnk.	060300-79.19-3-16	Jesus & Ada Torres	\$ 18,000.00	\$ 7,798.48
PA-33-2014	C/Dnk.	060300-79.19-5-11	Dunkirk Home Properties LLC	\$ 9,000.00	\$ 7,714.97
PA-38-2014	C/Dnk.	060300-79.19-6-34	Peter T Smith	\$ 7.00	\$ 164.72
PA-27-2012	C/Dnk.	060300-79.19-6-35	Peter T Smith	\$ 13.00	\$ 210.78
PA-42-2014	C/Dnk.	060300-96.07-3-29	Timothy J Nagle	\$ 40,000.00	\$15,858.98
PA-43-2014	C/Dnk.	060300-96.07-4-15	Dunkirk Home Properties LLC	\$ 6,750.00	\$ 4,567.58
PA-47-2014	C/Jmstn.	060800-370.16-7-34	Mahendra Basdeo	\$ 3,500.00	\$ 4,308.56
PA-48-2014	C/Jmstn.	060800-370.16-7-40	Ryan & Anne E Nelson	\$ 5,500.00	\$ 7,425.57
PA-38-2013	C/Jmstn.	060800-370.18-2-37	Royal Housing, LLC	\$ 4.00	\$ 186.90
PA-39-2013	C/Jmstn.	060800-370.18-2-38	Royal Housing, LLC	\$ 3.00	\$ 186.90
PA-40-2013	C/Jmstn.	060800-370.18-2-39	Royal Housing, LLC	\$ 3.00	\$ 186.90
PA-41-2013	C/Jmstn.	060800-370.18-2-43	Royal Housing, LLC	\$ 30.00	\$ 186.90

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PA-50-2014	C/Jmstn.	060800-370.18-3-50	Tara Nicole Buchanan	\$ 9,000.00	\$ 3,370.50
PA-54-2014	C/Jmstn.	060800-370.19-1-14	Kenneth B & Patricia A Strong	\$ 8,750.00	\$ 3,141.09
PA-56-2014	C/Jmstn.	060800-370.19-2-5	David A Beers & Joseph H Hoag	\$ 4,500.00	\$ 2,452.46
PA-60-2014	C/Jmstn.	060800-370.19-4-37	Mahendra Basdeo	\$ 2,500.00	\$19,617.04
PA-61-2014	C/Jmstn.	060800-370.20-2-1	Yosiris Vargar	\$ 325.00	\$ 5,895.34
PA-62-2014	C/Jmstn.	060800-370.20-2-51	Christina M Cartner & Delbert K Snyder	\$ 1,100.00	\$ 5,791.13
PA-64-2014	C/Jmstn.	060800-370.20-2-54	Peter T Smith	\$ 5.00	\$ 199.19
PA-66-2014	C/Jmstn.	060800-370.20-3-47	Christina M Cartner	\$ 1,500.00	\$ 3,798.97
PA-69-2014	C/Jmstn.	060800-370.20-5-36	Silas A Basdeo	\$ 11,000.00	\$13,730.75
PA-71-2014	C/Jmstn.	060800-370.20-6-6	Scott Jastrzab	\$ 175.00	\$ 195.45
PA-72-2014	C/Jmstn.	060800-370.20-6-7	Scott Jastrzab	\$ 350.00	\$ 233.74
PA-73-2014	C/Jmstn.	060800-370.20-7-1	James Bensink	\$ 10,000.00	\$47,973.38
PA-75-2014	C/Jmstn.	060800-370.20-7-31	Mahendra Basdeo	\$ 8,000.00	\$ 7,788.78
PA-76-2014	C/Jmstn.	060800-370.20-7-32	Mahendra Basdeo	\$ 190.00	\$ 558.35
PA-77-2014	C/Jmstn.	060800-370.20-7-33	Mahendra Basdeo	\$ 10.00	\$ 176.39
PA-78-2014	C/Jmstn.	060800-370.20-7-4	James Bensink	\$ 1,000.00	\$ 3,982.59
PA-79-2014	C/Jmstn.	060800-370.20-7-47	Scott Jastrzab	\$ 200.00	\$ 417.66
PA-80-2014	C/Jmstn.	060800-370.20-7-49	Scott Jastrzab	\$ 6,300.00	\$ 9,206.52
PA-81-2014	C/Jmstn.	060800-371.09-2-21	Janice M Strickroth	\$ 10.00	\$ 883.03
PA-82-2014	C/Jmstn.	060800-371.09-2-22	Janice M Strickroth	\$ 50.00	\$ 348.40
PA-87-2014	C/Jmstn.	060800-387.06-2-2	Clevon L Wofford	\$ 8,000.00	\$21,380.34
PA-88-2014	C/Jmstn.	060800-387.06-3-19	Tara Buchanan	\$ 7,500.00	\$ 4,394.43
PA-90-2014	C/Jmstn.	060800-387.06-3-28	Peter T Smith	\$ 5.00	\$ 3,399.11
PA-91-2014	C/Jmstn.	060800-387.06-4-6	James R Fusco	\$ 575.00	\$ 5,512.82

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PA-92-2014	C/Jmstn.	060800-387.06-5-20	Salvatore R Liuzzo	\$ 3,500.00	\$11,807.79
PA-97-2014	C/Jmstn.	060800-387.06-7-24	Timothy D Johnson	\$ 25.00	\$33,043.79
PA-101-2014	C/Jmstn.	060800-387.08-1-30	Ashley N Gregory & Larico R Jones	\$ 1,000.00	\$ 2,541.12
PA-79-2013	C/Jmstn.	060800-387.08-4-51	Jody A Peterson & Christine Olson	\$ 100.00	\$ 2,392.16
PA-115-2014	C/Jmstn.	060800-387.08-5-69	Peter T Smith	\$ 5.00	\$ 405.71
PA-116-2014	C/Jmstn.	060800-387.08-8-14	Thomas V & Lisa M North	\$ 7,500.00	\$ 5,501.02
PA-119-2014	C/Jmstn.	060800-387.08-9-66	Shane Saxton	\$ 6.00	\$ 233.74
PA-120-2014	C/Jmstn.	060800-387.08-9-67	Shane Saxton	\$ 144.00	\$ 2,436.85
PA-125-2014	C/Jmstn.	060800-387.12-1-54	Anthony Charles	\$ 2,500.00	\$ 1,587.76
PA-126-2014	C/Jmstn.	060800-387.12-1-60	Charles A Brown	\$ 150.00	\$ 3,969.11
PA-127-2014	C/Jmstn.	060800-387.12-1-61	Charles A Brown	\$ 100.00	\$ 1,817.72
PA-128-2014	C/Jmstn.	060800-387.12-1-7	Robert S Tilaro	\$ 35.00	\$ 5,083.99
PA-129-2014	C/Jmstn.	060800-387.12-2-36	Peter T Smith	\$ 5.00	\$ 405.71
PA-132-2014	C/Jmstn.	060800-387.12-3-23	Timothy D Johnson	\$ 50.00	\$ 5,130.21
PA-138-2014	C/Jmstn.	060800-387.12-4-42	Salvatore R Liuzzo	\$ 8,250.00	\$ 3,416.64
PA-139-2014	C/Jmstn.	060800-387.12-4-45	Desiree A Emmerling	\$ 20.00	\$ 310.19
PA-141-2014	C/Jmstn.	060800-387.13-1-55	Mark E Simons	\$36,000.00	\$ 9,655.09
PA-143-2014	C/Jmstn.	060800-387.14-1-28	Benjamin J Osman	\$ 4,000.00	\$ 6,354.22
PA-144-2014	C/Jmstn.	060800-387.14-3-81	Terrence R Bloom	\$ 5.00	\$ 348.40
PA-145-2014	C/Jmstn.	060800-387.14-6-4	Royal Housing, LLC	\$ 8.00	\$ 384.94
PA-146-2014	C/Jmstn.	060800-387.14-6-6	Royal Housing, LLC	\$ 2.00	\$ 222.51
PA-148-2014	C/Jmstn.	060800-387.14-7-31	David Lipari	\$ 5.00	\$ 1,237.68
PA-150-2014	C/Jmstn.	060800-387.15-12-7	Michael B Jabczynski	\$ 200.00	\$ 3,650.19



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PA-124-2013	C/Jmstn.	060800-387.15-3-8	Anna Dubej-Phillips	\$ 260.00	\$ 613.91
PA-151-2014	C/Jmstn.	060800-387.15-9-23	David Lipari	\$ 8,500.00	\$16,986.46
PA-152-2014	C/Jmstn.	060800-387.15-9-24	David Lipari	\$ 9,000.00	\$12,952.43
PA-153-2014	C/Jmstn.	060800-387.16-1-10	Odessin McBride	\$ 8,000.00	\$ 2,681.91
PA-154-2014	C/Jmstn.	060800-387.16-10-24	Gregory G Barlow	\$ 1.00	\$ 692.10
PA-155-2014	C/Jmstn.	060800-387.16-6-58	Jody A Peterson & Christine Olson	\$15,500.00	\$ 5,159.80
PA-156-2014	C/Jmstn.	060800-387.16-6-59	Jody A Peterson & Christine Olson	\$ 500.00	\$ 311.46
PA-159-2014	C/Jmstn.	060800-387.18-5-8	Salvatore R Liuzzo	\$22,000.00	\$11,977.32
PA-138-2013	C/Jmstn.	060800-387.26-3-19	Peter T Smith	\$ 3.50	\$ 247.15
PA-139-2013	C/Jmstn.	060800-387.26-3-20	Peter T Smith	\$ 3.50	\$ 247.15
PA-140-2013	C/Jmstn.	060800-387.26-3-21	Peter T Smith	\$ 3.00	\$ 220.24
PA-169-2014	C/Jmstn.	060800-387.26-3-31	Leonard B Carroll	\$ 250.00	\$ 1,303.83
PA-171-2014	C/Jmstn.	060800-387.26-4-20	BENNETT BOYS LLC	\$ 100.00	\$ 8,649.52
PA-175-2014	C/Jmstn.	060800-387.32-2-3	Royal Housing, LLC	\$ 2.00	\$ 1,846.14
PA-179-2014	C/Jmstn.	060800-387.39-2-14	Jody A Peterson & Christine Olson	\$ 9,000.00	\$ 8,955.58
PA-155-2013	C/Jmstn.	060800-387.42-2-18	Jacob A Whitney	\$ 5.00	\$ 240.24
PA-184-2014	C/Jmstn.	060800-387.42-2-34	Ryan & Anne E Nelson	\$ 5,000.00	\$ 3,632.76
PA-185-2014	C/Jmstn.	060800-387.42-3-19	G Barton Schuver	\$ 5.00	\$ 2,876.89
PA-186-2014	C/Jmstn.	060800-387.42-3-2	David Lipari	\$ 5.00	\$ 710.34
PA-187-2014	C/Jmstn.	060800-388.05-2-35	Joel Rashbrook	\$ 0.18	\$ 214.55
PA-188-2014	C/Jmstn.	060800-388.05-2-36	Joel Rashbrook	\$ 0.82	\$ 424.67
PA-189-2014	C/Jmstn.	060800-388.05-3-33	Sigfredo Martinez	\$ 4,500.00	\$ 4,550.42
PA-191-2014	C/Jmstn.	060800-404.06-8-15	David Lipari	\$ 130.00	\$ 3,029.91

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PA-192-2014	C/Jmstn.	060800-404.06-8-16	David Lipari	\$ 130.00	\$ 5,801.26
PA-199-2014	Arkwright	062000-182.00-2-29	Calvin M Milliman	\$ 8,000.00	\$ 1,241.06
PA-201-2014	V/Lkwd.	062201-368.19-4-50	Randall J & Dana L California	\$45,000.00	\$10,377.22
PA-202-2014	V/Lkwd.	062201-368.19-5-27	Herbert Thomas & Nicole Hodges	\$ 27,000.00	\$ 5,062.35
PA-203-2014	V/Lkwd.	062201-385.12-4-43	Kyle R Anderson	\$ 100.00	\$ 4,642.72
PA-210-2014	Charlotte	062689-217.00-2-5	Kenneth Morley	\$105,000.00	\$12,562.61
PA-214-2014	V/Ch. Crk.	063001-237.08-1-12	Paul A Giambrone	\$ 210.00	\$ 439.77
PA-216-2014	V/Ch. Crk.	063001-237.11-1-52	Todd A Strong	\$ 50.00	\$ 236.09
PA-217-2014	V/Ch. Crk.	063001-237.11-1-53	Todd A Strong	\$ 700.00	\$ 3,614.94
PA-218-2014	V/Ch. Crk.	063001-237.12-1-34	Peter T Smith	\$ 5.00	\$ 3,401.66
PA-219-2014	V/Ch. Crk.	063001-237.12-1-36	Joshua Hattaway	\$ 2,500.00	\$12,858.10
PA-220-2014	V/Ch. Crk.	063001-237.12-1-38	NYP AG Services	\$ 1,800.00	\$15,947.41
PA-221-2014	V/Ch. Crk.	063001-237.12-1-39	NYP AG Services	\$ 200.00	\$ 1,165.01
PA-224-2014	Cherry Creek	063089-202.00-1-49	Terrence R Bloom	\$ 11,000.00	\$ 7,056.26
PA-227-2014	Cherry Creek	063089-238.00-1-5	Silver Circle Solutions LLC	\$ 150.00	\$ 693.48
PA-229-2014	T/Dnk.	063400-95.02-1-53	Casimer Pietrkiewicz	\$19,000.00	\$ 10.17
PA-232-2014	Ellery	063689-351.00-2-2	Alisha A Klinger	\$44,000.00	\$ 3,435.82
PA-233-2014	V/Celoron	063801-369.15-1-26	Sigfredo Martinez	\$10,000.00	\$46,727.07
PA-234-2014	V/Celoron	063801-369.15-2-49	Timothy R Brown	\$19,000.00	\$ 4,191.90
PA-235-2014	V/Celoron	063801-369.18-1-75	Jewel Properties	\$ 260.00	\$ 1,519.12
PA-236-2014	V/Celoron	063801-369.19-1-29	Brandy Sue & William L Skinner	\$ 300.00	\$ 1,040.98
PA-237-2014	V/Celoron	063801-369.19-1-33	Nancy & Bernard H Anderson	\$ 9,000.00	\$52,534.14
PA-221-2013	V/Celoron	063801-369.19-2-42	Rich Ellis	\$ 20.00	\$ 316.90
PA-222-2013	V/Celoron	063801-369.19-2-43	Rich Ellis	\$ 20.00	\$ 316.90

## JOURNAL OF PROCEEDINGS

PA-242-2014	Ellicott	063889-354.18-1-5	Daniel E Matteson	\$ 3,000.00	\$ 1,053.67
PA-171-2012	Ellicott	063889-369.10-1-52	Colleen Z & Michael S Borzon	\$ 2.00	\$ 204.58
PA-243-2014	Ellicott	063889-371.08-2-17	Aaron Quinn Destro	\$ 5,500.00	\$ 3,596.32
PA-247-2014	Ellicott	063889-386.06-2-38	Francisco G Zavala	\$11,500.00	\$ 5,393.97
PA-248-2014	Ellicott	063889-386.10-3-11	Benjamin J Osman	\$ 9,500.00	\$58,813.47
PA-252-2014	Ellicott	063889-388.06-1-48	Crystal Becker	\$ 2.50	\$ 269.23
PA-253-2014	Ellicott	063889-388.06-1-49	Crystal Becker	\$ 2.50	\$ 269.23
PA-255-2014	Ellington	064000-288.19-1-16	Joshua Hattaway	\$ 4,250.00	\$14,005.67
PA-256-2014	Ellington	064000-288.19-1-32	Joshua Hattaway	\$ 3,500.00	\$39,579.47
PA-260-2014	Gerry	064489-286.00-1-7	Joseph Hostetler	\$12,000.00	\$ 1,808.41
PA-261-2014	Gerry	064489-286.00-1-8	Danny L Miller	\$ 8,500.00	\$ 1,808.41
PA-263-2014	Gerry	064489-302.14-1-20	Joshua Hattaway	\$20,000.00	\$ 5,131.33
PA-267-2014	V/Forestville	064601-100.09-1-29	Peter T Smith	\$ 2,100.00	\$12,320.70
PA-268-2014	V/Forestville	064601-99.16-1-18	Nathan J Steiger	\$17,000.00	\$27,935.53
PA-269-2014	V/S. Crk.	064603-32.18-1-38	Jeremy D Klepfer	\$ 5.00	\$ 1,063.77
PA-278-2012	V/S. Crk.	064603-32.18-5-20	Dwayne E Haskins	\$ 9,000.00	\$54,810.29
PA-270-2014	V/S. Crk.	064603-32.18-7-23	Stephen & Ashley Lindquist	\$ 50.00	\$ 304.83
PA-271-2014	V/S. Crk.	064603-32.18-7-24	Stephen & Ashley Lindquist	\$ 1,350.00	\$ 6,907.91
PA-275-2014	Hanover	064689-117.00-1-22	Richard A & Tammie M Walker	\$ 5,000.00	\$ 1,773.52
PA-276-2014	Hanover	064689-32.12-3-55	Patrick A Paradiso	\$ 950.00	\$ 850.75
PA-277-2014	Hanover	064689-32.12-3-60	Patrick A Paradiso	\$ 3,000.00	\$ 4,651.50
PA-278-2014	Hanover	064689-32.15-1-16	Isaac J Kennedy	\$ 2,900.00	\$ 5,068.45
PA-279-2014	Hanover	064689-33.00-2-11	Ryan & Anne E Nelson	\$ 5,500.00	\$10,365.38
PA-280-2014	Hanover	064689-33.00-2-33	Bradley	\$ 2.00	\$ 223.81

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			Mason		
PA-281-2014	Hanover	064689-33.00-3-2	Patrick A Paradiso	\$ 9,000.00	\$14,804.17
PA-282-2014	Hanover	064689-33.00-3-7	Phillip A Smith	\$ 550.00	\$ 1,683.54
PA-286-2014	Hanover	064689-67.19-1-6	Milton C Steiger	\$21,000.00	\$21,208.56
PA-287-2014	Harmony	064889-399.00-2-37	Gregory G Barlow	\$ 3,000.00	\$ 2,851.34
PA-288-2014	Harmony	064889-417.00-1-23	Edwin N Nelson IV	\$ 6,500.00	\$ 1,519.71
PA-295-2014	Kiantone	065000-404.16-2-35	Chad Laska	\$ 100.00	\$ 241.30
PA-307-2014	Mina	065200-377.00-2- 12.1	Timothy E Hostetler	\$ 1,200.00	\$ 552.48
PA-308-2014	N. Harmony	065400-330.00-1-4	Jody A Peterson & Christine Olson	\$ 1,050.00	\$ 4,654.39
PA-310-2014	N. Harmony	065400-381.00-1-6	David Paul Carpenter	\$27,000.00	\$ 4,700.12
PA-311-2014	N. Harmony	065400-384.06-1- 59.1	Alan Szopinski	\$ 60.00	\$ 536.47
PA-312-2014	Poland	065600-339.11-1-39	Joshua Hattaway	\$16,000.00	\$ 6,567.33
PA-314-2014	V/Fredonia	065801-113.07-3-33	Benjamin T & Jennifer R Karlson	\$ 300.00	\$10,307.25
PA-520-2011	V/Brocton	066001-145.13-1-10	Feliks Zarczynski Jr	\$ 5.00	\$ 713.59
PA-324-2014	V/Brocton	066001-145.17-2-58	Bradley A & Lisa Gruber	\$ 3,750.00	\$ 5,406.93
PA-326-2014	V/Brocton	066001-161.08-2-13	Brian C Luce	\$52,000.00	\$23,524.79
PA-327-2014	V/Brocton	066001-162.09-1-29	Kevin Killion	\$ 3,300.00	\$ 9,816.17
PA-329-2014	Portland	066089-144.00-1-53	Darrell W Dehaven	\$ 5.00	\$ 309.88
PA-247-2012	Portland	066089-160.00-2- 13.1	Linda G Corell	\$ 400.00	\$ 271.43
PA-319-2013	Portland	066089-160.00-2-51	Robert A & Geraldine Chrispen	\$ 400.00	\$ 897.80
PA-330-2014	Portland	066089-161.00-1-3	Adam C Szablewski & Billie Agostina	\$13,000.00	\$10,370.89
PA-248-2012	Portland	066089-161.00-2-32	Charles E Kelley Jr	\$ 8,500.00	\$17,198.02
PA-331-2014	Portland	066089-161.10-1-40	Curtis K Merle	\$22,000.00	\$ 6,936.55

## JOURNAL OF PROCEEDINGS

PA-333-2014	Ripley	066200-208.10-3-48	Gerald Suchar	\$ 5.00	\$ 285.21
PA-334-2014	Ripley	066200-223.00-1-34	Amanda M Belson	\$13,000.00	\$ 4,041.84
PA-336-2014	Ripley	066200-240.11-1-21	James P Mayshark	\$ 6,500.00	\$10,472.68
PA-333-2013	Ripley	066200-240.12-3-10	Glenda Jeany Santiago Quinones & Armando Perez	\$ 100.00	\$ 5,450.89
PA-337-2014	Ripley	066200-240.16-2-34	Darrell W Dehaven	\$16,200.00	\$ 6,321.81
PA-338-2014	Ripley	066200-240.16-2-37.2	Darrell W Dehaven	\$ 300.00	\$ 512.12
PA-339-2014	Ripley	066200-276.00-1-26	Shiann V F Mason	\$10,500.00	\$ 7,993.70
PA-340-2014	Sheridan	066400-114.00-1-7	Ann M Mclaughlin	\$ 5.00	\$ 164.36
PA-341-2014	Sheridan	066400-115.00-3-46	Ann M Mclaughlin	\$ 310.00	\$ 263.45
PA-343-2014	Sheridan	066400-82.00-4-31.1	Richard A & Tammie M Walker	\$26,000.00	\$ 3,367.78
PA-345-2014	V/Sherman	066601-328.06-1-5	James P Mayshark	\$ 1,000.00	\$16,690.29
PA-348-2014	V/Sherman	066601-328.11-2-38	Scott A Eddy	\$ 500.00	\$11,968.33
PA-361-2014	Stockton	066889-214.12-1-7	Amy N Walters	\$10,000.00	\$ 3,321.98
PA-364-2014	Stockton	066889-230.00-2-20	David A Beers	\$ 2,900.00	\$22,428.52
PA-368-2014	Villanova	067000-186.00-2-30	Brian R Coffaro & Kelly Rhinehart	\$18,500.00	\$10,859.10
PA-373-2014	V/Wstfld.	067201-210.09-1-7	Darrell W Dehaven	\$10,500.00	\$ 7,699.20
PA-375-2014	Westfield	067289-192.07-1-37	William L Bauer	\$ 100.00	\$21,217.21
PA-376-2014	Westfield	067289-208.00-2-1	Jean & Frank Abate	\$31,000.00	\$ 6,120.70
PA-380-2014	Gerry	064489-267.00-2-15	Gernatt Asphalt Products Inc.	\$30,700.00	\$ 22,721.58
PA-381-2014	Gerry	064489-267.00-2-14	Gernatt Asphalt Products Inc.	\$36,800.00	\$27,824.23

## REGULAR SESSION

PA-382-2014	Gerry	064489-267.00-2-4	Gernatt Asphalt Products Inc.	\$24,500.00	\$29,166.24
PA-383-2014	Stockton	066889-267.00-1-14	Gernatt Asphalt Products Inc.	\$110,500.00	\$129,334.15
PA-385-2014	V/Sinclv.	062601-251.13-1-77	Salvatore R Liuzzo	\$ 6,000.00	\$21,405.52
PA-386-2014	Ellicott	063889-369.11-2-42	Mahendra Basdeo	\$19,000.00	\$61,505.12
PA-387-2014	Ellicott	063889-369.11-2-45	Mahendra Basdeo	\$16,100.00	\$53,516.91
PA-388-2014	Ellicott	063889-369.11-2-46	Mahendra Basdeo	\$ 1,400.00	\$ 3,699.79
PA-389-2014	Ellicott	063889-369.11-2-47	Mahendra Basdeo	\$ 450.00	\$ 955.00
PA-390-2014	Ellicott	063889-369.11-2-48	Mahendra Basdeo	\$ 500.00	\$ 928.35
PA-391-2014	V/Sinclv.	064401-250.20-1-2	Gernatt Asphalt Products Inc.	\$ 6,100.00	\$ 3,627.49
PA-392-2014	V/Sinclv.	064401-267.08-1-4	Gernatt Asphalt Products Inc.	\$24,500.00	\$70,080.75
PA-393-2014	V/Sinclv.	064401-267.08-1-6	Gernatt Asphalt Products Inc.	\$ 6,100.00	\$ 3,809.87
PA-394-2014	V/Sinclv.	064401-267.08-1-8	Gernatt Asphalt Products Inc.	\$ 6,100.00	\$ 4,050.26
PA-395-2014	Gerry	064489-267.00-2-17	Gernatt Asphalt Products Inc.	\$202,700.00	\$280,202.01
PA-396-2014	Gerry	064489-267.00-2-32	Gernatt Asphalt Products Inc.	\$30,700.00	\$27,969.05
PA-397-2014	Gerry	064489-267.08-2-1	Gernatt Asphalt Products Inc.	\$30,700.00	\$37,526.32
PA-398-2014	Stockton	066889-266.12-1-12	Gernatt Asphalt Products Inc.	\$49,100.00	\$61,392.04
PA-399-2014	Stockton	066889-266.12-1-20	Joshua Hattaway	\$ 6,250.00	\$30,645.61

## JOURNAL OF PROCEEDINGS

PA-400-2014	Stockton	066889-266.12-1-30	Matthew P Cassatt	\$ 2,000.00	\$ 7,904.18
PA-401-2014	Stockton	066889-267.00-1-15	Gernatt Asphalt Products Inc.	\$55,200.00	\$51,563.67
PA-404-2014	V/S. Crk.	064603-32.17-4-31	Jean & Frank Abate	\$14,000.00	\$87,513.08
PA-405-2014	C/Jmstrn.	060800-370.19-3-53	Mahendra Basdeo	\$ 4,500.00	\$10,909.11
PA-406-2014	C/Jmstrn.	060800-387.15-12- 21	Mary Peters	\$14,000.00	\$ 7,442.25
PA-407-2014	V/Celoron	063801-369.19-3-43	Rich Ellis	\$ 105.00	\$ 279.46
PA-408-2014	V/Celoron	063801-369.19-3-44	Rich Ellis	\$ 105.00	\$ 279.46
PA-409-2014	C/Jmstrn.	060800-387.15-11- 27	Ashley N Gregory & Larico R Jones	\$11,000.00	\$ 8,133.23
TOTALS:				\$1,892,853.00	\$2,259,852.28

**REACQUISITION:**

QC-258-2014	French Creek	064200-393.18-1- 26.5.5	John A & Debora L Battaglia	\$ 7,568.48	\$ 7,568.48
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Signed: Scudder, Wendel, Vanstrom, Himelein, DeJoy

MOVED by Legislator Runkle, SECONDED by Legislator Himelein to amend by removing the following parcels:

<u>Offer Number</u>	<u>Municipality</u>	<u>S/B/L</u>	<u>Purchaser</u>
PA-54-2014	Jamestown	060800-370.19-1-14	Strong
PA-62-2014	Jamestown	060800-370.20-2-51	Cartner/Snyder
PA-87-2014	Jamestown	060800-387.06-2-2	Wofford
PA-155-2014	Jamestown	060800-387.16-6-58	Peterson/Olson
PA-179-2014	Jamestown	060800-387.39-2-14	Peterson/Olson
PA-395-2014	Charlotte/Sincl.	062601-251.13-1-77	Liuzzo
PA-278-2012	Hanover/Silver Crk .	064603-32.18-5-20	Haskins
PA-290-2014	Harmony	064889-433.00-1-57	Karlson
PA-520-2011	Portland/Brocton	066001-145.13-1-10	Zarczynski

Unanimously Carried

Unanimously Adopted as amended – R/C Vote: 16 Yes; 3 Absent – July 23, 2014

2<sup>nd</sup> Privilege of the Floor

My name is Lou Golando, 3537 Baker Street, Jamestown. Questions have arisen and I guess it goes back to the Department of Transportation with the County of foreman not being on the jobs, land maps not being adequately shown when the workers are going to the properties to do the work. A situation arose on my own property when the County showed up to dig a ditch and I'm not talking a few feet, we're talking close to a 1,000 feet and it's on private property. The ditch is, I mean, the workmen showed up with no land maps, no grade point elevations, and no elevations to dig. Was not dug once, was not dug twice, it was dug three times which was a costly expense to the taxpayers of Chautauqua County without any supervision on the job site. The second day out of a six day project, I brought it to their attention that they were on private property. Still no one had a map, nothing, but a map was produced and the property surveyed, work was continued. I have to ask the question, if a citizen was to come and deface property of the County's like mine was defaced, there would be consequences. To my knowledge to this date, no consequences have been taken for the department head that was in charge of this project. It's been brought to the County Executive's attention. He's been on site to look at this project. The other one that is distributing and I have listed to this numerous times in here tonight of the water shed. This piece of property is in the water shed. Nothing was taken in precautions with the DEC, for check dams, silt fences, etc., for this water not to run into the creek that does feed into Chautauqua Lake. Again, was there any consequences taken for this? If it was a private sector contractor, there would be stiff penalties and consequences for actions like this taken. The road was left a mess with debris and dirt for days. Excuse me for losing my train of thought here. I guess it goes back to why are these procedures not followed by the County. It's been forced by the private sector who must follow these but yet the County is not – are they abstained from these practices when they have been brought to their attention? Thank you for your time.

William Meacker, 151 Central Ave., Silver Creek, New York. Now that you have heard me complain about the village, I want you to know who I am. I made toys for a living, hundreds of thousands of toys, I moved to Silver Creek and restored a landmark for Chautauqua County that I saved from demolition that I bought from Chautauqua County and put \$250,000 in. Later, I went back into my toy business and I partnered with NASA. NASA made these graphics for my toy airplanes. In my partnership that I did with them, making education materials on aeronautics. You, today, have voted to remove the partner with NASA who saved your landmark from demolition, paid \$90,000 in taxes on that property, has continued to invest hundreds of thousands, \$400,000 into your Village of Silver Creek and I am not forced to be in courts. No longer to save my home because you just took it tonight. I can't blame you personally. I don't blame you. You didn't know of my case until now, but I am just saying, this is the situation we're in. I'm Bill Meacker and I make bills. Soon I will be making money. Oh, I want to say one other thing. The reason we never finished the project in Silver Creek, 133 Central, was we were defrauded by the bank. Eighteen years later, I sued the bank, so I, acting pro-say, have sued EverHome Mortgage and in that, I have requested relief for the Village for a million, for the County for two million. One million for the Town, \$10 million for the State, for another million to finish the property and to make it a satellite for education. This is what I have done for you. I just want you to know that and if you ever get a chance, take a look at thinkofmeever.com that is the property that I saved that your people were going to demolish and SilverCreekNY.us, those you can see that I put on the map for you. Anyway, nice to meet you, I'm Bill Meacker. I hope that you remember my name. Thank you.

Chairman Gould: Anybody else to speak to the second privilege of the floor? Seeing no one, we'll close the second privilege of the floor.

MOVED by Legislator Himelein, SECONDED by Legislator Borrello and duly carried the meeting was adjourned. (7:03 p.m.)



JOURNAL OF PROCEEDINGS

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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, August 27, 2014  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampo called the roll and announced a quorum present.

Legislator Runkle delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Tarbrake and duly carried the minutes were approved. (7/23/14).

1<sup>st</sup> Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN  
NO VETOES FROM 7/23/14

COMMUNICATIONS:

1. Letters(2) – C. Exec. - Re: Appts. to Boards
2. Report – Fn. Dir. Marsh – July/2014 Investment Report
3. Report – Small Business Development Center – Quarterly Report (4-6/14)
4. Minutes – Chaut. Co. Soil & Water Conservation District – 7/14
5. Letter of Appreciation – A. Smith – Re: Insurance/B. Johnson
6. Letter – Bond Council – Ack. Receipt of Required Documentation
7. Letter – NYSAC – Ack. Receipt of Motion 5-14
8. NYS Dept. of Taxation and Finance – (9) Equalization Rates

MOTION: (On file w/ Legislature 8/27/14 data)

7-14 Declaring September 19, 2014 as National POW/MIA Recognition Day – Unanimously Adopted

RES. NO. 169-14  
Confirm Appointment – Chautauqua County Airport Commission

By Public Facilities Committee:  
At the Request of County Executive Vince W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Airport Commission.

Beth A. Kresge  
645 Lakeview Ave.

Filling Term of Fred Larson  
Legislator Representative

## REGULAR SESSION

Jamestown, N.Y. 14710  
Term Expires: 12/31/14

Signed: Hemmer, Wilfong, Himelein, Nazzaro

Unanimously Adopted – August 27, 2014

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RES. NO. 170-14

Confirm Appointments - Chautauqua County Coroners

By Public Safety Committee:

At the Request of Chairman Jay Gould and Legislator Keith Ahlstrom:

WHEREAS, two of the four offices of Coroner in Chautauqua County become vacant on January 1, 2015; and

WHEREAS, the County Charter has vested in the County Legislature the power to appoint Coroners henceforth as the offices become vacant; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby appoint the following persons as Chautauqua County Coroner for three year term to expire December 31, 2017.

Mr. Warren Riles  
39 Main Street  
P.O. Box 357  
Forestville, NY 14062

Mr. James Jackson  
PO Box 27  
Lakewood, N.Y. 14750

Signed: Wendel, Keefe, Kresge, Niebel, Tarbrake

Unanimously Adopted – August 27, 2014

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RES. NO. 171-14

Confirm Appointment – Agriculture & Farmland Protection Board

By Planning & Economic Development Committee:

At the Request of Chairman Frank "Jay" Gould:

WHEREAS, Chairman Frank "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 Agriculture & Farmland Protection Board:

Laurie Livingston  
3338 West Oak Hill Road  
Jamestown, NY 14701  
Term Expires: 12/31/2016

(Filling Term of Ginny Carlberg)

Signed: Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – August 27, 2014

JOURNAL OF PROCEEDINGS

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RES. NO. 172-14

Confirm Re-Appointment – Southern Tier Extension Railroad Authority Board of Directors

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Extension Railroad Authority Board of Directors.

Frank J. Gould  
70 Hoag Road  
Ashville, N.Y. 14701  
Term Expires: 8/31/17

Signed: Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – August 27, 2014

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RES. NO. 173-14

Establishing Regular Hours for County Offices

At the Request of Chairman Jay Gould:

WHEREAS, Section 206 of the County Law permits the County Legislature to establish the regular hours of County offices; 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 August 30, 2014 through October 31, 2014.~~

Signed: Gould

MOVED by Legislator Runkle, SECONDED by Legislator Ahlstrom to strike out after P.M. "for the period of August 20, 2014 through October 31, 2014". – Unanimously Carried

Unanimously Adopted as amended – August 27, 2014

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RES. NO. 174-14

Authorize Public Hearing on Proposed Lease of Airport Restaurant Facilities - Chautauqua County Airport at Jamestown

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Airport Manager has tentatively negotiated a proposed lease with Michelle Johnson, 608 Winsor Street, Jamestown, New York, for operation of the restaurant facilities at the

**Strikethrough Indicates Deletion**

REGULAR SESSION

County Airport at Jamestown; and

WHEREAS, the Airport Commission has considered and recommended a lease with the proposed tenant; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to provisions of the General Municipal Law a public hearing shall be held at the meeting of the County Legislature on September 24, 2014 at 6:45 pm in Legislative Chambers, Gerace Office Building, Mayville, NY 14757 on the proposed lease of airport restaurant facilities at the County Airport in Jamestown upon substantially the following proposed terms and conditions:

- 1. Rent: Payment of the sum of \$200 per month due on the first day of each month;
- 2. Term: A two years term beginning on or about October 1, 2014;
- 3. Utilities: County shall provide electric, gas and water and Tenant shall provide telephone and waste disposal service;
- 4. Other : As negotiated by the County Executive;

and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this public hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Nazzaro, Wilfong, Himelein

Unanimously Adopted – August 27, 2014

RES. NO. 175-14

Accept FAA & NYS Funds to Update Airport Improvement Program at the Chautauqua County Dunkirk Airport

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County Legislature and Airport Commission approved a Five Year Plan at the Dunkirk Airport; and

WHEREAS, the FAA and NYSDOT have offered FY14 grants to fund Update Airport Layout Plan at the Dunkirk Airport, and

WHEREAS, FAA has added a GIS component and pavement management study to be included in the Master Plan; and

WHEREAS, the estimated cost of the project is as follows:

Total Project -	\$	299,500
FAA Share 90%	\$	269,550
State Share 5%	\$	14,975

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Local Share 5%     \$    14,975

and

WHEREAS, investment earnings are currently running at a surplus to budget and are sufficient to cover the local cost of this project; and

WHEREAS, the Airport Commission has approved this project; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute the necessary grants and contracts with the engineer, the contractor, State of New York, and the FAA to accept funds for the above-described project, and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.9999.9	Interfund Transfer – Interfund Transfers	\$ 7,425
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INCREASE REVENUE ACCOUNT:

A.9950.9999.R240.1RSV	INT & Earn: Capital Reserve	\$ 7,425
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.238.4	Contractual – Master Plan Update R/W 24	\$299,500
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.238.R359.7000	State Aid: Transp. Capital	\$ 7,425
H.5610.238.R459.7000	Federal Aid: Transp. Capital	\$ 133,650
H.5610.238.R503.1000	Interfund Transfer	<u>\$ 7,425</u>
		\$ 148,500

Signed: Hemmer, Nazzaro, Wilfong, Himelein, Borrello, Chagnon (A.C. Runkle & Heenan voting “no”)

Adopted w/ Legislators Ahlstrom, Heenan, Runkle, Scudder voting “no” – August 27, 2014

RES. NO. 176-14

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project  
PIN 5760.62

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, a project known as Joint Rehabilitation Project PIN 5760.62 (the "Project"), the purpose of which is to improve Chautauqua County Bridge 905 in the Town of Hanover, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be ~~\$85,000~~ \$100,000 to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; 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 Construction & Construction

**Underlined Indicates New, Strikethrough Indicates Deletion**

REGULAR SESSION

Inspection phases of the project PIN 5760.62; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is 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 Construction & Construction Inspection phases of the Project or portions thereof; 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 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, That 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		<del>\$68,000</del>
		<u>\$95,000</u>	<u>\$80,000</u>

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program		<del>\$68,000</del>
			<u>\$80,000</u>
<u>D.5112.390.R358.9003</u>	<u>NY State Aid – Marchiselli Funds</u>		<u>\$15,000</u>

Please note: Amendments in P.F. indicated by single strikethrough, (deletion) and underlined, (new) – Amendments in A.C. indicated by double strikethrough, (deletion), double underlined, (new).

Signed: Hemmer, Nazzaro, Wilfong, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – August 27, 2014

**Underlined Indicates New, Strikethrough Indicates Deletion**

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RES. NO. 177-14

Authorize Extension of CCIDA Lease and Sub-Lease of Airport Hangar

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 139-04, the County of Chautauqua Industrial Development Agency (CCIDA) leases from the County the former commuter hangar at the Jamestown Airport, and CCIDA sub-leases the hangar to the fixed based operator at the airport, Jamestown Aviation Company, LLC; and

WHEREAS, the aforementioned lease and sub-lease expire on August 31, 2014, and the parties are in the process of negotiating a consolidated lease to cover all facilities leased by Jamestown Aviation Company, LLC at the Jamestown Airport, and it would be advantageous to temporarily extend the current lease and sub-lease through the end of 2014 to allow negotiations of a consolidated lease to be completed; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into any necessary agreements to extend the current lease and sub-lease of the former commuter hangar at the Jamestown Airport with CCIDA and Jamestown Aviation Company, LLC, respectively, on the same terms and conditions as the current agreements, including rent of \$1000.00 per month and the sub-tenant paying all utilities/insurance and a ten percent commission on hangar rental collections.

Signed: Hemmer, Nazzaro, Wilfong, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – August 27, 2014

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RES. NO. 178-14

Authorize Agreement with Property Owner for Lease of Liquid Brine Tank Storage Area

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County leases property to store brine tanks for the County's snow and ice control program; and

WHEREAS, the County desires to continue to lease an existing site identified on Tax Maps as being in the Village of Sinclairville, SBL 251.01-1-34, owned by Kenneth Morley, dba MRC Farms, for the term of July 1, 2014 to June 30, 2019, and

WHEREAS, the rental rate will remain \$300.00 per year, and \$1,500 for the five (5) year contact term; now, therefore be it

RESOLVED, That the County Executive is authorized to enter into the aforementioned lease agreement.

Signed: Hemmer, Wilfong, Himelein, Nazzaro, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – August 27, 2014

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## REGULAR SESSION

## RES. NO. 179-14

Amending Resolution 1-14 Regarding Appointment of the Clerk of the County Legislature

By Administrative Services and Audit & Control Committees:

At the Request of Chairman Frank "Jay Gould and Legislator Keith Ahlstrom:

WHEREAS, pursuant to Resolution 1-14, Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York was appointed Clerk of the Chautauqua County Legislature effective January 1, 2014, at an annual salary of \$17,993.00 for 49% time; and

WHEREAS, the Financial Analyst to the Legislature has resigned his position effective September 12, 2014, and expects to utilize vacation accruals in advance of the resignation date; and

WHEREAS, due to the pending vacancy, it would be advantageous to expand the hours of the Clerk of the County Legislature to perform the duties of the Financial Analyst for the remainder of 2014; therefore be it

RESOLVED, That effective August 28, 2014, the salary of the Clerk of the County Legislature, Katherine K. Tampio, shall be at an annual salary rate of \$28,880 for 80% time.

Signed: Scudder, Vanstrom, Wendel, Himelein, DeJoy, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 27, 2014

## RES. NO. 180-14

Authorize Acceptance of 2014-2017 Grant from NYS Office of Victim Services to District Attorney's Victim Assistance Center

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Office of the District Attorney has been awarded a grant in the amount of \$376,309.45 from the New York State Office of Victim Services to be used for the period of October 1, 2014 through September 30, 2017, with the 2014-2015 amount being \$120,064.20, the 2015-2016 amount being \$126,587.95, and the 2016-2017 amount being \$129,657.30, per grant fiscal year; 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 Victim 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, Keefe, Kresge, Niebel, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon



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Unanimously Adopted – August 27, 2014

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RES. NO. 181-14

Homeland Security Grants for FY10, FY11, FY12 & FY13 Appropriations for 2014 Budget

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2010, 2011, 2012 and 2013; and

WHEREAS, Resolutions 127-11, 72-12, 196-12 and 254-13 authorized the County Executive to sign and accept the Homeland Security Grant Programs; and

WHEREAS, to meet the objectives of the SHSP grant programs, funds need to be appropriated to purchase equipment & supplies as stated in the work plans to achieve the project goals; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.3	Depr. Equipment – Emergency Services	22,000
A.3010.----.4	Contractual – Emergency Services	<u>27,431</u>
		<u>\$49,431</u>

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid – Homeland Security	\$49,431
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Signed: Wendel, Keefe, Kresge, Niebel, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 27, 2014

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RES. NO. 182-14

State Homeland Security Program for Fiscal Year 2014

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County was awarded funds of \$200,000 from the FY2014 State Homeland Security Program (SHSP) and the State Law Enforcement Terrorism Prevention Program (SLETPP) with \$150,000 to Emergency Services and \$50,000 to the Sheriff's Department; 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, 2014 through August 31, 2016, and as may be extended; and

## REGULAR SESSION

WHEREAS, funds will be added to the 2015 and 2016 budget in subsequent resolutions once the County is ready to expend them; now therefore be it

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

Signed: Wendel, Keefe, Kresge, Niebel, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 27, 2014

## RES. NO. 183-14

## Emergency Management Performance Grant for Fiscal Year 2014

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Emergency Services has been awarded funds from the New York State Division of Homeland Security and Emergency Services in the amount of \$55,911.00 with a fifty percent (50%) match from the County in the amount of \$55,911 for a total of \$111,822.00; and

WHEREAS, the grant is to help manage daily Emergency Management functions and to enhance planning, training, exercises, public preparedness, emergency alert and notification systems; and

WHEREAS, the grant requires 50% local match (\$55,911 of \$111,822) which can come from in-kind services, and

WHEREAS, the grant period runs from October 1, 2013 through September 30, 2015; therefore be it

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

Signed: Wendel, Keefe, Kresge, Niebel, Tarbrake, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 27, 2014

## RES. NO. 184-14

## Increase 2014 Family Planning Accounts for COLA

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Department of Health has awarded a Cost of Living Adjustment (COLA) to Chautauqua County pursuant to Chapter 57 of the Laws of 2006, and

WHEREAS, the 2014-2015 COLA appropriation must be used for expenditures associated with the recruitment and retention of staff and/or other critical non-personal service costs which are allowable under the contract for which the COLA is based and directly support the initiative, and

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WHEREAS, the COLA funds must expended by December 31, 2014, and

WHEREAS, the 2014 Chautauqua County Adopted Budget must be adjusted to reflect these changes; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4035.----.4	Contractual – Family Health /Planning	\$ 45,802
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INCREASE REVENUE ACCOUNT:

A.4035.R345.0FPC	State Aid – Family Planning COLA	\$ 45,802
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Signed: Tarbrake, Keefe, Scudder, Lemon, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 27, 2014

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RES. NO. 185-14

Authorize Intermunicipal Agreement with Cattaraugus County to Provide Beach Water Analysis

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County operates a NYSDOH certified Environmental Laboratory Program; and

WHEREAS, the Cattaraugus County Health Department does not presently have available such professional services and needs to determine the level of E.Coli contamination in water samples collected at beaches permitted by Cattaraugus County; and

WHEREAS, Cattaraugus County is desirous of obtaining the services of the Chautauqua County Department of Health and Human Services' Environmental Laboratory Program; and

WHEREAS, Cattaraugus County will reimburse Chautauqua County for all expenses related to the provision of beach water testing services; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to provide beach water testing services to Cattaraugus County.

Signed: Tarbrake, Keefe, Scudder, Lemon, Wilfong

Unanimously Adopted – August 27, 2014

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RES. NO. 186-14

Establish Appropriation and Revenue Accounts to Accept and Distribute New York State Office of Community Renewal Funds on Behalf of Empire Specialty Cheese Company, LLC

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

## REGULAR SESSION

WHEREAS, Empire Specialty Cheese Co., LLC ("Empire") plans to establish a cheese production operation in the Town of Harmony at the former AFA Foods facility; and

WHEREAS, Empire has requested that Chautauqua County apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the cost of equipment and working capital required to establish operations; and

WHEREAS, CRIDC is assisting in the facilitation of the project and has requested that Chautauqua County provide the OCR funding to Chautauqua Regional Industrial Development Company (CRIDC) as a grant for the purpose of making a term loan and deferred loan to Empire Specialty Cheese Company; and

WHEREAS, OCR has awarded a grant to Chautauqua County in the amount of \$616,000.00 to support said establishment of the Empire production facility in the Town of Harmony; and

WHEREAS, Resolution 192-13 authorized the County Executive to execute the OCR grant agreement, execute a grant agreement with CRIDC, and designate the County Executive as the Environmental Certifying Officer; and

WHEREAS, Chautauqua County wishes to disburse the funds to (CRIDC) for the purpose of assisting Empire in its plans to establish a cheese production facility; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.6420.GOSC.4	Contractual – NYS Small Cities Grants	\$616,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.6420.GOSC.R478.900	Federal Aid – Other Economic Assistance	\$616,000
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Signed: Borrello, Heenan, Niebel, Chagnon, Runkle, Nazzaro

Unanimously Adopted – August 27, 2014

RES. NO. 187-14

Authorizing SEQRA Review of Waterways Panel 2015 Occupancy Tax Recommendations

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, eleven applications for the 2015 round of 2% Occupancy Tax funding in 2015 for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the eleven requests; and

WHEREAS, seven of the eleven projects submitted for 2% Occupancy Tax funding in 2015 for the enhancement and protection of waterways have been recommended by the Waterways Panel; therefore be it

## JOURNAL OF PROCEEDINGS

RESOLVED, That the Chautauqua County Legislature requests the Department of Planning & Economic Development to arrange SEQRA review of the projects recommended by the Waterways Panel for 2015 2% Occupancy Tax funding, as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Dewittville Creek Streambank Stabilization Edward Seebald/ Chautauqua County Soil and Water Conservation	1	\$ 39,950	\$ 39,950
Goose Creek Streambank Stabilization Robert Delahoy and The Cabin, Inc./Chautauqua County Soil and Water Conservation District	2	\$ 31,600	\$ 31,600
Canadaway Creek Streambank Stabilization Michael Faulkner/Chautauqua County Soil and Water Conservation District	3	\$ 27,500	\$ 27,500
Dutch Hollow Streambank Stabilization Town of Ellery/Chautauqua County Soil and Water Conservation District	4	\$ 37,000	\$ 37,000
Camp Findley Drainage Restoration Camp Findley/Chautauqua County Soil and Water Conservation District	5	\$ 21,112.60	\$ 21,112.60
Findley Lake Dam/Breakwall Repair Findley Lake Watershed Association/Hill Engineering	6	\$ 40,000	\$ 40,000
Findley Lake Stream Stabilization Upgrade William Boria/ Chautauqua County Soil and Water Conservation District	7	\$ 7,900	\$ 7,900
Lakewood Rod and Gun club Shoreline Stabilization and Dredging Project/Lakewood Rod and Gun Club/ Chautauqua County Soil and Water Conservation District	8	\$ 40,000	\$ 0
Klaes Property Stabilization /Roger Klaes/ Chautauqua County Soil and Water Conservation District	9	\$ 7,160	\$ 0
Bayberry Landing Shoreline Stabilization Bayberry Landing Condominium Association/Chautauqua County Soil and Water Conservation District	10	\$ 39,700	\$ 0
Van Buren Point Filtering System James Simmons/Van Buren Point Association	11	\$ 40,000	\$ 0

Signed: Borrello, Heenan, Niebel, Chagnon, Runkle, Nazzaro

Unanimously Adopted – August 27, 2014

RES. NO. 188-14  
Quit Claim Deeds

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

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

REGULAR SESSION

following offers for the County's Tax Liens as detailed on the attached Schedule A 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. 44-13; 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.

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-278-2012	Hanover/Silver Creek	064603-32.18-5-20	John Davis	Starburst Enterprises Inc	\$ 8,500.00	\$ 54,810.29
PA-54-2014	Jamestown	060800-370.19-1-14	Linda L Fox	Vicki L Wilson	\$ 8,500.00	\$ 3,141.09
QC-207-2014	Busti	062289-402.00-2-29	Shawn Gardner	John S Ferraro	\$ 5,563.68	\$ 5,563.68
PA-232-2014	Ellery	063689-351.00-2-2	Andrew R Finson	Roger Slagle	\$ 43,500.00	\$ 3,435.82
QC-411-2014	City of Dunkirk	060300-79.19-6-49	Edward B Rusinowski	Edward B Rusinowski	\$ 7,504.29	\$ 7,504.29

Signed: Scudder, Vanstrom, Wendel, Himelein, DeJoy

Unanimously Adopted – R/C Vote: 19 Yes - August 27, 2014

LOCAL LAW  
INTRODUCTORY NO. 6-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES (re: COMPLIANCE/PRIVACY OFFICER)

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 set forth in Local Law 7-90, and as amended, to set the salary for the Compliance/Privacy Officer.

Section 2. Salary Levels.

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The title of Compliance/Privacy Officer shall be placed in Range 4 (\$43,131-\$66,053) of the 2011 Management Salary Plan.

Section 3 . Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Mailed: 8/15/14  
Tabled – Legislature: 8/27/14  
No action Taken – 9/24/14

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2<sup>nd</sup> Privilege of the Floor

County Executive Horrigan: I appreciate the Legislature tonight in consideration of the local law and I understand the need to look at the whole budget. This position will appear in my tentative budget that I will present next month. It will be under the County Executive due to the requirement for this position to be independent. What I would like to do is have Dan Heitzenrater hand out some additional information on the requirement by Bonadio Consulting that looked at this and made recommendations. This position is essential for this body, for the government, for the County to avoid significant penalties and to have an independent and robust compliance program. We will, through the next period here, over the next month, will be providing information. I encourage any Legislator that has questions, wants additional information, to please email me, call me, and we will get those questions answered. As you all know the County Home, we expect to close the County Home on or before December, and our current person who is involved with these medical records who is here tonight, Debbie Zahn, obviously would be part of that County Home closure so we want to act on this in a timely fashion. So, it will appear in my budget and I do appreciate you consideration of that. Thank you.

Chairman Gould: Thank you very much. Anyone else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one –

MOVED by Legislator Ahlstrom, SECONDED by Legislator Lemon and duly carried the meeting was adjourned. 6:50 p.m.

## REGULAR SESSION

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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, September 24, 2014  
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. (Borrello absent)

Legislator Scudder delivered the prayer and pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Tarbrake and duly carried the minutes were approved. (8/27/14).

1<sup>st</sup> Privilege of the Floor

No one chose to speak at this time.

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VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN  
NO VETOES FROM 8/27/14

COMMENDATION:

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FLUVANNA FREE LIBRARY  
BY  
LEGISLATOR VANSTROM

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2015 BUDGET PRESENTATION  
BY  
COUNTY EXECUTIVE HORRIGAN

**(Presentation can be seen at the following:**

**<http://www.co.chautauqua.ny.us/Archive.aspx?AMID=78&Type=&ADID=>**

**Please note: County Executive Horrigan will refer periodically to a power point.**

County Executive Horrigan: Dan is going to hand out the presentation of the 2015 County Executive Budget. Mr. Chairman, there you go.

I do want to thank, of course, you Mr. Chairman, I want to thank all of the Legislators, members of the media, department heads, the public that is here and of course, address this to the citizens of Chautauqua County. Six months ago I stood before you at the State of the County Address to outline these successes, our challenges, and the vision future of Chautauqua County. I announced an operation "Jump Start", as my initiative to grow Chautauqua County into a thriving community with a high quality of life in economic opportunity where those two areas guided our decisions and rallied our efforts. As I present my budget to you this evening, I will tell you that I am more encouraged than ever that we are making real progress on our journey from just surviving to thriving in Chautauqua County.

It should not be a surprise to anyone that our structural deficit where reoccurring revenues fall short of reoccurring expenses limits our ability to provide true property tax relief and invest in our infrastructure. However, I am encouraged by the fact that we have now shaved another \$2 million off



JOURNAL OF PROCEEDINGS

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of our budget deficit going into 2015. We're making progress on closing that gap while still maintaining the current level of services and infrastructure investments in our roads and bridges next year just the way we did this past year.

As you will see the privatization of the Chautauqua County Home comes just in time to stabilize our property tax levy, while maintaining a high quality nursing home where our employees have been offered new employment at their existing wage at our very highly skilled nursing home. We have used a return on investment approach to deploy additional resources to allow us to continue to reduce our welfare costs and contain skyrocketing public defender costs. I want to specifically thank Legislator George Borrello, who could not be here tonight, for his leadership and help with this pilot initiative. We will grow economic development; we will grow jobs in our tax base by investing in our economic staff and planning resources to create an offensive posture in going after new business, in retaining existing businesses, and strengthening our overall economic picture in Chautauqua County. Thanks to Legislator Pierre Chagnon, leadership as Chair of the Environmental Sub-Committee, we will make some new investments in the health of our lakes. Our community and kids and families will also see an investment. Lastly, we will lead our municipalities in a shared services plan to create more efficiencies, to move our goal of a thriving community even closer. The bottom line is that the 2015 budget which I present to you tonight actually cuts overall appropriations. Yes, it cuts spending while remaining well under the property tax cap and achieving our growth objectives. This slide summarizes overall government spending. I call your attention to the bottom line. Note that while settling 3 labor contracts, adding additional staff, that we'll bring a return on investment, some increase in health insurance costs, our overall government spending reduces our 2015 appropriations by almost a half a million dollars. I consider this incredible feat as testimony to the high quality team that works so hard for you in Chautauqua County. Our managers, our workers, all that are out there working for Chautauqua County are a highly productive team and make this feat possible. In particular, I want to thank our Budget Director, Ms. Kitty Crow, for her incredible dedication and her hard work to accomplish this budget in spite of dealing with a new County Executive. Join me in a round of an applause for Kitty.

Compared with 2014, the proposed budget increases full time equivalent staffing in governmental funds. Those are the funds that are not enterprise funds, by a total of thirty four. With the sale of the County Home expected to be completed by the end of 2014 and I have just received confirmation today that the Health Department Planning Commission will have this on their agenda October 2<sup>nd</sup>, so we are fully on track to close the County Home by the end of this fiscal year. The enterprise fund staffing will decrease by 197 positions. Those are the County Home workers who will transition to the private sector. Overall the FTE or full time equivalent decrease will be just over 163 positions. Now let me explain the rest of the story.

Several positions I want to run from the top to the bottom. In the first area, State grants will fully fund additional positions in the District Attorney's office to fund financial crime, add additional court security officers with the new Family Court Judge and Public Defender Aid to indigent defense. Two and a half Star Flight pilots, I don't know how you get a half a pilot, but just a little over 2 Star Flight pilots will be added thanks to WCA funding with no local share. Our kids and our Mom's will benefit from better outcomes thanks to the addition of a Community Services worker through a Maternal Infant Health grant. The large jump in HEAP cases will add additional State funded staff. A new grant will fund health homes will provide wrap around care coordination for over 4,200 individuals in Chautauqua County with quantific, physical, and behavioral health challenges. This program will add 11 health care workers and will be fully funded by Medicare. The Fredonia Fire and EMS dispatch services will be consolidated now into our County 9-1-1 center. This will transition a part time dispatch officer to full time and again be grant funded. The much discussed safety, security, and compliance position will be partially funded by Medicare but will save over \$8,000 in contract services costs. Partially funded CPS worker and a Senior Foster Care worker will help address the increase needs of our kids and our families who are impacted by the very difficult situations we have including the heroin epidemic. The CARTS local share increase is the result of the loss of Medicaid funded positions brought about by the takeover of the Medicaid dispatch by the State which now requires us to keep CARTS local share staff in place to operate rural transportation. The Department of Public

Facilities will add one position due to the bow wave of retirements which will soon effect their staffing with a loss of significant experience and this position will provide for long lead time training and overlap in specialized heavy equipment operation. In close consultation with the County Legislature, we have added two positions in the Public Defender's office as a pilot program to contain the rising cost of assigned counsel by sharing services with our neighboring county Public Defender offices. We have invested in a front end fraud detection worker to make additional progress to identify unauthorized welfare payments. Our Department of Planning and Economic Development will hire a Junior Planner to free up our senior staff to focus primarily on economic development to grow Chautauqua County using a very aggressive economic development strategy. Finally, I have added a part time Executive assistant to administer the County-wide shared services plan, thrive community coalition outcomes and County Executive outreach. The bottom line is, 34 positions with 8 positions funded by local share and 4 and a half of those which will reap a return on investment.

I just returned from New York State Association of Counties where the subject of unfunded mandates continues to dominate the discussion in every break out session. From enormous Medicaid costs to the skyrocketing indigent legal defense costs, we are not alone in our frustration to get New York State to pay their own bills. NYSAC's dedication to pursuing mandate relief is unwavering and will continue in 2015. We're only one of eight counties in New York State that maintains the sales tax rate of under 8%. Right now we are forecasting a flat increase for next year. But our forecast does indicate and does show that our occupancy tax revenues are coming in better than expected. That is due to enforcement and our significant growth in the hospitality and tourism industry. So, in order to balance our 2015 budget, I'm left with only two sources of revenue to close the gap on what has been a \$7 million dollar deficit that has been cut by \$2 million.

As you can see from this slide, we've turned to the fund balance time and time again to close the gap. In the past it was often unexpected deferred revenue payments that arrived just in time to beef up our reserves. Well, those days are gone. Our balance sheet has been tighten up and our budget has been tightened down. If it had not been for the sale of the County Home, which will close by the end of 2014, we would not have been able to close the 2015 gap with our fund balance again. However, we can now use \$4.5 million of the general fund balance to close that gap and still remain above the 5% minimum that is recommended by New York State. Although we have reduced the budget gap as I said by \$2 million, we will still have to navigate the dark clouds on the horizon in 2016 and beyond. Therefore, I will ask property tax payers to help close the gap this year by giving us a little more time to fix our structural deficit. My budget proposes a 1% increase in property taxes to narrow the gap. As you can see, our tax base has inched along at a weak rate of only .65%. The bottom line is that we are asking in this tentative budget a 9 cents per thousand increase over assessed value. What does that mean for the owner of a home valued at \$100,000, the increase in property tax will be just over \$9.00 per year? One thing to note, this year Star eligible property tax payers will be eligible for New York State property tax rebate if their town and village property taxes remain under the tax cap and they participate in the shared services plan. As Chautauqua County Executive, I will lead a county-wide effort to develop that shared services plan that will generate the required savings and freeze taxes for 2015 with the rebate.

So that completes this year, what about the future? Taking us back to the fund balance chart, you can see the dark clouds on the horizon that we must address over the next two years. We cannot cut our way out of this. Only through an aggressive vision of growing Chautauqua County can we break through those clouds into clear skies. So, here is my plan. The solutions to our budget gap going forward do not lie with fund balance or big property tax bills. It is only through an offensive economic development growth strategy propelled by strong economic development leadership, embraced by all of us that will achieve this success. Not only does our offensive strategy include proactive business development and retention, it also includes a marketing campaign to promote our County as best in class. Tonight I am announcing an I Love Chautauqua digital media advertising campaign to be run by the Chautauqua County Visitors Bureau and the Chautauqua County Chamber of Commerce. This will be a citizen based contest with business sponsorship to collect the best YouTube video and photos to promote Chautauqua County through the eyes of our citizens. We're talking I Love Chautauqua going viral. My plan will also include strategies to grow our sales tax

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revenues and to promote shared services with greater efficiencies. Together with our State and County leaders, I will continue to fight for mandate relief and ladies and gentleman, failure to achieve this clearly would have drastic consequences going forward which we must avoid.

In closing, we have 24 months to close the budget gap. As you can see from this budget, we're going on the offense to achieve our objectives. I opened this presentation with an aggressive vision which I call the tipping point, moving from surviving to thriving. Good things are happening. Seven hotels are either under construction, in the planning, or development stage. Comedy Center, business development, working with ConAgra and IDA, working closely to find both large and small businesses with significant interest in those facilities is underway. North County water districts. Our wine trails, our resources are first class. Our waterfront, our lakes, our trails, the arts, schools, and agriculture, it's all here for us. So our time is now and in the future is in our hands. I want to thank you for your commitment, I want to thank you for your enthusiasm, and most importantly for your help as we work together to achieve the tipping point. Thank you. (Applause)

6:45 P.M.

PUBLIC HEARING  
RE: LEASE OF AIRPORT  
RESTAURANT

Chairman Gould: We will now open up the public hearing (6:50 p.m.) on the lease of the airport restaurant. Is there anyone to speak to the public hearing on the lease of the airport restaurant? Seeing no one, I will close the public hearing on the lease of the airport restaurant. (6:51 p.m.)

COMMUNICATIONS:

1. Letter – County Executive – Re: Appt. to Bd. of Health
2. Letter – Burgett & Robbins, LLP – Re: Compliments to DPW/Paving
3. Bond Determination Certificate
4. Highlights – NYS Fish & Wildlife June/July 2014
5. Letter – Senator Young – Re: Ack. Receipt of Motion. No. 5-14

TABLED LOCAL LAW INTRO. 6-14 – A Local Law Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (Re: Compliance/Privacy Officer) – No action taken (See page 250 for text)

RES. NO. 189-14  
Confirm Appointment – Parks Commission

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

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

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

Robert Franzen  
393 Busti-Sugar Grove Road  
Jamestown, NY 14701

## REGULAR SESSION

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Term Expires: 12/31/15 (Replacing Robert Jordon)

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy

Unanimously Adopted – September 24, 2014

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RES. No. 190-14  
Confirm Appointment - Chautauqua County Health Board

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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.

Lillian Vitanza Ney, N.D. Filling term of Rual Ruiz  
88 Gordon St.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/15

Signed: Tarbrake, Keefe, Lemon, Wilfong

Unanimously Adopted – September 24, 2014

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RES. NO. 191-14  
Authorize Lease of Airport Restaurant Facilities at Chautauqua County Airport at Jamestown

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Airport Commission has considered and recommended that the County lease the Airport Restaurant Facilities to Michelle Johnson for the operation of a cafe restaurant; and

WHEREAS, the necessary public hearing pursuant to Article 14 of the General Municipal Law has been held; therefore be it

RESOLVED, That the County Executive is authorized to execute a lease agreement with Michelle Johnson, 608 Winsor Street, Jamestown, NY 14701 for the Airport Restaurant Facilities at the County Airport in Jamestown upon substantially the following proposed terms and conditions:

1. Rent: Payment of \$200 per month on the first day of each month;
2. Term: Two years term commencing on or about October 1, 2014;
3. Utilities: County shall provide electric, gas and water and Tenant shall provide telephone and waste disposal services;
4. Other: As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Wilfong, Himelein, DeJoy, Runkle, Heenan, Borrello, Chagnon

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Adopted w/ Legislator Ahlstrom voting "no" – September 24, 2014

RES. NO. 192-14

Authorize Option Sale of Tax Foreclosure Properties to Southern Tier Environments for Living (STEL)

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Southern Tier Environments for Living (STEL) is applying for State and Federal funding to either build or renovate homes on thirty (30) distressed parcels in the City of Dunkirk, and the County has three (3) unsold tax foreclosure properties in the City of Dunkirk suitable for STEL's project; and

WHEREAS, one or more of the three (3) unsold properties may first be included in the demolition program being implemented by the Chautauqua County Land Bank Corporation pursuant to a grant received from the New York Office of the Attorney General; and

WHEREAS, as part of its grant application process, STEL must demonstrate site control over its proposed project properties, and it is therefore appropriate that the County provide STEL an option to purchase the properties for STEL to establish the necessary site control; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to provide STEL an option to purchase three (3) unsold tax foreclosure properties in the City of Dunkirk, as follows:

1.        Properties                      707 Main St.            060300-79.19-6-36  
   75 W. Doughty St.    060300-79.20-8-73  
   79 W. Doughty St.    060300-79.20-8-74
2.        Non-Refundable Option Deposit. Equal to the first year's real estate taxes for each property.
3.        Option Term. Approximately one (1) year as negotiated by the County Executive based on the grant application and award schedule.
4.        Purchase Price of Option Properties. 100% of the appraised value of the property or vacant lot if the building is demolished, less the non-refundable option deposit.
5.        Other. As negotiated by the County Executive.

Signed: Scudder, Vanstrom, Wendel, DeJoy, Himelein

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent: - September 24, 2014

RES NO. 193-14

Authorize Agreement with New York State for the Petroleum Product Quality Program

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

## REGULAR SESSION

WHEREAS, pursuant to Article 16, Section 179 of the New York State Agriculture and Markets Law, funds have been authorized and appropriated to the Chautauqua County Clerk, Weights and Measures Division for the continuation of the State's Petroleum Product Quality Program for the years 2014-2019 in the amount of \$41,600.00; and

WHEREAS, it is necessary for the county to enter into an agreement with the New York State Department of Agriculture and Markets in order to participate in the program; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the New York State Department of Agriculture and Markets as set forth above.  
Signed: Scudder, Vanstrom, Wendel, DeJoy, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – September 24, 2014

## RES. NO. 194-14

Authorize Intermunicipal Agreement With City of Dunkirk to Conduct Inspections of City Storm Sewers

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County holds a Great Lakes Restoration Initiative Grant with Health Research Incorporated to investigate sources of E. coli in the Lake Erie watershed; and

WHEREAS, City of Dunkirk tributaries and storm sewers have been identified as potential areas of concern for E. coli; and

WHEREAS, Chautauqua County desires to protect the health of Chautauqua County residents and prevent the transport of E. coli to Lake Erie beaches; and

WHEREAS, The City of Dunkirk currently contracts with Allen Marine, a division of Hohl Industries, to conduct professional inspection services of their infrastructure; and

WHEREAS, Chautauqua County will reimburse The City of Dunkirk for expenses related to the inspection of designated storm sewers; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to provide funds to the City of Dunkirk for their inspection of their storm sewers.

Signed: Tarbrake, Keefe, Lemon, Wilfong

Unanimously Adopted – September 24, 2014

## RES. NO. 195-14

Investment Policy for the County of Chautauqua

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

## JOURNAL OF PROCEEDINGS

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; therefore be it

RESOLVED, That the County Investment Policy is hereby re-confirmed with no changes 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



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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 proceed: 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	Crew & Associates
Merrill Lynch	Mischler Financial Group
Bank of New York	Federal Reserve Bank –Treasury Direct
First Empire Securities	Manufacturer's & Traders Trust Co.
Morgan Stanley	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:

## REGULAR SESSION

Bank of New York  
Federal Reserve Bank  
Wachovia Securities  
Edward Jones  
Morgan Stanley

RBS Greenwich Capital  
Manufacturer's & Traders Trust Co.  
JP Morgan Chase, N.A.  
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: Scudder, Vanstrom, Wendel, DeJoy, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – September 24, 2014

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RES. NO. 196-14

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2015 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 2015 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 22, 2014 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 2015 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, Heenan, Borrello, Chagnon

Unanimously Adopted – September 24, 2014

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## REGULAR SESSION

RES. NO. 197-14  
Quit Claim Deeds

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan

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 A 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. 44-13; 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.

Signed: Scudder, Vanstrom, Wendel, DeJoy, Himelein

Offer Number	Municipality	S/B/L	Purchaser	Offer Amt	Taxes Owning
PA-200-2014	Busti/Lakewood	062201-368.19-2-34	Aaron Quinn Destro	\$ 6,000.00	\$58,166.05
<b>TOTALS:</b>				<b>\$ 6,000.00</b>	<b>\$58,166.05</b>

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - September 24, 2014

EMERG. RES. NO. 198-14  
Authorize Memorandum of Agreement with CSEA

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 62-14, the County Legislature authorized the sale of the Chautauqua County Home; and

WHEREAS, the County and CSEA have negotiated a Memorandum of Agreement regarding unused accrued sick time at the time of the ownership transfer of the County Home; therefore be it

JOURNAL OF PROCEEDINGS

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RESOLVED, That the County Legislature hereby approves the Memorandum of Agreement with CSEA regarding unused accrued sick time at the time of the ownership transfer of the County Home, to include the payment of \$170,000 for unused accrued sick time.

Adopted – R/C Vote: 17 Yes; 1 No; 1 Absent – (Scudder voting “no”) - September 24, 2014

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2<sup>nd</sup> Privilege of the Floor

My name is Emily Reynolds, I live at 2644 Waits Corners Road in Sherman, New York. I am here on behalf of Cornell Cooperative Extension and I just wanted to thank you and the County Executive for your continued support of the Cooperative Extension and all the programs that we offer here in the County. Thank you.

MOVED by Legislator Ahlstrom, SECONDED by Legislator Heenan and duly carried the meeting was adjourned. (7:29 p.m.)

## REGULAR SESSION

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Regular and Budget Meeting  
Chautauqua County Legislature  
2:00 P.M. & 6:30 P.M.  
Wednesday, October 22, 2014  
Mayville, N.Y.

Chairman Gould called the meeting to order at 2:03 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent DeJoy(2:00 p.m.)

Legislator Tarbrake delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Tarbrake and duly carried the minutes were approved. (9/24/14)

Privilege of the Floor

No one chose to speak at this time.

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VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN  
NO VETOES FROM 9/24/14

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PUBLIC HEARING – 2015 TENTATIVE BUDGET & SEWER DISTRICT ASSESSMENT ROLLS

Chairman Gould: We will now open up the public hearing on the tentative budget and the sewer districts? Is there anyone here to speak on the tentative budget or the sewer district assessment rolls? Seeing none, we'll close the public hearing. (2:05 p.m.)

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COMMUNICATIONS:

1. Letters (4) – County Executive – Appts. to Various Boards
  2. Reports (2) – Fn. Director Marsh – Investments (Sept./Oct.)
  3. Letter – Deputy Director Planning M. Giese – Re: Progress Report on Alliance Formation
  4. Letter – Senator Young – Re: Ack. Receipt of Motions 3 & 4
  5. Letter – NYS Comptroller – Re: Ack. Receipt of Corrective Plan – Reducing Cost of Hospital Servs. To County Inmates
  6. Letter – Dept. of Public Service – Re: Dnk. Gas Corp. – Application Request to Construct 11.3 Mile Natural Gas Pipeline
  7. Letter – NYSAC – Re: Mini-Data CD – 2014 County Salary Survey & Employee Benefits Report
  8. Letter – NYSAC – Re: Public Safety Tower Master Lease Agreement (Summary)
  9. Letter – Weimer's We Wan Chu Cottages – Re: Protection of Bigfoots/Sasquatch in Chautauqua County
  10. 2015 Tentative Budget - Chautauqua County
- 

RENEW & AMEND RES. NO. 192-14, Authorize Option Sale of Tax Foreclosure Properties to Southern Tier Environments for Living (STEL) – (See page 257 for text)

MOVED by Legislator Ahlstrom, SECONDED by Legislator Himelein to bring to the floor.

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*Unanimously Carried*

MOVED by Ahlstrom, SECONDED by Legislator Himelein to amend 192-14 to add properties 630-632 Grant Avenue and 734 Main Street.

*Unanimously Carried*

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – October 22, 2014

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RES. NO. 199-14  
Confirm Re-Appointment - Chautauqua County Fire Advisory Board

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive, Vincent W. Horrigan, has submitted the following re-appointment to the Chautauqua County Legislature for action; now therefore be it

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

Steve Lehnen  
9791 Route 60  
Fredonia, N.Y. 14063  
Term Expires: 1/31/15

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel

Unanimously Adopted – October 22, 2014

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RES. NO. 200-14  
Confirm Appointment - Chautauqua County Youth Board

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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.

Maureen Abbott  
120 S. Gale St.  
Westfield, N.Y. 14787  
Term Expires: 10/31/17

Signed: Tarbrake, Keefe, Scudder, Lemon, Wilfong

Unanimously Adopted – October 22, 2014

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## REGULAR SESSION

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RES. NO. 201-14  
Confirm Appointment – Off Track Betting

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

BE IT RESOLVED, That the following individual be and hereby appointed to the Chautauqua County Off Track Betting Committee.

Allan Hendrickson (Replacing Roger Ruckman)  
21 Windsor Place, WE  
Jamestown, N.Y. 14701  
Term Expires: 12/31/14

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon

**MOVED by Legislator Runkle, SECONDED by Legislator Himelein to amend by substitution**

*Unanimously Carried*

Appointing a Chautauqua County Director to the Western Regional Off-Track Betting Corporation

At the Request of Chairman Frank J. Gould:

WHEREAS, the position of Chautauqua County Director for the Western Regional Off-Track Betting Corporation is vacant due to the retirement of Roger Ruckman of Fredonia, N.Y. effective October 1, 2014, and

WHEREAS, it is in the best interest of Chautauqua County to appoint a new member to replace Mr. Ruckman to continue the effective representation of our County on this important corporation, therefore be it

RESOLVED, The Chautauqua County Legislature hereby appoints Allan Hendrickson, 21 Windsor Place, WE, Jamestown, N.Y. 14701 as the Chautauqua County Director to the Western Regional Off-Track Betting Corporation and that his term shall begin October 27, 2014.

Unanimously Adopted as amended – October 22, 2014

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RES. NO. 202-14  
Confirm Appointment – Southern Tier West Regional Planning & Development Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan has submitted the following appointment for action by the Chautauqua County Legislature, therefore be it



JOURNAL OF PROCEEDINGS

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

Willie Rosas Filling Term of: Stephanie Aprigliano-Kiyak  
768 Central Ave.  
Dunkirk, N.Y. 14048  
Term Expires: 9/30/15

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – October 22, 2014

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RES. NO. 203-14  
Confirm Appointment - Chautauqua County Planning Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vince W. Horrigan, 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:

Charles R. Patton  
7316 Bailey Hill Rd.  
Sherman, N.Y. 14781  
Term Expires: 12/31/17

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – October 22, 2014

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RES. NO. 204-14  
Authorizing the Implementation and Funding of the South Main Street Bridge  
PIN 5761.00 County Bridge 1085

By Public Facilities and Audit & Control Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, a Project for the Rehabilitation of the South Main street Bridge over Chadakoin River, BIN 2258360 in the City of Jamestown, Chautauqua County PIN 5760.00 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases, estimated to be \$305,000 to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; 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 5761.00;

REGULAR SESSION

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 or portions thereof; and it is further

RESOLVED, that the additional sum of \$305,000 is hereby appropriated from D.5112.390 and is made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the project PIN 5761.00; 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 (Design I-VI) and Right-of-Way Incidentals 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 Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

D-----909.0000 Fund Balance, Unreserved Fund Balance – Fund Balance \$15,250

and be it further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – County Bridge Program \$305,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002 Federal Aid: Surface Transp Program \$244,000

D.5112.390.R358.9003 New York State Aid: Marchiselli Program \$ 45,750

\$289,750

(A.C.- Amended to Remove from "D" fund not "A" fund)

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Signed: Hemmer, Nazzaro, Wilfong, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014

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RES. NO. 205-14  
Adjust DPF Accounts for the Replacement of Equipment

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the DPF Division of Solid Waste was in need of a used grader and the DPF Division of Transportation elected to transfer a surplus 1997 Champion 720A Grader to the Division of Solid Waste; and

WHEREAS, funds realized from the transfer of the grader and other surplus equipment generated a surplus to the revenue account; and

WHEREAS, additional funds are needed to complete large equipment purchases; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2014 budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

DM.9950.-----9	Inter-fund Transfers – Transfer to Capital	\$70,396
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INCREASE REVENUE ACCOUNT:

DM.5130.R266.5000	Sale of Property/Compensation-Sale of Equip	\$70,396
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual – DPF Large Equipment	\$70,396
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INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R503.1000	Inter-fund Transfers – Inter-fund Transfer	\$70,396
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Signed: Hemmer, Nazzaro, Wilfong, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014

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RES. NO. 206-14  
Authorize Public Hearing on Proposed Lease of Airport Facilities at The Greater Chautauqua-Jamestown Airport

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Sun Air Express Airlines will assume essential air carrier service at The Greater Chautauqua-Jamestown Airport effective November 1, 2014; and

## REGULAR SESSION

WHEREAS, the Airport Manager has tentatively negotiated a proposed lease with Sun Air Express Airlines, 3201 Griffin Road, Suite 202, Fort Lauderdale, Florida, for operation of commercial air services at The Greater Chautauqua-Jamestown Airport; and

WHEREAS, the Airport Commission has considered and recommended a short term lease with the proposed tenant; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to provisions of Article 14 of the General Municipal Law, a public hearing shall be held at the meeting of the County Legislature on November 19, 2014 at 6:45 pm in Legislative Chambers, Gerace Office Building, Mayville, New York 14757 on the proposed short term lease of airport facilities with Sun Air Express Airlines at The Greater Chautauqua-Jamestown Airport on substantially the following proposed terms and conditions:

1. Premises: Approximately 1,738.50 sq. feet of office space, counter space, baggage areas and storage space in the Chautauqua County Terminal Building at The Greater Chautauqua- Jamestown Airport.
2. Rent: Payment of the sum of \$2,000.00 per month plus \$6.00 per landing fee due on the first day of each month.
3. Term: A two year term beginning on or about November 1, 2014 and ending on or about September 30, 2016.
4. Utilities: County shall provide electric, gas and water services, and Tenant shall be responsible for obtaining their own telephone service.
5. Other: As negotiated by the County Executive;

and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this public hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Nazzaro, Wilfong, Himelein

Unanimously Adopted – October 22, 2014

## RES. NO. 207-14

Authorize Short Term Lease of Facilities at The Greater Chautauqua-Jamestown Airport

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Sun Air Express Airlines will assume essential air carrier service at Jamestown Airport effective November 1, 2014; and

WHEREAS, it is necessary for the Greater Chautauqua-Jamestown Airport to maintain commuter airline services to enhance both airport operations and the residents of Chautauqua County; and

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WHEREAS, the Chautauqua County Airport Commission has recommended the approval of air services by Sun Air Express Airlines at the Greater Chautauqua-Jamestown Airport, which provides a major connection to Pittsburgh International Airport; and

WHEREAS, it is appropriate for the Chautauqua County Legislature to authorize the County Executive to execute a short term lease agreement pursuant to Local Law; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute a short term lease with Sun Air Express Airlines on substantially the following terms and conditions:

1. Premises: Approximately 1,738.5 sq. feet of office space, counter space, baggage areas and storage space in the Chautauqua County Terminal Building at the County Airport in Jamestown.
2. Rent: Payment of \$ 2,000.00 per month plus \$6.00 per flight landing fee.
3. Term: A term beginning November 1, 2014 and ending January 31, 2015.
4. Other: As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Wilfong, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014

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RES. NO. 208-14

Accept New York State Local Government Records Management Improvement Fund (LGRMIF)  
Funds to Create Electronic Library Catalog Records for County Archives

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County Clerk has successfully applied through New York State for grant funds through the Local Government Records Management Improvement Fund (LGRMIF) of \$34,500 to digitize matrimonial records; and

WHEREAS, the County Clerk will use the grant proceeds to hire a vendor to create the electronic records and submit them to Info Quick Solutions for uploading to the Clerk's Electronic Document Management System (EDMS); and

WHEREAS, it is appropriate to accept these grant funds to allow staff to locate County records through the EDMS to realize efficiencies in retrieving relevant documents and reduce the storage of paper records; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary agreements with New York State for the LGRMIF grant in the amount of \$34,500, and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2014 Budget:

INCREASE CAPITAL PROJECT APPROPRIATION ACCOUNT:  
H.1410.569.4 Contractual – Cnty Clerk, Archival Records Mgt Syst \$34,500

INCREASE CAPITAL PROJECT REVENUE ACCOUNT:  
H.1410.569.R306.0000 NYS Aid - Records Mgmt. Improve Grant \$34,500

REGULAR SESSION

Signed: Scudder, Wendel, Vanstrom, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014

RES. NO. 209-14  
Use of Emergency Services Facilities by Other Municipalities

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 154-10, the County's Office of Emergency Services has leased space from the Town of Chautauqua at 2 Academy Street in the Village of Mayville; and

WHEREAS, the Office of Emergency Services from time-to-time needs to grant permission to other Government agencies to use the facilities for emergency and/or mitigation purposes; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the aforementioned agreements with Municipalities in times of need.

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel

Unanimously Adopted – October 22, 2014

RES. NO. 210-14  
Authorize Agreement with Cattaraugus County Sheriff's Office for Inmate Housing

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, on occasion, the Chautauqua County Jail has a need to relocate inmates to other jail facilities; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Cattaraugus County Sheriff's Office to house inmates at the current rate of \$50.00 per day; and

WHEREAS, the Chautauqua County Sheriff shall assume all medical costs for the inmates boarded in the Cattaraugus County Jail; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Cattaraugus County Sheriff's Office for the housing of inmates as set forth above.

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014

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## RES. NO. 211-14

## Authorize Agreement with Niagara County Sheriff's Office for Inmate Housing

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, on occasion, the Chautauqua County Jail has a need to relocate inmates to other jail facilities; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Niagara County Sheriff's Office to house inmates at the current rate of \$80.00 per day; and

WHEREAS, the Chautauqua County Sheriff shall assume all medical costs for the inmates boarded in the Niagara County Jail; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Niagara County Sheriff's Office for the housing of inmates as set forth above.

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014

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## RES. NO. 212-14

## 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 Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of bomb detection; and

WHEREAS, the State of New York will provide funding in the amount of \$110,000.00 with no local funds for a contract period from September 1, 2014 to August 31, 2016; 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.

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014

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## RES. NO. 213-14

## 2014 Hazardous Materials Grant Program

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

REGULAR SESSION

WHEREAS, the Office of Emergency Services was awarded a Region Partnership Grant in the amount of \$94,000 under the 2014 Hazmat Grant Program which runs from September 1, 2014 thru August 31, 2016; and

WHEREAS, the 2014 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 and maintain HazMat and Counter Terrorism equipment and to train Hazardous Materials Responders in order to enhance regional HazMat response capabilities; now therefore be it

RESOLVED, That the County Executive is hereby authorized to sign the necessary contracts and documents to accept the award.

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014

RES. NO. 214-14  
Homeland Security Grants for FY12 Appropriations for 2014 Budget

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2012; and

WHEREAS, Resolutions 196-12 authorized the County Executive to sign and accept the Homeland Security Grant Programs; and

WHEREAS, to meet the objectives of the SHSP grant program, funds need to be appropriated to purchase grant approved equipment & supplies as stated in the work plans to achieve the project goals; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2014 budgetary changes:

<u>INCREASE APPROPRIATION ACCOUNTS:</u>		
A.3010.----.2	Equipment – Emergency Services	\$21,657
A.3010.----.4	Contractual – Emergency Services	<u>\$ 843</u>
		\$22,500
<u>INCREASE REVENUE ACCOUNT:</u>		
A.3010.----.R430.5004	Federal Aid – Homeland Security	\$22,500

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 22, 2014



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RES. NO. 215-14  
Authorize CCVB for Matching Funds for NYS Division of Tourism

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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, 2014 through March 31, 2015.

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon, Runkle, Nazzaro

Unanimously Adopted – October 22, 2014

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## REGULAR SESSION

## RES. NO. 216-14

Transfer Funds from CLMC Capital Accounts to SAV Management Plan Capital Account

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Legislature approved the development of the Submerged Aquatic Vegetation Management Plan (SAV) for Chautauqua Lake as recommended by the Chautauqua Lake Management Commission; and

WHEREAS, the 2013 Capital Budget included \$20,000 for the SAV project; and

WHEREAS, the total cost of completing the SAV is now estimated to be \$34,500; and

WHEREAS, it is necessary to transfer unspent funds appropriated in Capital Account H.8020.674 for projects identified in the CLMC Action Plans to cover these additional costs; now therefore be it

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

INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37892.R503.1000	Interfund Transfers-Interfund Transfer	\$14,500
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DECREASE CAPITAL REVENUE ACCOUNT:

H.8020.674.R503.1000	Interfund Transfers-Interfund Transfer	\$14,500
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37892.4	Contractual-Chaut Lake SAV Mgt Plan	\$14,500
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.674.4	Contractual - Chaut Lake Mgt Comm	\$14,500
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Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon, Runkle, Nazzaro

Unanimously Adopted – October 22, 2014

## RES. NO. 217-14

Authorizing Purchase of CCIDA Bonds

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Sections 864 and 872 of New York State General Municipal Law, the County of Chautauqua Industrial Development Agency (CCIDA) is authorized to issue negotiable bonds for industrial development purposes and the County is authorized to purchase such bonds; and

WHEREAS, CCIDA intends to issue bonds in the amount of \$2,000,000 to assist in the purchase, maintenance, and development of the ConAgra facility located on 10 acres of real property at 26 East Talcott Street in the City of Dunkirk, and it is desirable and appropriate for the County to further the industrial development efforts of CCIDA by purchasing said bonds; therefore be it

JOURNAL OF PROCEEDINGS

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RESOLVED, That the County Executive and Director of Finance are hereby authorized and empowered to purchase up to \$2,000,000 in CCIDA bonds issued for the purchase, maintenance, and development of the ConAgra facility located on 10 acres of real property at 26 East Talcott Street in the City of Dunkirk, on the following terms and conditions:

1. Term. Two (2) years
2. Interest Rate. Three percent (3%)
3. Other. As negotiated by the County Executive.

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon, Runkle, Nazzaro

Unanimously Adopted – October 22, 2014

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RES. NO. 218-14  
Real Property Tax Foreclosure Parcels

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the legislature previously approved requests to reacquire the following tax foreclosure parcels: 063001-237.12-2-5 (Green); 060800-387.26-4-50 (Patrizi); 060800-387.14-5-3 (Owens); and ~~065600-339.15-2-33~~ (Johnson), and

WHEREAS, the Office of Real Property Tax made every effort to process reacquisition paperwork, and

WHEREAS, the parties seeking reacquisition have failed to submit required documentation to finalize the reacquisition of the respective parcels, and

WHEREAS, it has been over three (3) years since the parties requested to reacquire the respective parcels and real property taxes have again become delinquent, and

WHEREAS, because of the delinquent tax status, the parcels are eligible for tax foreclosure, and

WHEREAS, it is in the County's best interest to begin the process of foreclosure, therefore be it

RESOLVED, That the legislature hereby rescinds the prior approval of each reacquisition request with no refund of prior tax payments and that the Director of Real Property Tax is hereby directed to include the parcels in the next available tax foreclosure proceeding.

(A.S. – Amended to Removed Johnson parcel 065600-339.15-2-33)

Signed: Scudder, Wendel, Vanstrom, Himelein

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - October 22, 2014

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**Strikethrough Indicates Deletion**

## REGULAR SESSION

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RES. NO. 219-14  
Setting Salary for Physician's Assistant

By Administrative Services, Human Services, and Audit & Control Services Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Director of Community Mental Hygiene Services has requested a new title be created to assess, diagnose and treat clients along with the ability to prescribe medication; and

WHEREAS, the Director of Community Mental Hygiene Services has indicated that this position will enhance the ability to address emotional and behavioral disorders in children and adults; and

WHEREAS, the Director of Community Mental Hygiene Services has also shown that such service can provide a significant value to Chautauqua County; and

WHEREAS, the Department of Human Resources has determined that the position should be classified as Physician's Assistant in the competitive civil service and has recommended that salary be set at Grade 34 of the CSEA salary schedule, therefore be it

RESOLVED, That the title of Physician's Assistant be added to the Chautauqua County Salary Plan at Grade 34.

Grade 34 \$ 38.65 - \$ 50.18 per hour (2011 CSEA salary schedule)

Signed: Scudder, Wendel, Vanstrom, Himelein, Tarbrake, Keefe, Lemon, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - October 22, 2014

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RES. NO. 220-14  
Quit Claim Deeds

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

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 A 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. 44-13; 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

## JOURNAL OF PROCEEDINGS

failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amt.	Taxes Owning
PA-87-2014	Jmstn.	060800-387.06-2-2	Silas A Basdeo	\$ 6,001.99	\$21,380.34
PA-155-2014	Jmstn.	060800-387.16-6-58	Mary A Yachetta	\$ 1,000.00	\$ 5,159.80
PA-179-2014	Jmstn.	060800-387.39-2-14	Jeremy Lee Weaver	\$ 100.00	\$ 8,955.58
PA-385-2014	Charlotte/Sinclairville	062601-251.13-1-77	Spinler Holdings LLC	\$ 500.00	\$21,525.44
PA-222-2014	Cherry Crk.	063001-237.12-2-14	Bradley A Mason	\$ 1.00	\$ 233.50
PA-230-2014	Ellery	063689-315.00-1-14.2	Edward Gleason Liddell	\$ 200.00	\$ 190.16
PA-230-2014	Ellery	<del>063689-315.00-1-14.2</del>	Bradley A Mason	<del>\$ 1.00</del>	<del>\$ 190.16</del>
PA-263-2013	Hanover/Silver Creek	064603-32.18-7-17	Eric Michael Herm	<del>\$ 100.00</del>	<del>\$13,198.73</del>
PA-262-2013	Hanover/Silver Creek	064603-32.18-7-17	William A Maecker	<del>\$ 133.00</del>	<del>\$13,198.73</del>
PA-272-2014	Hanover/Silver Creek	064603-49.05-1-37	Alvin M & Audrey M Crowe	\$ 25.00	\$ 169.70
PA-342-2014	Sheridan	066400-48.00-1-38	Bradley A Mason	\$ 1.00	\$ 200.12

**TOTALS:** ~~\$8,062.99~~ ~~\$84,402.26~~  
**\$7,828.99** **\$57,814.64**

(A.S. Amended to Strike 3 properties – See Strikethrough)

Signed: Scudder, Wendel, Vanstrom, Himelein

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - October 22, 2014

6:30 P.M.

**RECONVENE LEGISLATURE MEETING**

CALL TO ORDER (6:30 p.m.)  
ROLL CALL (All present)

**PUBLIC HEARING – 2015 TENTATIVE BUDGET & SEWER DISTRICT ASSESSMENT ROLLS**

Chairman Gould: Anyone here to speak to the public hearing?

Peter Weimer: I want a budget for Big Foot from the Bed Tax dollars please.

Chairman Gould: He's not in the budget.

**Strikethrough Indicates Deletion**

REGULAR SESSION

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Mr. Weimer: Yea, but can I ask for a budget? You are going to talk about money today. Here is the idea I've come up with since I talked to you this afternoon. My name is Peter Weimer, I'm from We Wan Chu Cottages here on Chautauqua Lake. I created the Chautauqua Lake Big Foot Expo as a tourism special event to try and bring in tourists, to specifically our cottage resort, but certainly to the area. Since creating this event three years ago, I've had 17 eye witnesses from Chautauqua County contact me in resolving themselves and knowing they've seen a Big Foot but were afraid to discuss it publically for fear of ridicule. As I pointed out this afternoon, Alleghany National Forest has a geo trail called the Great Finding Big Foot Geo Trail which would be a worthy tourism budget, monies out of your budget, as well as what I came originally to talk to you about was enacting a law and paying the lawyers to write the law from the bed tax dollars to put Big Foot or Sasquatch on the endangered species list for Chautauqua County. We should err to the side of caution in knowing that from these witnesses and other people that don't come forward that Big Foot is probably as real as panthers, bear, and deer. Just because we haven't seen it, it doesn't mean it doesn't exist. I have never seen a panther or bear in the woods but they tell me they are there. So, I am respectfully requesting any funding that you can see fit as well as including Sasquatch and Big Foot into an endangered species list for Chautauqua County to the betterment of tourism and travel. Thank you very much.

Lou Galondo, 3537 Baker Street. What I want to address you in the budget is, possible the money that is being squandered through the DPF department. I can show you in a one mile stretch of road where work has been done that was not authorized, was not stopped when they were notified that they were in violation, work was continued. On that same stretch of road, there was pot holes and etc. in the intersection of Baker Street where Garfield and Howard Avenue come together. Pot holes and etc. when you come into the intersection. The big lane change arrows and etc. were placed in the road a month and a half later, pavement placed over the top of them. We go back to budget trying to save money. This is squandered money that has to be replaced. Someone is going to have to replace those arrow patching etc.. The money that was squandered on an illegal ditch is more than enough money. I read in the paperwork that Mr. Hemmer is trying to get new equipment for the DPW, the money that's squandered could easily buy large pieces of equipment and I'm not talking little four, five thousand pieces of equipment. You have one in the – I think that it's number 205-14 today, a transition of money. You could have easily covered that with the money that's been squandered through the use and misuse of allocations of money, time, and expense. You have engineers that must not be looking when you have to dig a ditch three times to make it work. We're paying County people, this is County taxpayer dollar, you keep talking about lowering the taxes, staying under the tax cap, this is all money that is being and this is just one mile of road that is showing this. How many miles of road are in this County that are probably misappropriated, misfunded, paving work that is done out there is not even close to being adequately done. I mean, it's all honey combed etc., the way it was presented and done creates another problem that I will address later because it's not part of this budget forum. Thank you.

Chairman Gould: Anybody else to speak at the public hearing? Seeing no one, I will close the public hearing. (6:36 p.m.)

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RES. NO. 221-14

Consider 2015 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 County Executive Vincent W. Horrigan:

JOURNAL OF PROCEEDINGS

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WHEREAS, the Chautauqua County Legislature has received the County Executive's 2015 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 2015 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

INCREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.1	Personnel Services - Consolidated Dispatch	\$ 15,849
A.3020.DISP.8	Employee Benefits - Consolidated Dispatch	1,245
A.4320.----.4	Contractual – Mental Hygiene Programs	\$549,000
A.9950.----.9	Interfund Transfers - Transfer to Capital	<u>150,000</u>
		\$716,094

DECREASE APPROPRIATION ACCOUNTS:

A.3150.----.4	Contractual - Jail	\$ 21,000
A.6010.----.4	Contractual - Social Services Administration	100,000
A.1162.1120.4	Contractual - Assigned Counsel	50,000
A6772.----.4	Contractual – Office for the Aging	<u>50,000</u>
		\$221,000

INCREASE REVENUE ACCOUNTS:

A.3020.DISP.R338.9002	NYS Aid - Dispatch Grant	\$172,000
A.5630.5625.R358.9000	NYS Aid – Transportation, CARTS	46,303
A.1310.9999.R111.0000	Sales Tax - Sales Tax	100,000
A.4090.R478.9WSA	Federal Aid - Wastewater & Well Assist	100,000
A.4320.R349.0000	NYS Aid: Mental Health	\$549,000
A.6010.R361.0000	NYS Aid: Social Services Admin	<u>400,000</u>
		\$1,367,303

DECREASE REVENUE ACCOUNTS:

A.3189.3111.R331.5000	NYS Aid - Navigation Law Enforcement	\$ 26,987
A.4090.R448.9000	Federal Aid - Source Water Assessment	<u>72,743</u>
		\$ 99,730

RESOLVED, That the 2015 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$62,790,611 and an estimated Full Value Rate of \$9.149.

Signed: Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – R/C Vote: 19 Yes - October 22, 2014

2<sup>nd</sup> Privilege of the Floor

Thank you Mr. Chairman, Paula DeJoy, Chautauqua County Legislator, District 13.

County Executive Horrigan, Chairman Gould, and Fellow Legislators,

At this time I regret to inform you that this will be my last meeting as a Chautauqua County Legislator for District 13. I am resigning from this position because my partner and I have purchased a new home outside of District 13 and my family will be moving before November committee meetings.

Constituents of District 13-thank you for allowing me to represent you and showing your support through the last two elections. I will sadly miss the east side of Jamestown, where my family members have resided for the nearly the past 100 years.

REGULAR SESSION

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Lori Foster, Becky Cady, and Kathy Tampio-Thank you for all that you do for the Chautauqua County Legislature and all that you have done for me.

Chairman Gould, thank you for allowing me to serve as a board member on both the Cornell Cooperative Extension of Chautauqua County and the Stop DWI Board.

Last, I would like to take this opportunity to thank all of my fellow legislators, past and present, for all that they have taught me over the past five years. Republican leaders and friends-Jay Gould, John Runkle, and George Borrello-thank you. Democratic leaders and friends-Keith Ahlstrom, Shaun Heenan, Chuck Nazzaro, the rest of my Democratic caucus, past Legislators Vicki James, Rudy Mueller, and Maria Kindberg, thank you for supporting me and allowing me to represent my district to the best of my abilities. My gratitude extends to Mayor Sam Teresi, a life- long family friend and mentor, and I would have never been able to take this position without the help, love, and support of my entire family. Thank you very much. (Applause)

Chairman Gould: Is there anyone else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one else, I have something for Mrs. DeJoy.

*Chairman Gould then presented Legislator DeJoy w/ a Commendation.*

MOVED by Legislator DeJoy, SECONDED by Legislator Heenan and duly carried the meeting was adjourned. (6:43 p.m.)



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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, November 19, 2014  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampo called the roll and announced a quorum present. (Borrello, Wilfong absent)

Legislator Vanstrom delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Runkle and duly carried the minutes were approved. (10/22/14).

1<sup>st</sup> Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN  
NO VETOES FROM 10/22/14

COMMENDATION:

ELLISON BRONZE  
BY  
LEGISLATOR LISA VANSTROM

6:45 P.M.

PUBLIC HEARING

LEASE OF FACILITIES AT THE  
GREATER CHAUTAUQUA-JAMESTOWN  
AIRPORT

Chairman Gould: I will now open up the public hearing. (6:45 p.m.) Is there anyone to speak to the public hearing? Seeing no one, I will close the public hearing. (6:46 p.m.)

COMMUNICATIONS:

1. Letter – Resignation submitted by Coroner John Sixbey (Effective 1/6/2015)
2. Letter – Resignation submitted by Legstr. Paula DeJoy (Effective 10/22/14)
3. Letters(7) – Co. Executive – Apptmts. to Various Boards
4. Report – Fn. Director Marsh – Investment for October/2014
5. Update – 2014 Tobacco Settlement Bond – Refinance of 2000 Series Bond
6. Minutes – Chaut. County Water Agency – October/2014
7. Proof of Publication – Public Hearing – 2015 Tentative Budget
8. Proof of Publication – Public Hearing – Jmst. Airport
9. Letter – Invitation from JCC President's Roundtable
10. Letter – Congressman Tom Reed – Re: Federal Disaster Declaration-Storms
11. Highlights – NYS Fish, Wildlife & Marine Resources – August/2014
12. Res. – Lewis County – Re: Requesting State Disaster Aid
13. Res. – Town of Middlesex – Requesting State Disaster Aid

## REGULAR SESSION

Motion: (On file w/ Legislature 11/19/14 Data)

8-14 Urging NYS Legislature to Home Rule Revenue Requests in Order to Meet  
the Intent of Home Rule Authority Granted to Counties in the State Constitution –  
Unanimously Adopted

## RES. NO. 222-14

Confirm Re-Appointments - Chautauqua County Parks Commission

By Public Facilities Committee:

At the Request of Chairman Frank J. Gould:

WHEREAS, Chairman Frank Jay 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.

Ainsley Smith	Tom Erlandson	Martha Anderson
PO Box 466	26 Valley Drive	3615 Belleview Rd.
Sinclairville, N.Y. 14782	Frewsburg, N.Y. 14738	Bemus Point, N.Y. 14712
Term Expires: 12/31/17	Term Expires: 12/31/17	Term Expires: 12/31/17

Signed: Himelein, Wilfong, Nazzaro

Unanimously Adopted – November 19, 2014

## RES. NO. 223-14

Confirm Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Ethics Board.

John B. Lloyd	Filling Term of William Tucker
4 Houston Court	
Jamestown, N.Y. 14701	
Term Expires: 1/31/15	

Signed: Scudder, Vanstrom, Wendel, Himelein

Unanimously Adopted – November 19, 2014

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RES. NO. 224-14

Confirm Re-Appointment – Agriculture & Farmland Protection Board

By Planning & Economic Development 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 Agriculture & Farmland Protection Board:

Theodore Card 2929 Moon Road Jamestown, NY 14701 Term Expires 12/31/2016	Replacing Laurie Livingston
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Signed: Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 225-14

Confirm Re-Appointments – Off Track Betting

By Planning & Economic Development Committee:  
At the Request of Chairman Frank J. Gould:

BE IT RESOLVED, That the following individual be and hereby re-appointed to the Chautauqua County Off Track Betting Committee for a term to expire 12/31/16:

Jerry Park 1664 Rt. 83 Forestville, N.Y. 14062	Legstr. Frank "Jay" Gould 70 Hoag Road Ashville, N.Y. 14710	Fran Lus 71 Peerless St. Brocton, N.Y. 14716
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Signed: Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 226-14

Authorize Lease of Facilities at The Greater Chautauqua-Jamestown Airport

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Sun Air Express Airlines will assume essential air carrier services at The Greater Chautauqua-Jamestown Airport effective November 1, 2014; and

WHEREAS, it is necessary for The Greater Chautauqua-Jamestown Airport to maintain commuter airline services to enhance both airport operations and the residents of Chautauqua County; and

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WHEREAS, the Chautauqua County Airport Commission has recommended the approval of air services by Sun Air Express Airlines at The Greater Chautauqua-Jamestown Airport, which provides a major connection to Pittsburgh International Airport; and

WHEREAS, it is appropriate for the Chautauqua County Legislature to authorize the County Executive to execute a short term lease agreement with Sun Air Express Airlines; and

WHEREAS, the public hearing required by Article 14 of the General Municipal Law has been duly held; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute a short term lease with Sun Air Express Airlines on substantially the following terms and conditions:

1. Premises: Approximately 1,738.50 sq. feet of office space, counter space, baggage areas and storage space in the Chautauqua County Terminal Building at The Greater Chautauqua- Jamestown Airport.
2. Rent: Payment of the sum of \$2000 per month plus \$6 per landing fee due on the first day of each month.
3. Term: A two year term beginning on or about November 1, 2014 and ending on or about September 30, 2016.
4. Utilities: County shall provide electric, gas and water services, and Tenant shall be responsible for obtaining their own telephone service.
5. Other: As negotiated by the County Executive.

Signed: Himelein, Wilfong, Nazzaro, Runkle, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

## RES. NO. 227-14

## Authorize Extension of CCIDA Lease and Sub-Lease of Airport Hangar

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 139-04, the County of Chautauqua Industrial Development Agency (CCIDA) leases from the County the former commuter hangar at the Jamestown Airport, and CCIDA sub-leases the hangar to the fixed based operator at the airport, Jamestown Aviation Company, LLC; and

WHEREAS, the aforementioned lease and sub-lease expire on December 31, 2014, and the other current leases with Jamestown Aviation Company, LLC are subject to an option to renew as of May 1, 2015 and November 1, 2015; and

WHEREAS, the parties are in the process of negotiating a consolidated lease to cover all of the facilities leased by Jamestown Aviation Company LLC at the Jamestown Airport, and it would be advantageous to temporarily extend the current lease and sub-lease through the first quarter of 2015 to allow negotiations of a consolidated lease to be completed; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into any necessary agreements to extend through March 31, 2015 the current lease and sub-lease of the former commuter hangar at the Jamestown Airport with CCIDA and Jamestown Aviation Company, LLC, respectively, on the same terms and conditions as the current agreements, including rent of

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\$1000.00 per month and the sub-tenant paying all utilities/insurance and a ten percent commission on hangar rental collections.

Signed: Himelein, Nazzaro, Wilfong, Runkle, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 228-14  
Adjustment of 2014 DPF – CARTS Division Accounts

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, due to the Medicaid re-design effective August 1, 2014, the Chautauqua Area Regional Transportation System (CARTS) is responsible for scheduling assigned rides and paying the volunteer drivers that transport the eligible Medicaid riders; and

WHEREAS, CARTS receives the revenue to offset the costs associated with these rides directly from the State Medicaid program; and

WHEREAS, the administrative costs are included in the 2014 budget but other contractual costs and associated revenues are not currently reflected; therefore be it

RESOLVED, That the Director of Finance be and hereby is directed to make the following changes to the 2014 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.5630.5625.4	Contractual – Bus Operations -CARTS	\$15,000
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INCREASE REVENUE ACCOUNT:

A.5630.5625.R358.9002	NYS Aid – Transport Medicaid Volunteers	\$24,600
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Signed: Himelein, Wilfong, Nazzaro, Runkle, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 229-14  
Acceptance of CARTS Section 5311 Second Capital Grant

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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) ADP Hardware-Mobile Data Computers/GPS System	\$ 65,500
2) Seven (7) Replacement <30' Buses and Related Equipment	\$ 480,000

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3) Shop Equipment-Two (2) Pressure Washers	\$ 18,250
4) ADP Hardware –Projector	\$ 430
5) ADP Hardware-LED Sign	\$ 1,000
6) ADP Hardware-Display Board	\$ 1,500

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 this project; and

WHEREAS, the existing capital budget includes the originally estimated amounts for these projects; and

WHEREAS, the County is in receipt of finds from the sale of equipment and insurance recoveries and these funds can be used to cover the additional local cost of these projects; therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents 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 hereby is authorized and directed to make the following budgetary changes:

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.5630.25825.4	Contractual - Bus Ops - ADP Hdwr - AVL & MDC	\$68,430
H.5630.25886.4	Contractual - Bus Ops - Bus Replacement	\$90,000
H.5630.25909.4	Contractual - Bus Ops - Replace Pressure Washers	<u>\$250</u>
		\$158,680

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H-5630-25825 R266.5000	Sale of Property/Compensa - Sale of Equipment	\$6,843
H-5630-25825 R359.7000	NYS Aid - Transportation Capital	\$6,843
H-5630-25825 R459.7000	Federal Aid - Transportation Capital	\$54,744
H-5630-25886 R266.5000	Sale of Property/Compensa - Sale of Equipment	\$9,000
H-5630-25886 R359.7000	NYS Aid - Transportation Capital	\$9,000
H-5630-25886 R459.7000	Federal Aid - Transportation Capital	\$72,000
H-5630-25909 R266.5000	Sale of Property/Compensa - Sale of Equipment	\$25
H-5630-25909 R359.7000	NYS Aid - Transportation Capital	\$25
H-5630-25909 R459.7000	Federal Aid - Transportation Capital	<u>\$200</u>
		\$158,680

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Signed: Himelein, Wilfong, Nazzaro, Runkle, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 230-14  
Close Accounts for Completed Capital Projects as of 12/31/2014

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Department Heads have notified the Department of Finance that the capital projects listed below have been completed or canceled;

Completed Capital Projects:

H-1620-25781 -BUILDINGS & GROUNDS-REPLACE GOB ELEVATORS (2010)  
H-1620-25788 -BUILDINGS & GROUNDS-NEW NCOB - DESIGN PHASE (2010)  
H-1620-507 -BUILDINGS & GROUNDS-NORTH CO OFFC BLDG (1977, 2011)  
H-1620-617 -BUILDINGS & GROUNDS-COUNTY OFFICE RENOVATIONS (2005)  
H-1620-679 -BUILDINGS & GROUNDS-NEW BOILER - AG CENTER (2009)  
H-1620-681 -BUILDINGS & GROUNDS-STUDY HVAC UNITS: GOB/HRC (2009)  
H-1620-682 -BUILDINGS & GROUNDS-DOOR REPLACEMENT - SCOB (2009)  
H-1680-20844 -INFORMATION TECHNOLOGY-IT SERVER ROOM MAINT (2011)  
H-3150-613 -JAIL-JAIL BOND (2004)  
H-3150-691 -JAIL-JAIL WINDOW REPLACEMENT (2009)  
H-5130-589 -ROAD MACHINERY-SALT STORAGE FACILITIES (2001)  
H-5610-101 -CHAUTAUQUA COUNTY AIRPORT-FAA PROJECTS LOCAL SHARE (1991)  
H-5610-137 -CHAUTAUQUA COUNTY AIRPORT-PARTIAL T/W FROM D-R/W 13 (2004)  
H-5610-141 -CHAUTAUQUA COUNTY AIRPORT-APRON EXPANSION DESIGN (2005)  
H-5610-144 -CHAUTAUQUA COUNTY AIRPORT-RUNWAY 7-25 SAFETY CONSTR (2006)  
H-5610-145 -CHAUTAUQUA COUNTY AIRPORT-AIRPORTS EQUIPMENT FUND (2006)  
H-5610-148 -CHAUTAUQUA COUNTY AIRPORT-SNOW EQUIP STORAGE BLDG (2007)  
H-5610-150 -CHAUTAUQUA COUNTY AIRPORT-REPLACE ROTATING BEACON (2009)  
H-5610-238 -CHAUTAUQUA COUNTY AIRPORT-MASTER PLAN UPDATE R/W 24 (2008)  
H-5610-240 -CHAUTAUQUA COUNTY AIRPORT-LAND ACQ R/W PROTECT ZONE (2009)  
H-5610-243 -CHAUTAUQUA COUNTY AIRPORT-INSTALL HI-INT R/W LIGHTS (2009)  
H-5610-25663 -CHAUTAUQUA COUNTY AIRPORT-TERMINAL BLDG ROOF - JSTN (2013)  
H-5610-25672 -CHAUTAUQUA COUNTY AIRPORT-RUNWAY 6/24 EXTENSION-DNK (2010)  
H-5610-25748 -CHAUTAUQUA COUNTY AIRPORT-SNOW REMOVL EQ-JSTN ARPRT (2010)

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H-5610-25771 -CHAUTAUQUA COUNTY AIRPORT-AIRFIELD GUIDE SIGNS-JSTN (2010)  
 H-5610-25775 -CHAUTAUQUA COUNTY AIRPORT-LIQ MAT SPREADER - JSTN (2014)  
 H-5610-25855 -CHAUTAUQUA COUNTY AIRPORT-AIRFIELD SIGNAGE - DNK (2013)  
 H-5610-25856 -CHAUTAUQUA COUNTY AIRPORT-AVIATION SECURITY PH 2-DK (2012)  
 H-5630-25885 -BUS OPERATIONS-PAVE SIDE LOT-TIFFANY ST (2012)  
 H-5630-652 -BUS OPERATIONS-CARTS BUSES & BLDG RENOV (2007)  
 H-5630-664 -BUS OPERATIONS-PURCHASE 12 BUS SHELTERS (2008)  
 H-6420-593 -PROMOTION OF INDUSTRY-LYNDON BLVD (2001)  
 H-6420-595 -PROMOTION OF INDUSTRY-BROWNFIELD ASSESSMENT (2001)  
 H-7110-25712 -PARKS-ELECTRICITY-LUENSMAN PARK (2011)  
 H-7110-25846 -PARKS-CO PARKS COMPREHENS PLAN (2010)  
 H-7110-513 -PARKS-PROPERTY & EASEMENTS (1986)  
 H-7110-667 -PARKS-NEW LEAN-TOS (2008)  
 H-7110-689 -PARKS-STORAGE BLDG - ASHVILLE (2009)  
 H-9901-9060 -TRANSFER TO OTHER FUNDS-TRANSFER (H-A)

now therefore be it

RESOLVED, That the Director of Finance close out the accounts listed above for any further expenditures as of the year ending December 31, 2014 and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of accounts, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Himelein, Wilfong, Nazzaro

Unanimously Adopted – November 19, 2015

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RES. NO. 231-14

Consolidation of Human Resources/Information Technology Services Capital Projects

By Administrative Services and Audit & Control Committees:  
 At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Project H.1430.598, included in the current capital budget, was established for improvements to the information technology systems that support the tracking of time and attendance, which is a critical process; and

WHEREAS, the 2015 Capital Budget includes an additional project related to time and attendance system support; and



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WHEREAS, both of these projects are closely related and can be completed most efficiently if consolidated; now therefore be it

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

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1680.20942.4	Contractual – Time & Attendance Upgrade	\$136,279
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.1430.598.4	Contractual – HR Information System	\$136,279
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.1680.20942.R503.1000	Interfund Transfer – Interfund Transfer	\$136,279
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DECREASE CAPITAL REVENUE ACCOUNT:

H.1430.598.R503.1000	Interfund Transfer – Interfund Transfer	\$136,279
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; and be it further

RESOLVED, That the Director of Finance is directed to close account H.1430.598 for any further expenditures as of the date of this resolution.

Signed: Scudder, Vanstrom, Wendel, Himelein, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 19, 2015

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RES. NO. 232-14  
Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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, 2014 through September 30, 2014**

<b>TOWNS</b>		<b>CITIES</b>	
Arkwright	6,846.32	Dunkirk	29,561.63
Busti	45,469.47	Jamestown	66,849.16
Carroll	10,717.08		
Charlotte	6,889.01	<b>TOTAL</b>	<b>\$96,410.79</b>

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Chautauqua	43,242.01		
Cherry Creek	2,247.68		
Clymer	4,586.63		<b>VILLAGES</b>
Dunkirk	8,101.65		
Ellery	54,207.65	Bemus Point	3,575.51
Ellicott	48,576.67	Brocton	874.02
Ellington	6,768.35	Cassadaga	1,625.40
French Creek	7,389.68	Celoron	2,894.28
Gerry	6,013.27	Cherry Creek	253.72
Hanover	23,315.30	Falconer	5,720.99
Harmony	6,226.41	Forestville	819.23
Kiantone	7,551.86	Fredonia	17,652.53
Mina	7,740.38	Lakewood	14,252.24
North Harmony	26,221.57	Mayville	3,467.24
Poland	8,013.45	Panama	757.33
Pomfret	33,827.67	Sherman	727.86
Portland	9,620.74	Silver Creek	2,831.17
Ripley	10,397.89	Sinclairville	1,146.12
Sheridan	9,970.51	Westfield	5,460.97
Sherman	3,695.03		
Stockton	8,622.40	<b>TOTAL</b>	<b>\$62,058.61</b>
Villanova	1,428.83		
Westfield	14,861.29		
<b>TOTAL</b>	<b>\$422,548.80</b>		

**GRAND TOTAL** \$581,018.20

Signed: Scudder, Vanstrom, Wendel, Himelein, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 233-14  
 Authorize Participation in Defense of Wayne County Litigation

By Administrative Services and Audit & Control Committees:  
 At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Wayne County is currently involved in litigation involving bankruptcy issues that could disrupt the Real Property Tax Law tax foreclosure procedures utilized by Chautauqua County and other counties in New York State; and

WHEREAS, the New York State Association of Counties (NYSAC) has requested that all New York counties provide a contribution to a legal defense fund coordinated by NYSAC on behalf of Wayne County; and

WHEREAS, it is desirable and appropriate for Chautauqua County to contribute to the Wayne County defense fund to protect the integrity of Chautauqua County's tax foreclosure procedures; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary agreements to implement a contribution of \$3,000 to the legal defense fund coordinated by NYSAC on behalf of Wayne County, to be paid out of the A.1335.4530.0000 Legal Services account within the Department of Finance.

Signed: Scudder, Vanstrom, Wendel, Himelein, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

RES. NO. 234-14  
 SEQR Negative Declaration for Chautauqua County Radio System Improvement Project

By Public Safety Committee:  
 At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Legislature (the "County") is the lead agency pursuant to the State Environmental Quality Review Act ("SEQR") for the environmental review of the action for the Radio System Improvements Project for Chautauqua County First Responders, hereinafter referred to as the "Project"; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, and the SEQR regulations adopted by the New York State Department of Environmental Conservation, being 6 NYCRR Part 617, as amended (the "Regulations"), the County desires to determine whether the Radio System Improvements Project may have a "significant effect on the environment" and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the County in determining whether the Project may have a significant effect upon the environment, the County has reviewed an environmental assessment form (the "EAF"), a copy of which is on file at the office of the County Legislature; and

WHEREAS, pursuant to the Regulations, the County has examined the EAF in order to make a determination as to the potential environmental significance of the Project; and

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WHEREAS, the County has completed a coordinated review of the project pursuant to the 6NYCRR Part 617.6 Regulations; and

WHEREAS, the Project constitutes a "Type 1 Action" (as the quoted term is defined in the Regulations); and

NOW, THEREFORE, BE IT RESOLVED:

1. Based upon an examination of the EAF, and based upon the County's knowledge and such further review, as it has deemed appropriate, the County finds with respect to the Project, no potentially significant impacts on the environment are noted in the EAF, and none are known to the County.
2. Based upon the foregoing investigation of the potential environmental impacts, the County makes the following findings and determinations with respect to the execution of the Project Agreement.
  - a) The Project constitutes a "Type 1 Action" (as the quoted term is defined in the Regulations); and
  - b) The Project will result in no significant adverse impact(s) to the environment. Therefore, the County will not require the preparation of an environmental impact statement; and
  - c) Because of the foregoing, the County states that a negative declaration has been prepared with respect to the Project (attached hereto), and the County hereby determines that the negative declaration shall be issued.
  - d) Copies of the negative declaration and supporting documentation shall be maintained in the office of the County Legislature in a file that will be readily accessible to the public.

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel

Unanimously Adopted – November 19, 2014

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RES. NO. 235-14

Authorize Execution for New York State Office of Homeland Security Funding Grant – Explosive Detection Canine Team Grant

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of the Explosive Detection Canine Team; and

WHEREAS, the State of New York will provide funding in the amount of \$20,000.00 with no local funds for a contract period from October 2, 2014 to August 31, 2016; therefore be it

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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.

Signed: Wendel, Kresge, Keefe, Tarbrake, Niebel, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 236-14  
 Authorize Agreement with Allegany County for Inmate Housing

By Public Safety and Audit & Control Committees:  
 At the Request of County Executive Vincent W. Horrigan:

WHEREAS, on occasion, the Chautauqua County Jail has a need to relocate inmates to other jail facilities; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Allegany County to house inmates at the current rate of \$90.00 per day; and

WHEREAS, the Chautauqua County Sheriff shall assume all medical costs for the inmates boarded in the Allegany County Jail; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Allegany County for the housing of inmates as set forth above.

Signed: Wendel, Kresge, Keefe, Niebel, Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 237-14  
 Authorize Agreement with Livingston County and Livingston County Sheriff for Inmate Housing

By Public Safety and Audit & Control Committees:  
 At the Request of County Executive Vincent W. Horrigan:

WHEREAS, on occasion, the Chautauqua County Jail has a need to relocate inmates to other jail facilities; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with Livingston County and the Livingston County Sheriff to house inmates at the rate of \$85.00 per day; and

WHEREAS, the Chautauqua County Sheriff shall assume all medical costs for the inmates boarded in the Livingston County Jail; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Livingston County and the Livingston County Sheriff for the housing of inmates as set forth above.

Signed: Wendel, Kresge, Keefe, Niebel, Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

## REGULAR SESSION

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Unanimously Adopted – November 19, 2014

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RES. NO. 238-14

Authorize Agreement with Steuben County for Inmate Housing

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, on occasion, the Chautauqua County Jail has a need to relocate inmates to other jail facilities; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Steuben County to house inmates at the current rate of \$85.00 per day; and

WHEREAS, the Chautauqua County Sheriff shall assume all medical costs for the inmates boarded in the Steuben County Jail; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Steuben County for the housing of inmates as set forth above.

Signed: Wendel, Kresge, Keefe, Niebel, Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 239-14

2014 Technical Rescue/USAR Grant Program

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Emergency Services was awarded a Technical Rescue/USAR Grant in the amount of \$99,522 under the NYS Division of Homeland Security and Emergency Services (DHSES) that runs from October 16, 2014 through August 31, 2016; and

WHEREAS, the objective of the Grant is to enhance the capabilities of regional technical rescue and urban search and rescue (USAR) response teams in New York State by the purchasing of allowable search and rescue equipment, training, exercises and planning projects; now therefore be it

RESOLVED, That the County Executive is hereby authorized to sign the necessary contracts to accept the award.

Signed: Wendel, Kresge, Keefe, Niebel, Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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RES. NO. 240-14

Approval of Environmental Assessment of Projects for 2015 2% Lakes and Waterways Grant Program

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Legislature by Resolution No. 187-14 requested that the Chautauqua County Department of Planning & Economic Development (CCPED) conduct a New York State Environmental Quality Review (SEQR) for the projects ranked numbers 1-7 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 County has required the Short Environmental Assessment Forms (SEAF) to be prepared for all projects recommended to be classified as Unlisted Actions and Type II 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 effect; and

WHEREAS, the CCPED recommends that projects ranked as numbers 5 and 6 on the Waterways Panel list be classified as a Type II Action under Part 617.5 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation and do not require additional environmental review; and

WHEREAS, the CCPED recommends that the projects that are ranked as numbers 1, 2, 3, 4, and 7 on the Waterways Panel list be classified as Unlisted under 6 *N.Y.C.R.R.* 617.2 of the Environmental Conservation Law and do not require additional environmental review; now therefore be it

RESOLVED, That the County hereby finds and determines that projects listed and identified below as numbers 1, 2, 3, 4, and 7 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.

<b>Project/Agency or Organization</b>	<b>Rank</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
<i>Dewittville Streambank Stabilization</i>	1	\$ 39,950.00	\$ 39,950.00
<i>Goose Creek Streambank Stabilization</i>	2	\$ 31,600.00	\$ 31,600.00
<i>Canadaway Creek Streambank Protection</i>	3	\$ 27,500.00	\$ 27,500.00
<i>Dutch Hollow Streambank Stabilization</i>	4	\$ 37,000.00	\$ 37,000.00
<i>Camp Findley Drainage Restoration</i>	5	\$ 21,112.60	\$ 21,112.60
<i>Findley Lake Dam/Breakwall Repair</i>	6	\$ 40,000.00	\$ 40,000.00
<i>Findley Lake Stream Restoration</i>	7	\$ 7,900.00	\$ 7,900.00

Signed: Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted – November 19, 2014

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## REGULAR SESSION

## RES. NO. 241-14

Authorize Transfer of Funds from 3% Occupancy Tax Reserve Account to Designated Capital Accounts for Local Match Requirements for Phase I/II and Phase III of the Chautauqua County Equestrian Trail System Project

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

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*; 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 region; and

WHEREAS, Chautauqua County was approved for an ARC grant of \$150,000 for Phase I/II and \$148,000 for Phase III of the project in 2012 and 2013 respectively; and

WHEREAS, the local cash match requirement from the County for Phase I/II portion of the equestrian trail is \$ \$113,995 for the Phase I/II portion, of which the County officially committed \$45,000 from the capital projects funding and \$30,000 from the occupancy tax reserve accounts in 2012; and

WHEREAS, the local cash match requirement from the County for the Phase III portion of the equestrian trail is \$94,000, of which the County committed \$30,000 from the capital projects funds in 2013; and

WHEREAS, the county amended the original 3% Occupancy Tax Resolution to designate 7.5% of the annual Revenue to trail development projects, which equates to \$56,250 in 2012 and \$56,250 in 2013; and

WHEREAS, the County agreed in the grant application, and subsequent grant agreements, to dedicate the 7.5% of the annual 3% Occupancy Tax set aside for trail development in 2012 and 2013, up to the \$112,500 allocated, to serve as the local match for Phases I/II and III ; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE USE OF FUND BALANCE:

A.-----883.0000 Fund Balance, Resvd Fund Bal.–Reserve for Occupancy Tax \$100,995

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the budget to implement the allocations made in 2012 and 2013:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers – Transfer to Capital	\$100,995
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INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37880.R503.1000	Interfund Transfers-Interfund Transfer	\$102,995
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DECREASE CAPITAL REVENUE ACCOUNT:

H.8020.37880.R499.7000	Federal Aid: Oth Home & Community Cap. Proj.	\$ 2,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37880.4	Contractual – County Equestrian Trails	\$100,995
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Signed: Runkle, Nazzaro, Heenan, Chagnon (P.E. Tabled)

Adopted w/ Legislator Runkle voting “no” – November 19, 2014

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RES. NO. 242-14

Chautauqua-Cattaraugus Mental Hygiene Joint Initiative

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Department of Mental Hygiene has been awarded State funding to work collaboratively with Cattaraugus County to develop a Mobile Transitional Support with Clinical Intervention and Follow-up program; and

WHEREAS, Chautauqua County has been designated to receive the funding for this initiative and has the obligation to pass through to Cattaraugus County \$55,000 in 2014 and \$117,000 per year thereafter, plus any funding increases should the State chose to issue an increase for this program to Cattaraugus County; and

WHEREAS, this funding is part of the Buffalo Psychiatric Center System Transformation Plan and is effective July 1, 2014; and

WHEREAS, this service will provide mobile clinical intervention and support with follow-up during the immediate days and weeks after discharge, as this is when discharged individuals are making the post-discharge transition to community-based services and supports identified on their discharge plan; and

WHEREAS, the goal of the services is to reduce the number of avoidable readmissions to hospitals; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into Agreements with New York State, Cattaraugus County and various government entities, including but not limited to local school districts, towns, cities and villages, to effectuate the terms of the above-described grant within budget appropriations and for so long as such grant funding remains available.

Signed: Tarbrake, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 19, 2014

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## REGULAR SESSION

## RES. NO. 243-14

Making Appropriations for the Conduct of County Government for Fiscal Year 2015

At the Request of Chairman Frank J. Gould:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2015 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 221-14 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 221-14 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, 2015; 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 – November 19, 2014

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RES. NO. 244-14  
Authorize Tax Levy

At the Request of Chairman Frank J. Gould:

WHEREAS, there has been adopted a budget for the fiscal year of 2015 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2015 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 156-14 adopted July 23, 2014.
5. Upon the property on which school taxes are uncollected as of November 31, 2015, the amount of such uncollected school taxes;

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6. Upon the property on which village taxes are uncollected as of December 1, 2015, 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 2015 pursuant to law or resolution of this Legislature.

Signed: Gould

Unanimously Adopted – R/C Vote: 16 Yes; 2 Absent - November 19, 2014

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RES. NO. 245-14  
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: 16 Yes; 2 Absent - November 19, 2014

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RES. NO. 246-14  
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: 16 Yes; 2 Absent - November 19, 2014

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REGULAR SESSION

RES. NO. 247-14  
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: 16 Yes; 2 Absent - November 19, 2014

RES. NO. 248-14  
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 2015 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 2015 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: 16 Yes; 2 Absent - November 19, 2014

RES. NO. 249-14  
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 2015 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 2015 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

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Unanimously Adopted – R/C Vote: 16 Yes; 2 Absent - November 19, 2014

RES. NO. 250-14

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: 16 Yes; 2 Absent - November 19, 2014

RES. NO. 251-14

Fixing Equalization Rates for 2015

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 2015 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2015 tax rolls in the following towns and cities:

Arkwright	55%	Harmony	100%
Busti	100%	Jamestown, City	100%
Carroll	99%	Kiantone	100%
Charlotte	100%	Mina	100%

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Chautauqua	100%	North Harmony	100%
Cherry Creek	100%	Poland	100%
Clymer	100%	Pomfret	20.21%
Dunkirk, Town	71.50%	Portland	57.00%
Dunkirk, City	82.00%	Ripley	100%
Ellery	100%	Sheridan	65.5%
Ellicott	99%	Sherman	100%
Ellington	100%	Stockton	100%
French Creek	100%	Villanova	65.00%
Gerry	100%	Westfield	80.00%
Hanover	97.00%		

Signed: Gould

Unanimously Adopted – November 19, 2014

RES. NO. 252-14  
Quit Claim Deeds

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

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 A 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. 44-13; 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.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amt,	Taxes Owning
PA-96-2014	Jamestown	060800-387.06-6-9	Wayne D. Dean	\$ 1.00	\$1,087.43

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PA-93-2014	Jamestown	060800-387.06-6-11	Wayne D. Dean	\$ 1.00	\$ 197.05
PA-74-2013	Jamestown	060800-387.06-6-53	Wayne D. Dean	\$ 1.00	\$ 243.27
PA-75-2013	Jamestown	060800-387.06-6-54	Wayne D. Dean	\$1.00	\$ 243.27

**TOTALS:****\$4.00****\$1,771.02**

Signed: Scudder, Vanstrom, Wendel, Himelein

Unanimously Adopted – R/C Vote: 16 Yes; 2 Absent - November 19, 2014

LOCAL LAW  
INTRODUCTORY NO. 7-14  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES (re: COMPLIANCE/PRIVACY OFFICER)

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 set forth in Local Law 7-90, and as amended, to set the salary for the Compliance/Privacy Officer that has been authorized in the adopted 2015 County budget.

The Compliance/Privacy Officer is responsible for developing and implementing a mandatory County government-wide compliance plan, including the policies, procedures, and practices designed to attain compliance with all Federal, State and local information privacy requirements. Work is performed in close cooperation with various County government departments as well as the State Medicaid Inspector General's office. The Compliance/Privacy officer is essential to enable the County to meet ever-increasing Federal and State regulatory requirements that are the subject of periodic audits and significant penalties for non-compliance.

Section 2. Salary Levels.

The title of Compliance/Privacy Officer shall be placed in Range 4 (\$43,131-\$66,053) of the 2011 Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Mailed: 11/7/14

Adopted by Legislature: 11/19/14

R/C Vote: 18 Yes; 1 Absent

Public Hearing by County Executive: 12/1/14

Adopted as LL 6-14

REGULAR SESSION

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2<sup>nd</sup> Privilege of the Floor

My name is Jason Sample, Mapleshade Avenue in Falconer, N.Y. I just want to remind you all that the open house for the Chautauqua County Historical Society in Westfield is going to be on December the 7<sup>th</sup> on Sunday. Free admission for the public. We invite you to come on by. I'm a trustee of the Historical Society by the way so I invite you all to stop on by and see what the Historical Society is all about. We have a new President this year, Christi Herbst. She is doing a wonderful job, you can meet her and the rest of our staff and trustees and again, it's an open house. Everyone is invited to stop on by from 2:00 o'clock until 4:00 in the afternoon. Only two hours so make it count and stop on by. We'd be happy to see you. Thanks.

Legislator Nazzaro: I would not be a good Father if I did not wish the Jamestown Red Raiders success in their next game on the way to the State Championship. My son is a starter for that team and they have one more game to go in Rochester, a tough game. If they make that game, they will be playing for the Section AA Championship for football. I also wish Maple Grove/Chautauqua Lake. They are the two remaining teams that are vying for State Championships. Wish both of them very well.

Chairman Gould: Thank you, anybody else to speak to the second privilege of the floor?

MOVED by Legislator Lemon, SECONDED by Legislator Heenan and duly carried the meeting was adjourned. (6:59 p.m.)



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Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, December 17, 2014  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Deputy Clerk Foster called the roll and announced a quorum present.

Legislator Wendel delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Himelein and duly carried the minutes were approved. (11/19/14).

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1<sup>st</sup> Privilege of the Floor

Norm Green, PO Box 225, Mayville, N.Y. I wanted to speak to your Motion tonight opposing the definition of the waters of the United States under the Clean Water Act. I get the issue of don't tread on me, I mean, I do, but there is nothing more scared than clean water. All this proposal does at the EPA is clarify lots of issues that have come up in court decisions. It just straightens out the mess that we have right now. If anybody doesn't – and I get that we're concerned that ditches are now going to come under the rules of the Clean Water Act. The EPA says it's not. I understand the debate but the truth is, there is nothing more important than clean water. One would say, well, gee, you shouldn't be able to tell me what to do in Chautauqua County. Well, what we do in Chautauqua County as we well know, it affects people in the Gulf of Mexico. Our water goes downhill. It's not fair that we pollute our waters, which we haven't done the best of jobs with cleaning up Chautauqua Lake. We all know that. That is not fair to us in Lake Erie that our waters are being polluted, possibly, by Ohio, Wisconsin, and Michigan, the water comes this way. We need a Federal government to give us good rules. So I hope tonight that you'll unanimously – I get the intention but I hope tonight that you will unanimously turn down this opposition. Thank you.

My name is Carrie Wendell. My address 6 Meadow Lane in Mayville. Tonight I am here to represent the Benjamin Prescott Chapter of Daughters of the American Revolution. We would like to voice our support for a Veterans Cemetery in Chautauqua County. It's my belief that in August of this year, Robert McIntosh, Master Sargent with the United States Marine Corp, retired, sent a letter to Andrew Goodell, Catherine Young, and Mr. Horrigan, requesting that action be taken on the matter for the establishment of a Veterans Cemetery on a 40 acre site of donated land in Ripley. This is so important as there are many Veterans in this area while the National VA Cemeteries are in Bath, Calverton, and the Schuylerville, New York which are all far away. The US Department of Veterans Affairs website has information on how to apply for a Veteran's Cemetery grant and as you can imagine, we're losing so many Veterans more and more each day. Space in the local cemeteries are filling up and it would be great to have a Veterans Cemetery for the people nearby so that the families don't have to go far away or our Veterans are not interred far away from their homes. Forty acres of donated land in Ripley sounds like it would be an ideal situation. So I hope that everyone would look into this and see what could be done and apply for the grant. I do believe that the website said that there is 100% cost with establishing a cemetery for a VA. Thank you.

Chairman Gould: Anybody else to speak to the first privilege of the floor. Seeing no one, we'll close the first privilege of the floor.

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## REGULAR SESSION

## RES. NO. 253-14

Appointment of Paul Whitford as Legislator from District 13, City of Jamestown

At the Request of Legislators Ahlstrom, Heenan, Keefe, Nazzaro, Kresge:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Paula DeJoy, District 13; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 13, (City of Jamestown) Committee recommending the appointment of Paul Whitford, 58 Harris Ave., Jamestown, N.Y., 14701; and

WHEREAS, a Certificate of Acceptance has been received from Paul Whitford; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Paul Whitford is hereby appointed Legislator from District 13, comprised of the City of Jamestown.

Signed: Ahlstrom, Heenan, Keefe, Nazzaro, Kresge

Unanimously Adopted – December 17, 2014

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN  
NO VETOES FROM 11/19/14

COMMENDATION:

JOHN SIXBEY, CORONER  
BY  
LEGISLATOR JOHN RUNKLE

COMMUNICATIONS:

1. Letters (2) – County Executive – Appts. to Various Boards.
2. Certificate to Fill Vacancy on County Legislature (P. Whitford)
3. Resignation Letter–Frank Walker from Chaut. Co. Farmland Protection Bd.
4. Investment Report – Fn. Director Marsh – November/2014 Investments
5. Minutes – Chaut. Co. Legislature Environmental Sub-Committee
6. Letter – G. Yaw – Re: S&CCL Sewer District – User Charge Hearing
7. Quarterly Report – Small Business Development Center – 7/1-9/30/14
8. Res. – Fulton County – Re: Repeal of NYS “Scaffold Law”
9. Highlights – NYS Fish, Wildlife & Marine Resources – Oct./2014
10. Letter – NYS Ag. & Markets – Re: Ag. District 6 Eight Year Review
11. Letter – NYS Dept. of State – Ack. Receipt of LL 6-14 (Compliance Officer)

Motion: (On file w/ Legislature Data)

9-14 – Opposing the EPA’s Proposed Rule Clarifying the Definition of “Waters of the United States” under the Clean Water Act – Adopted w/ Legislators Ahlstrom, Heenan, Keefe, Kresge, Nazzaro, Whitford voting “no”

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RES. NO. 254-14  
Confirm Re-Appointment – Chautauqua County Airport Commission

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 reappointment to the Chautauqua County Airport Commission.

David Himelein  
2153 Shadyside Rd.  
PO Box. 617  
Findley Lake, N.Y. 14736  
Term Expires: 12/31/15

Signed: Hemmer, Wilfong, Nazzaro, Himelein

Unanimously Adopted – December 17, 2014

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RES. NO. 255-14  
Confirm Re-Appointments - Chautauqua County Soil & Water Conservation District Board

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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.

Frank (Jay) Gould  
70 Hoag Rd.  
Ashville, N.Y. 14710  
Term Expires: 12/31/15

Lisa Vanstrom  
55 Plummer Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/15

Signed: Hemmer, Wilfong, Nazzaro, Himelein

Unanimously Adopted – December 17, 2014

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RES. NO. 256-14  
Confirm Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, County Executive, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

## REGULAR SESSION

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

Deborah B. Kathman 200 Emory Dr. Jamestown, N.Y. 14701 Term Expires: 1/31/17	Filling Term of Russell Payne
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Signed: Scudder, Vanstrom, Wendel, Himelein

Unanimously Adopted – December 17, 2014

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RES. NO. 257-14  
Confirm Re-Appointment - Chautauqua County Traffic Safety Board

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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 Traffic Safety Board.

Lisa Vanstrom  
 55 Plummer Ave.  
 Jamestown, N.Y. 14701  
 Term Expires: 10/31/17

Signed: Wendel, Kresge, Keefe, Tarbrake

Unanimously Adopted – December 17, 2014

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RES. NO. 258-14  
Confirm Appointments - Chautauqua County Youth Board

By Human Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive, Vincent W. Horrigan, 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.

Tara L. Swan 1852 Hanson Rd. Falconer, N.Y. 14733 Term Expires: 12/31/17	Jacob Brock 54 S. Allegheny Ave. Jamestown, N.Y. 14701 Term Expires: 12/31/17
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Signed: Tarbrake, Keefe, Lemon, Wilfong

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Unanimously Adopted – December 17, 2014

RES. NO. 259-14  
Confirm Appointment - Chautauqua County Planning Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vince W. Horrigan, 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:

Bruno Bruni 24 Villa Dr. Westfield, N.Y. 14787 Term Expires: 12/31/16	Filing Term of Daniel Johnson
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Signed: Borrello, Heenan, Ahlstrom, Chagnon

Unanimously Adopted – December 17, 2014

RES. NO. 260-14  
Confirm Re-Appointments – Southern Tier West Regional Planning & Development Board

By Planning & Economic Development Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan 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 Southern Tier West Regional Planning and Development Board.

Frank (Jay) Gould 60 Hoag Rd. Ashville, N.Y. 14710 Term Expires: 12/31/17	Vincent W. Horrigan 225 Lakeside Dr. Bemus Point, N.Y. 14712 Term Expires: 12/31/17	Kevin Sanvidge 9 University Park Fredonia, N.Y. 14063 Term Expires: 12/31/17
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Signed: Borrello, Heenan, Ahlstrom, Chagnon

Unanimously Adopted – December 17, 2014

RES. NO. 261-14  
Authorize Grant Applications and Agreements with New York State for Household Hazardous Waste Program

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, Chautauqua County desires to continue a Household Hazardous Waste Program which assists County residents with the collection and disposal of unusable/unwanted household hazardous waste in an environmentally sound manner, and

WHEREAS, grant monies are available through New York State (NYS) which provide financial aid in an amount up to but not exceeding fifty percent (50%) of the eligible costs for such a program; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute grant applications and enter into agreements with the above-named grantor for so long as the NYS Department of Environmental Conservation continues to fund the Household Hazardous Waste Assistance 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 other municipalities and with school districts as necessary to carry out the objectives and requirements of these grant programs.

Signed: Hemmer, Wilfong, Nazzaro, Himelein

Unanimously Adopted – December 17, 2014

## RES. NO. 262-14

Authorize Public Hearing on FBO and Hangar Lease Agreements at the Chautauqua County/Jamestown Airport

By Public Facilities Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County has negotiated leases and sub-leases with Jamestown Aviation Company, LLC, Chautauqua Aircraft Sales, Inc., and the County of Chautauqua Industrial Development Agency to operate a full-service fixed base operation (FBO) and hangar facilities that will make concurrent the existing lease and sub-lease agreements pertaining to the Jamestown Airport; it is therefore

RESOLVED, That pursuant to General Municipal Law, a public hearing shall be held on the proposed lease and sub-lease agreements at the Chautauqua County/Jamestown Airport with Jamestown Aviation Company, LLC ("JAC"), Chautauqua Aircraft Sales, Inc. ("CAS"), and the County of Chautauqua Industrial Development Agency ("CCIDA"), at 6:45 PM during the meeting of the County Legislature to occur on January 28, 2015, in the Legislative Chambers, Gerace Office Building, Mayville, New York, to include substantially the following terms and conditions:

1. Term. Five-year term to commence January 1, 2015, with option to renew for two (2) additional five-year terms.
2. Premises and Rent.
  - a. Current FBO premises except shop hangar building - \$1,000 per month with annual increase of 2% per year (to be leased by County to JAC).
  - b. Shop hangar building - \$1,000 per month with annual increase of 2% per year (to be leased by County to CAS).

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- c. Former commuter hangar facility - \$1,000 per month with annual increase of 2% per year (to be leased by County to CCIDA, and sub-leased by CCIDA to JAC).
  - d. Former museum hangar - \$400 per month with annual increase of 2% per year (to be leased by County to JAC pursuant to Resolution 101-14).
  - e. Turner Road general aviation hangar – payment of restructured CCIDA bond debt service of \$1,300 per month (to be leased by County to CCIDA, and sub-leased by CCIDA to JAC).
3. Hangar Rent Commission. 10% of gross collected rents, except for Turner Road hangar.
  4. Fuel Commission. 2% of Jet A fuel cost and 1% of other fuel cost at time of purchase, excluding fuel used by FBO for FBO vehicles, equipment and rental aircraft.
  5. Maintenance. County to be responsible for roof and structural repairs and major repairs, including hangar door replacements, asbestos removal, lead-paint or lead plumbing removal, insulation installation or replacement. JAC and CAS to be responsible for non-structural maintenance, including mechanical systems.
  6. Utilities. Paid by JAC and CAS.
  7. Special District Charges. Paid by County; current unpaid special use taxes of \$12,850.45 to be paid by JAC in installments of \$215 per month until retired, with all past and future interest and penalties canceled pursuant to RPTL 1182.
  8. Other. As negotiated by the County Executive.

and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Wilfong, Nazzaro, Himelein

Unanimously Adopted – December 17, 2014

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RES. NO. 263-14

Acceptance of the Operation and Maintenance Responsibilities for Recently Completed Reconstruction and Construction Project in the City and Town of Dunkirk; Authorize the Creation of a New County Touring Route Consisting of Various County Roads in the City and Town of Dunkirk, and Town of Sheridan; and Authorize the Director of Public Facilities to Amend the County Highway Map

By Public Facilities Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County of Chautauqua undertook a Project to Improve Access to the North County Industrial Corridor that included the reconstruction of the Middle Road and Progress Drive intersection in the Town of Dunkirk, Chautauqua County, which involved the realignment of 500 feet of Middle Road (County Road 121M) and construction and extension of 1,000 feet of Progress Drive (County Road 148), that was completed in 2011; and

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WHEREAS, the County of Chautauqua undertook a second Project to Improve Access to the North County Industrial Corridor that included the reconstruction of Talcott Street (County Road 153) from NY Route 60 to South Roberts Road, the reconstruction of South Roberts Road (County Road 136) from Courtney Street to Talcott Street, and the construction of a 2,600 foot (0.49 mile) new alignment and extension of Progress Drive (County Road 148) (also known as Millennium Parkway) from South Roberts Road to Middle Road, in the City and Town of Dunkirk, Chautauqua County, that was completed in October 2014; and

WHEREAS, the County Director of Public Facilities has recommended that a new County Touring Route be established from NY Route 60 to NY Route 5, running along: Talcott Street (County Road 153), from NY Route 60 to South Roberts Road; South Roberts Road (County Road 136), from Talcott Street to the newly constructed extension alignment and extension of Progress Drive; Progress Drive (County Road 148), from South Roberts Road to Harrington Road; and Harrington Road (County Road 147), from Progress Drive to NY Route 5 in the City and Town of Dunkirk and Town of Sheridan, to help road users more easily navigate through the North County Industrial Corridor; and

WHEREAS, the County Director of Public Facilities has recommended that the realigned segment of Middle Road (County Road 121M), the newly constructed alignment and extensions of Progress Drive (County Road 148), and the new County Touring Route be included on the official County Highway Map; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby adopts, accepts and acknowledges the operation and maintenance responsibilities for the new realigned segment of Middle Road (County Road 121M); and it is hereby further

RESOLVED, That the County Legislature of the County of Chautauqua hereby adopts, accepts and acknowledges the operation and maintenance responsibilities for the new alignment and extensions of Progress Drive (County Road 148); and it is further

RESOLVED, That the County Director of Public Facilities is authorized to establish a new County Touring Route from NY Route 60 to NY Route 5, as described above; and it is further

RESOLVED, That the County Director of Public Facilities is authorized to amend the official County Highway Map to include the new realigned segment of Middle Road (County Road 121M), the new alignment and extensions of Progress Drive (County Road 148), and to include the new County Route designation as previously described; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Department of Transportation by attaching it to the Annual Certification of Local Highway Inventory.

Signed: Hemmer, Wilfong, Nazzaro, Himelein

Unanimously Adopted – December 17, 2014

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RES. NO. 264-14

Appropriation of CTASC Bond Proceeds for Sherman Shop Project

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:



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WHEREAS, the Chautauqua Tobacco Asset Securitization Corporation (CTASC) was incorporated by the County in 2000 to securitize the County's rights to payments under the Master Settlement Agreement (MSA) arising out of the litigation brought by state and local governments against tobacco companies for health-related costs due to smoking; and

WHEREAS, CTASC issued bonds in 2000 and 2005 to provide an immediate payment to Chautauqua County that was utilized to pre-fund general fund debt, pay for capital projects, and cover other obligations; and

WHEREAS, CTASC recently refinanced a portion of its bond obligations to secure a lower interest rate, and to offset reduced tobacco payment revenue that has been caused by a faster decline in tobacco consumption than was originally anticipated; and

WHEREAS, as part of the refinancing transaction, CTASC received \$600,000 in proceeds that must be utilized for County capital projects with a long-term life expectancy of at least thirty (30) years; therefore be it

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

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.25941.4	Contractual – Sherman Shop Replacement	\$600,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.25941.R269.0000	Sale of Property/Compensa – Tobacco Settlement	\$600,000
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Signed: Hemmer, Wilfong, Nazzaro, Himelein, Runkle, Borrello, Heenan, Chagnon

Unanimously Adopted – December 17, 2014

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RES. NO. 265-14

Authorizing Agreements with LawNY, Inc. Pursuant to Section 722 of the New York County Law

By Administrative Services Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Section 722 of the New York County Law, the governing body of each county shall place in operation throughout the county a plan for providing counsel to persons pursuant to the Family Court Act, who are financially unable to obtain counsel; and

WHEREAS, the plan of a county for providing counsel to persons financially unable to obtain counsel for matters under the Family Court Act may include representation by a private legal aid bureau or society, and the County issued a request for proposals (RFP) dated July 3, 2014, for such purpose; and

WHEREAS, the Jamestown office of Legal Assistance of Western New York, Inc. (LawNY, Inc.) submitted a proposal in response to the RFP that will provide counsel to persons financially unable to obtain counsel for matters under the Family Court Act, and such proposal would allow the County to meet a portion of its obligation pursuant to Section 722 of the New York County Law; and

## REGULAR SESSION

WHEREAS, funds were allocated in the 2015 budget for the retention of a private legal aid bureau or society to provide the services to be performed by LawNY, Inc. pursuant to this resolution; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into all necessary agreements with LawNY, Inc. to provide counsel to persons financially unable to obtain counsel for matters under the Family Court Act pursuant to Section 722 of the New York County Law, within budget appropriations allocated for such purposes.

Signed: Scudder, Vanstrom, Wendel, Himelein

Unanimously Adopted – December 17, 2014

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RES. NO. 266-14  
Disaster Relief from FEMA for the May 2014 Flooding

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, a Federal Disaster Declaration (4180-DR-NY) was declared for the flooding that happened in Western New York in May of this year; and

WHEREAS, the Office of Emergency Services submitted a Request for Reimbursement on behalf of all responders from the County, and

WHEREAS, FEMA prepared a report of storm related expenses of which Chautauqua County has been reimbursed for expenses incurred in the amount of \$8,731.77; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2014 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$ 8,732
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INCREASE REVENUE ACCOUNT:

A.3010.R430.5006	Federal Aid – FEMA – Disaster Reimbursement	\$ 8,732
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Signed: Wendel, Kresge, Keefe, Tarbrake, Runkle, Borrello, Heenan, Nazzaro, Chagnon

Unanimously Adopted – December 17, 2014

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RES. NO. 267-14  
Authorize Agreement for Live Burn Simulator

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County currently has a forty year lease agreement through October 31, 2051 with the City of Dunkirk for property known as the Murphy Fire Training Center, which is used as a Fire Training Center that is available to train all county firefighters both volunteer and career; and

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WHEREAS, the Murphy Training Center is lacking the ability to provide a live fire training environment to safely prepare and train firefighters; and

WHEREAS, the City of Dunkirk Fire Department has been awarded an Assistance to Firefighters Grant (AFG) to purchase a mobile Live Burn Simulator to be stationed at the Murphy Training Center in the amount of \$400,000 and which requires a 10% local match; and

WHEREAS, it would be appropriate for the County to fund the local match and additional costs for a 5 year maintenance agreement with existing capital funds from account H.3410.510; and

WHEREAS, the City of Dunkirk shall maintain ownership of the Live Burn Simulator while the County shall provide the maintenance, repair, and supplies to operate the Simulator; and

WHEREAS, Chautauqua County Emergency Services is desirous of entering into an agreement with City of Dunkirk for operation and maintenance of the Live Burn Simulator that will benefit all fire departments in the County; now therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute all necessary agreements to effectuate the location of the Live Burn Simulator at the Murphy Fire Training Center, including any necessary agreements with the City of Dunkirk:

1. Local Match. County to contribute \$40,000 to cover the local match for the purchase of the Live Burn Simulator.
2. Maintenance. County to fund the 5 year maintenance agreement for the Live Burn Simulator in the amount of \$49,500.
3. Supplies. County will provide supplies to operate and transport the Live Burn Simulator.
4. Other. As negotiated by the County Executive.

Signed: Wendel, Kresge, Keefe, Tarbrake, Runkle, Borrello, Heenan, Nazzaro, Chagnon

Unanimously Adopted – December 17, 2014

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RES. NO. 268-14

Authorize County to Accept Indigent Legal Services Grant

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant in the amount of \$269,919.00 from the New York State Office of Indigent Legal Services for the operational period from January 1, 2014 through December 31, 2016; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; therefore be it

## REGULAR SESSION

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RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of January 1, 2014 through December 31, 2016, in the amount of \$269,919.00; 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 Office of Indigent Legal Services.

Signed: Wendel, Kresge, Keefe, Tarbrake, Runkle, Heenan, Borrello, Nazzaro, Chagnon

Unanimously Adopted – December 17, 2014

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RES. NO. 269-14

Authorize Execution for New York State Office of Homeland Security Grant – Public Safety Answering Point

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of the Public Safety Answering Point; and

WHEREAS, the State of New York will provide funding in the amount of \$188,236.00 with no local funds for a contract period from January 1, 2015 to December 31, 2015; 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.

Signed: Wendel, Kresge, Keefe, Tarbrake, Runkle, Borrello, Heenan, Nazzaro, Chagnon

Unanimously Adopted – December 17, 2014

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RES. NO. 270-14

Authorize Agreement with New York State for Child Nutrition Program

By Public Safety Committee:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, funds have been authorized and appropriated to the Chautauqua County Jail for the continuation of New York State's Child Nutrition Program/Special Milk Program for the 2014-2015 academic year, subject to renewal each year thereafter; and

WHEREAS, it is necessary for the county to enter into an agreement with the New York State Department of Education in order to participate in the program; now therefore be it

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RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the New York State Department Education as set forth above.

Signed: Wendel, Kresge, Keefe, Tarbrake

Unanimously Adopted – December 17, 2014

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RES. NO. 271-14

Authorize Lease of Office Space for the Chautauqua County Department of Health and Human Services

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County is in need of office space to better provide services to the public in the Westfield community and surrounding areas; and

WHEREAS, the YWCA of Westfield, is ready, able and willing to lease office space to County for use by the Division of Social Services; and

WHEREAS, the cost is appropriated and authorized in the 2015 Chautauqua County Budget; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with YWCA of Westfield, NY, for such office space on substantially the following terms and conditions:

1. Premises: One large room and the use of common space and facilities primarily on Mondays to be utilized for DSS staff in the performance of its duties at 58 South Portage Street, Westfield, NY.
2. Term: January 1, 2015 to December 31, 2015 with options to renew.
3. Rent: \$225.00 per month.
4. Utilities: Landlord shall pay the cost of all utilities.
5. Other: As negotiated by the County Executive.

Signed: Tarbrake, Keefe, Lemon, Wilfong, Runkle, Borrello, Heenan, Nazzaro, Chagnon

Unanimously Adopted – December 17, 2014

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RES. NO. 272-14

Abolish Chautauqua County Home Petty Cash Funds

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the petty cash fund created to facilitate the expenditure of monies belonging to individual patients at the Chautauqua County Home for personal incidental items that was established

## REGULAR SESSION

by Resolution 214-71, and modified by Resolution 112-83, will no longer be necessary nor used after the date of the sale of the County Home; and

WHEREAS, the petty cash fund created to provide funds to the County Home for the operation of a store for the sale of personal items to individual residents that was established by Resolution 192-83, and modified by Resolution 79-12, will no longer be necessary nor used after the date of sale of the County Home; now therefore be it

RESOLVED, That the aforementioned petty cash funds shall both be abolished as of the date of sale of the Chautauqua County Home; 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, Keefe, Lemon, Wilfong, Runkle, Borrello, Heenan, Nazzaro, Chagnon

Unanimously Adopted – December 17, 2014

## RES. NO. 273-14

## Increase 2015 Health Accounts to Accept Health Foundation Funding

By Human Services and Audit & Control Committees:  
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Health Foundation for Western & Central New York has awarded Chautauqua County funding to support the implementation of a Nurse Family Partnership program; and

WHEREAS, the Nurse Family Partnership program is a voluntary, cost effective evidence-based nurse home visitation program designed to improve pregnancy outcomes, child health and development, and self-sufficiency for eligible first time parents, and

WHEREAS, the 2015 Chautauqua County Adopted Budget must be adjusted to include these awarded funds; now, 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 Division 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 Director of Finance is hereby directed to make the following 2015 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1	Personal Services – Public Health Nursing	\$16,250.00
A.4010.NURS.4	Contractual – Public Health Nursing	\$35,568.00
A.4010.NURS.8	Employee Benefits – Public Health Nursing	<u>\$ 9,750.00</u>
		<u>\$61,568.00</u>

INCREASE REVENUE ACCOUNT:

A.4010.NURS. R168.9CSB	Other Health Department Income	\$61,568.00
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Signed: Tarbrake, Keefe, Lemon, Wilfong, Runkle, Borrello, Heenan, Nazzaro, Chagnon

Unanimously Adopted – December 17, 2014

RES. NO. 274-14  
Confirm Appointment - Chautauqua County Coroner

At the Request of Chairman Frank J. Gould, Legislators Heenan and Runkle:

WHEREAS, one of the four offices of Coroner in Chautauqua County become vacant on January 6, 2015; and

WHEREAS, the County Charter has vested in the County Legislature the power to appoint Coroners henceforth as the offices become vacant; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby appoint the following person as Chautauqua County Coroner effective January 6, 2015 with term to expire December 31, 2016.

Cassandra Brigham                      Filling term of John Sixbey  
316 East Fifth Street  
Jamestown, N.Y. 14701

Signed: Gould, Heenan, Runkle

Unanimously Adopted – December 17, 2014

EMERG. RES. NO. 275-14  
Authorize Contingent 2015 Funding for County Home

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 62-14, the County entered into an Asset Purchase Agreement and Escrow Agreement for the sale of the Chautauqua County Home with Dunkirk Realty Holdings, LLC and Dunkirk Operating, LLC; and

WHEREAS, the closing of the sale of the County Home is expected on or before December 31, 2014; and

WHEREAS, in the event that the closing is temporarily delayed into fiscal year 2015, authorization for the continued operation of the County Home in the 2015 budget will be necessary; therefore be it

RESOLVED, That the Director of Finance is directed to make the following changes to the 2015 budget and appropriate the use of EH Fund Balance that would authorize the continued operation of the County Home in the first quarter of 2015, but only in the event that the closing of the sale of the County Home is not completed on or before December 31, 2014:

INCREASE THE USE OF FUND BALANCE:  
EH-----909                      Fund Balance, Unreserved Fund Balance                      \$ 662,080

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ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

EH.4530.----.1	Personal Services – County Home	\$2,085,995
EH.4530.----.2	Equipment – County Home	1,575
EH.4530.----.3	Depreciable Equipment – County Home	287,315
EH.4530.----.4	Contractual – County Home	961,172
EH.4530.----.5	Fixed Contractual – County Home	135,995
EH.4530.----.7	Interest – County Home	70,250
EH.4530.----.8	Employee Benefits – County Home	<u>1,465,926</u>
		\$5,008,228

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

EH.REV.----.R19	Miscellaneous – County Home	\$ 50,575
EH.REV.----.R26	Room and Board – County Home	4,030,298
EH.REV.----.R28	Ancillary – County Home	<u>265,275</u>
		\$4,346,148

Unanimously Adopted – December 17, 2014

COMMENDATION:

LEGISLATOR BETH KRESGE  
BY  
LEGISLATOR HEENAN

MEMORIALS:

DAVID STURGES  
BY  
CHAIRMAN JAY GOULD

JAMES P. MUSCATO  
BY  
LEGISLATOR KEITH AHLSTROM

ANNOUNCEMENTS:

Legislator Borrello: Please join me on Sunday, January 11<sup>th</sup> for the annual Polar Bear swim at the Fireman's Club in Silver Creek. I will once again be taking the plunge in the icy cold waters of Lake Erie for charity. It supports the Variety Kids Telethon, the Silver Creek Food Pantry, and many local fire departments. I have been challenged by a local trustee in Silver Creek to raise more money than he has so I'm accepting any donations for any one that would like to participate in this worthy cause. Thank you.

Chairman Gould: Any other announcements? Seeing none, we'll move on.

2<sup>nd</sup> Privilege of the Floor

Mr. Norm Green: Can I speak about the same topic I talked about previously? There is no level of over reach when it comes to clean drinking water in the United States of America. There is no



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level of over reach when it comes to clean water for polar bears to go swimming in Silver Creek. Thank you.

Vince Horrigan, Bemus Point, N.Y.. There was a comment made earlier about Veteran's Cemetery. Just an update for people on that, this is project in Ripley that has been proposed. We are meeting with this group. We are looking at an initial site survey, core sampling and that. There is a cost that has to be decided upon, whether that's done at the State level, the local level, but it is something that we're exploring carefully so when we get all of that done. The core sampling will not be done in the winter here for obvious reasons but in the spring and we'll continue to develop this along with Assemblyman Goodell, Senator Young, and Congressman Reed, I believe, is also involved. So, we'll see where this goes but we have to make sure that it is sustainable and as a fellow Veteran, it will be good to get this done if we can but there are cost implications and things that have to be sorted out. Thank you Mr. Chairman.

Chairman Gould: Anyone else to speak to the second privilege of the floor? Seeing no one, we'll close the 2<sup>nd</sup> privilege of the floor.

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Chairman Gould: Next thing is to wish everybody a Merry Christmas and a Happy New Year from the Legislative Staff. Also to remind you that the organizational meeting is on Friday, January 2, 2015 at 4:00 p.m. There will be new seating arrangements.

MOVED by Legislator Heenan, SECONDED by Legislator Lemon and duly carried the meeting was adjourned. (7:03 p.m.)

I, Katherine K. Tampio, being Clerk of the Chautauqua County Legislature, 2014, 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 2014 CHAUTAUQUA COUNTY BUDGET CAN BE VIEWED  
IN THE LEGISLATURE'S CLERK OFFICE**

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7. Letter – Farman Free Library – Thanking of Catt. Arts Council Grant Award	
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**May 28, 2014**

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2. Certificate of Acceptance to Fill Vacancy-Charles F. Cornell
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5. Minutes(2) – Chaut. Co. Soil & Water Conserv. District – April/May-2014
6. Letter – JCC – Invite to President's Roundtable
7. NYSAC – 2014 Chaut. Co. Overview & State Budget Impact
8. Letter – NYSAC - Senate Bill 7291 – Re: Restrictions of Publically Owned Nursing Homes Outside NYC
9. Letter – NYSAC – Re: IGT Payment Activity Approved by Federal Government
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11. Highlights – Fish & Wildlife – April/2014
12. Letter – Assemblyman Kolb – Re: Ack. Receipt of Motion 5-14
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4. Letter – Senator Young – Re: Ack. Receipt of Motion 2-14
5. Letter – Senator Young to Chmn. Gould – Re: Thanking for PowerUpWNY
6. Letter – Slab City Organics – Re: Alternative Landfill Waste Solution
7. Minutes – Chaut. County Soil & Water Conservation District
8. Email – J. DeJong to Clerk Tampio – Re: Protect our Cornell Coop. Ext.

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1. Letters(2) – C. Exec. - Re: Appts. to Boards
2. Report – Fn. Dir. Marsh – July/2014 Investment Report
3. Report – Small Business Development Center – Quarterly Report (4-6/14)
4. Minutes – Chaut. Co. Soil & Water Conservation District – 7/14
5. Letter of Appreciation – A. Smith – Re: Insurance/B. Johnson
6. Letter – Bond Council – Ack. Receipt of Required Documentation
7. Letter – NYSAC – Ack. Receipt of Motion 5-14
8. NYS Dept. of Taxation and Finance – (9) Equalization Rates

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1. Letter – County Executive – Re: Appt. to Bd. of Health
2. Letter – Burgett & Robbins, LLP – Re: Compliments to DPW/Paving
3. Bond Determination Certificate
4. Highlights – NYS Fish & Wildlife June/July 2014
5. Letter – Senator Young – Re: Ack. Receipt of Motion. No. 5-14

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1. Letters (4) – County Executive – Appts. to Various Boards
2. Reports (2) – Fn. Director Marsh – Investments (Sept./Oct.)
3. Letter – Deputy Director Planning M. Giese – Re: Progress Report on Alliance Formation
4. Letter – Senator Young – Re: Ack. Receipt of Motions 3 & 4
5. Letter – NYS Comptroller – Re: Ack. Receipt of Corrective Plan – Reducing Cost of Hospital Servs. To County Inmates
6. Letter – Dept. of Public Service – Re: Dnk. Gas Corp. – Application Request to Construct 11.3 Mile Natural Gas Pipeline
7. Letter – NYSAC – Re: Mini-Data CD – 2014 County Salary Survey & Employee Benefits Report
8. Letter – NYSAC – Re: Public Safety Tower Master Lease Agreement (Summary)
9. Letter – Weimer's We Wan Chu Cottages – Re: Protection of Bigfoots/Sasquatch in Chautauqua County
10. 2015 Tentative Budget - Chautauqua County

**November 19, 2014**

1. Letter – Resignation submitted by Coroner John Sixbey (Effective 1/6/2015)
2. Letter – Resignation submitted by Legstr. Paula DeJoy (Effective 10/22/14)
3. Letters(7) – Co. Executive – Apptmts. to Various Boards
4. Report – Fn. Director Marsh – Investment for October/2014
5. Update – 2014 Tobacco Settlement Bond – Refinance of 2000 Series Bond
6. Minutes – Chaut. County Water Agency – October/2014
7. Proof of Publication – Public Hearing – 2015 Tentative Budget
8. Proof of Publication – Public Hearing – Jmst. Airport
9. Letter – Invitation from JCC President's Roundtable
10. Letter – Congressman Tom Reed – Re: Federal Disaster Declaration-Storms
11. Highlights – NYS Fish, Wildlife & Marine Resources – August/2014
12. Res. – Lewis County – Re: Requesting State Disaster Aid
13. Res. – Town of Middlesex – Requesting State Disaster Aid

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1. Letters (2) – County Executive – Appts. to Various Boards.
2. Certificate to Fill Vacancy on County Legislature (P. Whitford)
3. Resignation Letter–Frank Walker from Chaut. Co. Farmland Protection Bd.
4. Investment Report – Fn. Director Marsh – November/2014 Investments
5. Minutes – Chaut. Co. Legislature Environmental Sub-Committee

6. Letter – G. Yaw – Re: S&CCL Sewer District – User Charge Hearing
7. Quarterly Report – Small Business Development Center – 7/1/-9/30/14
8. Res. – Fulton County – Re: Repeal of NYS “Scaffold Law”
9. Highlights – NYS Fish, Wildlife & Marine Resources – Oct./2014
10. Letter – NYS Ag. & Markets – Re: Ag. District 6 Eight Year Review
11. Letter – NYS Dept. of State – Ack. Receipt of LL 6-14 (Compliance Officer)

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