

2016
JOURNAL OF PROCEEDINGS
OF THE
CHAUTAUQUA COUNTY LEGISLATURE
MAYVILLE, NEW YORK

2010 Census Population
for
Chautauqua County 134,905

Frank J. Gould, III, Chairman..... Ashville, NY
Katherine K. Tampio, Clerk.....Silver Creek, NY

TABLE OF CONTENTS

I. INTRODUCTION

Roster of Legislators	iii & iv
Standing Committees	v
Director of County Officers & Officials	vi, vii, viii
Listing of Local Laws	ix, x, xi

II. SESSIONS OF THE LEGISLATURE

Organizational January	1
Regular January	7
Regular February	30
Regular March	74
Regular April	102
Regular May	137
Regular June	154
Regular July	175
Regular August	223
Special September	241
Regular September	247
Regular October	274
Regular November	288
Regular December	305

III. INDEX OF RESOLUTIONS

Numerical	345
Alphabetical	357

CHAUTAUQUA COUNTY LEGISLATURE

#1	(West Tn. of Dunkirk & Part of City)	<u>Kevin Muldowney</u>	10 Beach Rd. Dunkirk, N.Y. 14048
#2	(East Tn of Dunkirk & Part of City)	<u>Robert K. Bankoski</u>	407 Lake Shore Dr. E. 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>Christine Starks</u>	100 Central Ave. 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>Mark Odell</u>	90 Old Mill Rd. Brocton, N.Y. 14716
#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 J. 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>Elisabeth Rankin</u>	4 Arlington Ave. Jamestown, N.Y. 14701
#13	(Center City of Jamestown)	<u>Paul D. Whitford</u>	58 Harris Ave. 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 |

2016
Committee Assignments

Public Facilities
3rd Monday at 4:00 p.m.
John Hemmer
David Wilfong
Chuck Nazzaro **
Bob Scudder
David Himelein

Administrative Services
3rd Monday at 5:00 p. m.
Bob Scudder
Lisa Vanstrom
Paul Whitford **
Christine Starks
Kevin Muldowney

Public Safety
3rd Wednesday at 4:00 p.m.
PJ Wendel
Terry Niebel
Bob Bankoski **
Mark Tarbrake
Paul Whitford

Human Services
3rd Wednesday at 5:15 p.m.
Mark Tarbrake
Ron Lemon
Paul Whitford **
Elisabeth Rankin
David Wilfong

Planning & Econ. Development
3rd Wednesday at 6:00 p.m.
George Borrello
Pierre Chagnon
Christine Starks **
Mark Odell
Terry Niebel

Audit & Control
3rd Thursday at 8:35 a.m.
Pierre Chagnon
Chuck Nazzaro **
Kevin Muldowney
George Borrello
David Himelein

Committee Chairs Listed First
Vice-Chairs Listed Second
Ranking Members **

CHAUTAUQUA COUNTY DIRECTORY
For the Year 2016
COUNTY GENERAL

COUNTY LEGISLATURE

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

Mayville
Mayville
Mayville

COUNTY EXECUTIVE

Vincent W. Horrigan, County Executive

Mayville

LAW

Stephen Abdella, County Attorney
Kurt D. Gustafson, 1st County Attorney
Kristen Wright, 2nd County Attorney
Allison B. Carrow, Assistant Attorney
Thomas Rankin, County Attorney

Mayville
Mayville
Mayville
Mayville
Mayville

AGING

Mary Ann Spanos, Director

Mayville

BUDGET

Kitty Crow, Director

Mayville

COUNTY CLERK

Larry Barmore, County Clerk
Tracie Haskins, Deputy County Clerk

Mayville
Mayville

CORONERS

Warren H. Riles, Chief Coroner
Cassandra Brigham
James Jackson
Larry Wilcox

Mayville
Mayville
Mayville
Mayville

DIVISION OF PURCHASING

Tracy France, Deputy Director

Falconer

ELECTION BOARD

Brian Abram, Commissioner (Republican)
Norman Green, Commissioner (Democrat)

Mayville
Mayville

EMERGENCY SERVICES

Julius Leone, Director

Mayville

FINANCE

Susan Marsh, Director
James E. Caflich, Director of Real Property Tax Services

Mayville
Mayville

HEALTH & HUMAN SERVICES

Christine Schuyler, Director

Mayville

HISTORIAN

Michelle Henry

Mayville

HUMAN RESOURCES

Joseph Porpiglia, Director

Mayville

INDUSTRIAL DEVELOPMENT

Kevin Sanvidge

Jamestown

INSURANCE

Susan Marsh

Mayville

MENTAL HYGIENE SERVICES

Patricia Brinkman, Director

Mayville

PLANNING & DEVELOPMENT

Kevin Sanvidge

Jamestown

PUBLIC FACILITIES

George Spanos

Falconer

SHERIFF

Joseph A. Gerace, Sheriff
Chuck Holder, Under Sheriff

Mayville
Mayville

VETERANS SERVICES

Gary Chilcott, Director

Jamestown

JUDICIAL

COUNTY COURT

Hon. David Foley, Judge

Mayville

FAMILY COURT

Hon. Judith S. Claire, Judge
Hon. Jeffrey A. Piazza

Mayville

SUPREME COURT

Hon. Frank A. Sedita

Mayville

SURROGATE COURT

Hon. Stephen W. Cass, Judge

Mayville

COMMISSIONER OF JURORS

Kathleen D. Krauza, Commissioner

Mayville

DISTRICT ATTORNEY

Patrick Swanson (Acting)

Mayville

PROBATION

Tom Narraway

Jamestown

PUBLIC DEFENDER

Nathaniel L. Barone

Mayville

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NO. 1-16
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING ASSISTANCE TO THE COUNTY OF CHAUTAUQUA
INDUSTRIAL DEVELOPMENT AGENCY

Mailed: 1/15/16
 Adopted by Legislature: 1/27/16 R/C Vote: 16 Yes; 1 Abstention; 2 Absent
 Public Hearing by County Executive: 2/8/16
 Mailed to State: 2/12/16 Date State Filed: 2/18/16
 Adopted as Local Law 1-16

See text on page 26

LOCAL LAW
INTRODUCTORY NO. 2-16
CHAUTAUQUA COUNTY

A LOCAL LAW TO RAISE THE LEGAL AGE FOR PURCHASE OF TOBACCO
PRODUCTS IN CHAUTAUQUA COUNTY TO 21

Emailed to Legislature: 3/11/16
 Tabled in Legislature: 3/23/16
 Adopted by Legislature: 4/27/16 R/C Vote: 13 Yes; 6 No (No's: Bankoski,
 Muldowney, Niebel, Scudder, Vanstrom,
 Wilfong)
 Public Hearing by County Executive: 5/17/16
 Mailed to State: 5/18/16
 Adopted as LL 2-16 Date State Filed: 5/24/16

See text on page 98 & 114

LOCAL LAW
INTRODUCTORY NO. 3-16
A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

Laid on Desks: 4/27/16
 Adopted by Legislature: 5/25/16 R/C Vote: 17 Yes; 2 Absent
 Public Hearing by County Executive: 6/8/16 60 Day Permissive Referendum
 Mailed to State: 8/8/16
 Adopted as LL 4-16 Date State Filed: 8/12/16

See text on page 148

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NO. 4-16 (Print 2)
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE SALE AND USE OF SPARKLING DEVICES AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(5)(b)

Emailed to Legislature: 5/11/16
Adopted by Legislature: 5/25/16
Public Hearing by County Executive: 6/8/16
Mailed to State: 6/10/16
Adopted as LL 3-16

R/C Vote: 17 Yes; 2 Absent
Date State Filed: 6/14/16

See text on page 150

LOCAL LAW
INTRODUCTORY NO. 5-16
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
(Budget Adoption Powers of the County Legislature)

Laid on Desks: 6/22/16
Adopted by Legislature: 7/27/16
Public Hearing by County Executive: 8/9/16
Mailed to State: 10/11/16
Adopted as LL 5-16

R/C Vote: 17 Yes; 2 Absent
60 Day Permissive Referendum
Date State Filed: 10/18/16

See text on page 218

LOCAL LAW
INTRODUCTORY NO. 6-16
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
(Terms of Office of County Legislators)

Laid on Desks: 6/22/16
Adopted by Legislature: 7/27/16
Public Hearing by County Executive: 8/9/16
Defeated in General Election on November 8, 2016

R/C Vote: 16 Yes; 1 No; 2 Absent
(No: Niebel)

See text on page 219

LOCAL LAW

 LOCAL LAW
 INTRODUCTORY NO. 7-16
 CHAUTAUQUA COUNTY

 A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
 (Salaries of Elected Officials)

Laid on Desks: 6/22/16	
Adopted by Legislature: 7/27/16	R/C Vote: 15 Yes; 2 No; 2 Absent
Public Hearing by County Executive: 8/9/16	(No: Lemon & Scudder)
Mailed to State 10/10/16:	60 Day Permissive Referendum
Adopted as LL 6-16	Date State Filed: 10/18/16

See text on page 220

 LOCAL LAW
 INTRODUCTORY NO. 8-16
 CHAUTAUQUA COUNTY

 A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT
 SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
 (RE: Epidemiology Manager)

Laid on Desks: 9/28/16	
Adopted by Legislature: 10/26/16	R/C Vote: 15 Yes; 4 Absent
Public Hearing by County Executive: 11/8/16	
Adopted as LL 7-16	Date State Filed: 11/15/16

See text on page 287

 LOCAL LAW
 INTRODUCTORY NO. 9-16
 A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX

Emailed to Legislators: 12/8/16	
Adopted by Legislature: 12/21/16	R/C Vote: 19 Yes
Public Hearing by County Executive: 1/10/17	
Adopted as LL 1-17	
Mailed to State: 1/11/17	Date State Filed: 1/19/17

See text on page 340

JOURNAL OF PROCEEDINGS

Chautauqua County Legislature
Organizational Meeting
Monday, January 4, 2016, 4:00 p.m.
Legislative Chambers, Mayville, New York

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

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

Swearing in of New Legislators
By
County Attorney Stephen Abdella

Nominations, Second and Roll Call Vote for Chairman of the Legislature

Clerk Tampio: We will now accept nominations for Chairman of the Legislature.

Legislator Himelein: Madam Clerk, it is with pleasure that I would like to nominate Frank J. Gould as Chairman of the Legislature for the ensuing year.

Legislator Wendel: Second.

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

Legislator Tarbrake: So moved.

Legislator Lemon: Second.

Unanimously Carried

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

Frank J. Gould – 18 Yes; 1 Absent

Clerk Tampio: With the 18 yes votes to approve Frank J. Gould, III and no "no" votes and 1 absentee, I am happy to say that he has received the required majority of the votes and I declare Mr. Gould to be the newly elected Chairman of the Legislature for 2016. Congratulations and please come forward. (Applause)

ACCEPTANCE SPEECH BY CHAIRMAN

Chairman Gould: It says here an acceptance speech by the Chairman. So I suppose I ought to say a few words. First of all, I want to thank the residents of District 17 for re-electing me as their legislative representative. Their vote of confidence in my ability to represent them in the Legislature is deeply appreciated and as I have done for the past 16 years of legislative service, I will

REGULAR SESSIONS

continue to work towards improving the lives of not only my District 17 constituents but the lives of all Chautauqua County residents.

Secondly, I want to thank my fellow Legislators for once again, electing me as your Chairman. The chairmanship is a position I feel honored to hold and look forward to working with all of you on the issues and challenges we will face over the next two years.

We had many successful accomplishments over the past two years including reduction of the County's share of property taxes, negotiating a contract with CSEA employees, the creation of the Criminal Justice Coordinating Council and the North County Water District. Other achievements completed were the new DPW building in Falconer and moving the office of the DMV in Jamestown to a location on Third Street that offers free and easier parking availability.

In 2016 two of the issues we will be addressing include expansion of the County landfill and the uncertain future of NRG. We also will be reviewing suggestions presented by the Charter Review Committee. In addition, the sale of products containing microbeads will be banned as of February 1st.

One of the highlights of 2016 will be the return of the PGA Tournament to Peek n' Peak in July. Also work is continuing on the National Comedy Center in Jamestown with a completion date scheduled for 2017.

In closing, I want to thank my office staff members, Kathy, Lori, and Becky for their continued hard work and dedication in supporting the members of the Legislature. I also want to thank the 1,195 employees of our Chautauqua County government who work tirelessly for the benefit of all County residents.

Once again, I thank you for electing me as your Chairman and wish you all a happy and healthy, and successful New Year. (Applause)

Privilege of the Floor

No one chose to speak at this time.

(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 2016 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: Gould, Wilfong, Chagnon, Odell, Wendel, Vanstrom, Muldowney, Tarbrake, Hemmer, Borrello, Rankin, Himelein

(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 2016 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: Nazzaro, Bankoski, Starks, Whitford

JOURNAL OF PROCEEDINGS

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 2016 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as the Assistant Leader, Legislator Paul M. Wendel

Signed: Gould, Wilfong, Chagnon, Odell, Wendel, Vanstrom, Muldowney, Tarbrake, Hemmer, Borrello, Rankin, Himelein

APPOINTMENT OF
MINORITY LEADER AND ASSISTANT

We, the undersigned being the Democratic members of the Chautauqua County Legislature hereby designate Legislator Chuck Nazzaro as the Leader of the Chautauqua County Legislature for the year 2016 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as the Assistant Leader, Legislator Robert Bankoski

Signed: Nazzaro, Bankoski, Starks, Whitford

RES. NO. 1-16
Appointing Clerk of the Legislature

At the Request of: Legislators Gould, Wilfong, Chagnon, Odell, Wendel, Vanstrom, Muldowney, Tarbrake, Hemmer, Borrello, Rankin, Himelein, Nazzaro, Bankoski, Starks, Whitford

WHEREAS, pursuant to Resolution 179-14, the hours of the Clerk of the County Legislature were expanded to perform the duties of the Financial Analyst; and

WHEREAS, it would be advantageous to continue having the Clerk perform the duties of the Financial Analyst in 2016; therefore be it

RESOLVED, That Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective January 1, 2016, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$30,046. for 80% time.

Signed: Gould, Borrello, Chagnon, Wendel, Wilfong, Tarbrake, Vanstrom, Himelein, Hemmer, Rankin, Odell, Muldowney, Nazzaro, Bankoski, Starks, Whitford

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – January 4, 2016

RES. NO. 2-16
Appointing Deputy Clerk/Secretary to the Legislature

At the Request of: Legislators Gould, Wilfong, Chagnon, Odell, Wendel, Vanstrom, Muldowney, Rankin, Tarbrake, Hemmer, Borrello, Himelein, Nazzaro, Bankoski, Starks, Whitford

RESOLVED, That Lori J. Foster, 6228 Ellicott Rd. Brocton, New York be, and hereby is appointed Secretary to the Chautauqua County Legislature for the year 2016 at a salary of \$20.72 per hour; and be it further

REGULAR SESSIONS

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 2016, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective January 1, 2016.

Signed: Gould, Wilfong, Chagnon, Odell, Wendel, Vanstrom, Muldowney, Rankin, Tarbrake, Hemmer, Borrello, Himelein, Nazzaro, Bankoski, Starks, Whitford

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – January 4, 2016

RES. NO. 3-16
Confirm Appointment – Public Defender

By Chairman Frank J. Gould:

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, 2016, to be compensated as follows:

2016 – Annual base salary of \$75,000 for 100% time, with an additional salary supplement of \$22,419 to the extent of available grant funds received from the New York State Office of Indigent Legal Services (OILS) pursuant to Resolution 268-14.

2017 – Annual base salary of \$76,500 for 100% time, with an additional salary supplement subject to confirmation by the County Legislature to the extent of available grant funds received from OILS or another source.

Signed: Gould, Wilfong, Chagnon, Odell, Wendel, Vanstrom, Muldowney, Rankin, Tarbrake, Hemmer, Borrello, Himelein, Nazzaro, Bankoski, Starks, Whitford

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – January 4, 2016

RES. NO. 4-16
Designation of Official Newspapers – 2016

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 214, paragraph 2 of the County Law, to be the official newspapers of Chautauqua County during the year 2016 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Gould

Unanimously Adopted – January 4, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 5-16

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, 2016.

MOVED by Legislator Chagnon, SECONDED by Legislator Borrello to amend by substitution.

Unanimously Carried

Delegate Authority to Chairman of Legislature to Correct Errors on Tax Rolls and to Provide Refunds and Credits of Taxes Pursuant to Sections 554 and 556 of the Real Property Tax Law

WHEREAS, Sections 554 and 556 of the Real Property Tax Law authorize a tax levying body to delegate its authority to correct errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is 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 application for correction, refund, or credit and recommended approval based upon that investigation; and

WHEREAS, the delegation of authority would afford the taxpayers of Chautauqua County a mechanism for prompt approval of such applications for correction, refund, or credit; now therefore be it

RESOLVED, That pursuant to Sections 554 and 556 of the Real Property Tax Law, the County Legislature hereby delegates to the Chairman of the Legislature its authority to correct errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less; and be it further

REGULAR SESSIONS

RESOLVED, That pursuant to the delegation of authority granted herein, the Chairman of the Legislature is hereby empowered to authorize such correction of errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less, without prior audit by the County Legislature; and be it further

RESOLVED, That this resolution will be effective from this date until December 31, 2016.

Unanimously Adopted as amended – January 4, 2016

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, January 27, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Gould, Himelein)

Legislator Vanstrom delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Scudder the minutes were approved. (12/16/15 & 1/4/16)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN
NO VETOES FROM 12/16/15 & 01/04/16

COMMUNICATIONS:

1. Letter – District Attorney David Foley – Re: Appointed District Attorneys
2. Minutes – South & Center Chaut. Lake Sewer Districts – December 2015
3. Minutes – Chautauqua County Water Quality Task Force – November 2015
4. Proof of Legal Notices – Public Hearings Local Law Intro. No. 3-15
5. Letter – District Attorney David Foley – Re: Resignation effective 12/31/15
6. Designation of Deputies – Finance Director Marsh
7. Letter – Thomas Myers, ORRICK – Re: Receipt of filings for the Expansion of County Landfill - \$18,000,000 Bonds
8. Minutes – Chautauqua County Water Quality Task Force – December 2015
9. Notice of Filing – NYS Department of State – Re: Local Law No. 3-15
10. Letter – County Executive Vincent Horrigan – Re: Appointments for STOP DWI Advisory Board, Soil & Water Conservation District Board, Airport Commission
11. Letter – County Attorney Steve Abdella – Re: Disclosure of Interest and Recusal
12. Letter – Stephen Kimball, Chairman – Chaut. County Agriculture & Farmland Protection Board – Re: Appointment of Katelyn Walley-Stoll
13. Letter – NYS Department of Agriculture and Markets – Re: North Chautauqua County Regional Water System Project
14. Report – Finance Director Marsh – December 2015 Investment Report
15. Letter – Greystone Nature Preserve – Re: Thank You Note

RES. NO. 6-16

Confirm Appointment - Chautauqua County Airport Commission

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 SESSIONS

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

Legislator Mark Odell
90 Old Mill Rd.
Brocton, N.Y. 14716
Term Expires: 12/31/17

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – January 27, 2016

RES. NO. 7-16

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.

Lisa Vanstrom
55 Plummer Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/16

Frank "Jay" Gould
70 Hoag Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/16

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – January 27, 2016

RES. NO. 8-16

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:

Legislator Elisabeth Rankin
4 Arlington Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Legislator George Borrello
1014 S. Shore Drive
Irving, N.Y. 14-81
Term Expires: 12/31/17

JOURNAL OF PROCEEDINGS

William Ohnmeiss Jr.
 215 South Work Street
 Falconer, NY 14733
 Term Expires: 12/31/18

Signed: Wendel, Tarbrake, Whitford, Bankoski, Niebel

Unanimously Adopted – January 27, 2016

RES. NO. 9-16

Confirm 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:

Katelyn Walley-Stoll
 10312 Chautauqua Road
 Cattaraugus, N.Y. 14719
 Term Expires 12/31/2016

Replacing Theodore Card

Signed: Chagnon, Niebel, Starks, Odell

Unanimously Adopted – January 27, 2016

RES. NO. 10-16

Authorizing Email Delivery of Local Laws to County Legislators

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

WHEREAS, pursuant to Chapter 397 of the Laws of 2015, the New York State Legislature amended Subdivision 4 of Section 20 of the Municipal Home Rule Law to provide that county legislative bodies may elect to receive introduced local laws via email delivery in lieu of regular mail delivery; and

WHEREAS, to reduce mailing costs and expedite the receipt and review of introduced local laws by County Legislators, it would be advantageous for the Chautauqua County Legislature to authorize email delivery of local laws; therefore be it

RESOLVED, That pursuant to Subdivision 4 of Section 20 of the Municipal Home Rule Law, the Chautauqua County Legislature hereby authorizes the email delivery of introduced local laws, with introduced local laws to be e-mailed to the e-mail in-box of each County Legislator in the Portable Document Format (PDF) at least ten calendar days, exclusive of Sunday, prior to its final passage; and be it further

REGULAR SESSIONS

RESOLVED, That prior to the use of email delivery of introduced local laws pursuant to this Resolution, the County Clerk and Clerk of the Legislature shall publish the e-mail addresses of all County Legislators on the internet websites of the offices of the Chautauqua County Clerk and the Chautauqua County Legislature, and post all such email addresses on the bulletin boards of said offices located in the Courthouse and Gerace Office Building in Mayville, New York.

Signed: Scudder, Whitford, Starks, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 11-16
Adjust CARTS Capital Accounts

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

WHEREAS, there are two capital accounts set up for the purchase of CARTS buses; and

WHEREAS, only one account is necessary and preferred; and

WHEREAS, the Insurance Recovery and Sale of Equipment should be allocated to the cost before Federal and State aid formula, now therefore be it

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

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5630.25884.4	Contractual – Bus Replacement	\$195,000
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DECREASE CAPITAL REVENUE ACCOUNTS:

H.5630.25884.R359.7000	NYS Aid – Transportation Capital	\$ 19,500
H.5630.R459.7000	Federal Aid – Transportation Capital	\$156,000
H.5630.R503.1000	Interfund Transfer – Interfund Transfers	\$ 19,500
		<u>\$195,000</u>

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5630.25886.4	Contractual – Bus Replacement	\$195,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5630.25886.R359.7000	NYS Aid – Transportation Capital	\$ 36,438
H.5630.25886.R459.7000	Federal Aid – Transportation Capital	\$ 57,498
H.5630.25886.R503.1000	Interfund Transfer – Interfund Transfers	\$ 19,438
H.5630.25886.R268.0000	Sale of Property/Comp – Ins. Recoveries	\$ 46,121
H.5630.25886.R266.5000	Sale of Property/Comp - Sale of Equip.	<u>\$ 35,505</u>
		<u>\$195,000</u>

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 12-16
Increase Capital Accounts for the Apron Reconstruction Project at the Dunkirk Airport

JOURNAL OF PROCEEDINGS

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

WHEREAS, Chautauqua County received a grant from the Federal Aviation Administration (FAA) to pay 90% of the allowable costs incurred for the Apron Reconstruction Project at the Chautauqua County Dunkirk Airport: FAA AIP Project No. 3-36-0022-49-14(Project); and

WHEREAS, the New York State Department of Transportation (NYSDOT) offered a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, Chautauqua County approved the Project and committed funds for the local share under Resolutions 104-14 and 18-15; and

WHEREAS, the final cost of the Project exceeded appropriated amounts by \$24,696; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance, Reserved Fund Balance – Reserve for Capital	\$1,235
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; and be it further

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	\$ 1,235
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25935.4	Contractual - Rehabilitate General Aviation Apron	\$24,696
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610. 25935.R459.2000	Federal Aid – Airport Federal Capital Grants	\$22,226
H.5610. 25935.R359.7001	New York State Aid – Airport Capital Grants	\$ 1,235
H.5610. 25935.R503.1000	Interfund Transfer – Interfund Transfers	\$ 1,235

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Muldowney (AC Failed with Chagnon voting “no”)

Unanimously Adopted – January 27, 2016

RES. NO. 13-16

Amend 2016 Budget for Carpet Replacement in County Court and Supreme Court Offices in the Chautauqua County Courthouse

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

WHEREAS, the County currently has a lease agreement with the State of New York Unified Court System Eighth Judicial Court District for courtroom and court staff office space on the second floors of the Gerace Office Building and the County Courthouse; and

REGULAR SESSIONS

WHEREAS, the State of New York Unified Court System Eight Judicial Court District has made a tenant improvement request to replace the carpeting in Suite 225 and Suite 230 in the County Court and Supreme Court Offices in the County Courthouse because the carpeting has become worn and stained; and

WHEREAS, the total projected cost to replace the carpet is \$8,619.28; and

WHEREAS, under the current lease agreement the State of New York Unified Court System Eighth Judicial Court District provides full reimbursement to the County for tenant improvement expenses; therefore be it

RESOLVED, That the County Finance Director is hereby authorized to make the following changes to the 2016 Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.1162.9999.4	Contractual – Unified Court Costs – Misc.	\$8,620
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INCREASE REVENUE ACCOUNT:

A.1162.9999.R302.1000	NYS Aid – Court Facilities	\$8,620
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Signed :Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 14-16

Adjust Capital Appropriation for the HVAC Upgrades in the Mayville Complex

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

WHEREAS, Chautauqua County government infrastructure, which includes the Mayville complex buildings, is essential to County operations and to quality of life for building occupants; and

WHEREAS, proper maintenance and funding are essential to keeping County buildings in good repair; and

WHEREAS, the Chautauqua County capital budget already includes \$4,502,449 for an HVAC improvement project; and

WHEREAS, the budgetary amounts should be amended to conform to the actual total project cost of 4,702,449; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----909.0000	Fund Balance – Unreserved Fund Balance	\$195,912
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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:

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNT:

A.9950.9999.9 Interfund Transfers – Transfer to Capital – Misc. \$195,912

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1620.25787.4 Contractual - HVAC Upgrades - MVL Complex \$195,912

INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.25787.R503.1000 Interfund Transfer–Interfund Transfers \$195,912

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Muldowney (AC failed with Chagnon voting no)

Unanimously Adopted – January 27, 2016

RES. NO. 15-16

Authorize Agreement with NYS Office of Information Technology Services for Orthoimagery Data Enhancements

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

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

WHEREAS, ITS will be enhancing and improving the State's spatial data through a Statewide Digital Orthoimagery program; and

WHEREAS, ITS has contracted with a third party for Chautauqua County to be covered by 1.0 foot ground sample distance resolution, four-band orthoimagery in the spring of 2016; and

WHEREAS, the third party contract includes other options (hereinafter "upgrades") for higher resolution and alternate imagery type, to be utilized if Chautauqua County opts to contribute additional funding for this purpose; and

WHEREAS, orthoimagery is used on a regular basis by Chautauqua County departments, including Planning & Economic Development, Department of Public Facilities, Real Property, North Chautauqua Lake Sewer District, South & Center Chautauqua Lake Sewer Districts, and Emergency Services; and

WHEREAS, orthoimagery is also used on a regular basis by the private sector, including developers, real estate agencies, engineers, surveyors, architects, planners, land trusts, and a multitude of outdoor recreation users; and

WHEREAS, the aforementioned County departments have determined and agreed that an orthoimagery upgrade to a resolution of .5 foot ground sample distance for the area surrounding Chautauqua Lake would benefit the County of Chautauqua; and

WHEREAS, the City of Jamestown Board of Public Utilities will also benefit from an orthoimagery upgrade for the City of Jamestown to a resolution of .5 foot ground sample distance; and

REGULAR SESSIONS

WHEREAS, the North Chautauqua Lake Sewer District has committed funds in the amount of One Thousand Three Hundred Fifty-Two and 66/100 Dollars (\$1,352.66), for an orthoimagery upgrade over the North Chautauqua Lake Sewer District; and

WHEREAS, the South & Center Chautauqua Lake Sewer Districts have committed funds in the amount of Four Thousand Eight Hundred Thirty-Four and 12/100 Dollars (\$4,834.12), for an orthoimagery upgrade over the South & Center Chautauqua Lake Sewer Districts; and

WHEREAS, the City of Jamestown Board of Public Utilities has committed funds in the amount of Four Thousand Two Hundred Thirteen and 22/100 Dollars (\$4,213.22), for an orthoimagery upgrade over the City of Jamestown; now therefore be it

RESOLVED, That Chautauqua County pay to the State a sum not to exceed Ten Thousand Four Hundred and No/100 Dollars (\$10,400.00) as payment for ITS' actual costs in securing orthoimagery upgrades requested by the County, with the County forwarding the City of Jamestown's share, and requesting the City of Jamestown's desired upgrade, if City funds are received by the County in a timely fashion; and be it further

RESOLVED, That the County Executive be authorized to execute any and all agreements and documents with the State and with the City of Jamestown which are necessary to implement the above-referenced upgrades.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 16-16

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. (Tenant), for the period January 1, 2016 through December 31, 2016, 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 ninety-eight and 33/100 dollars (\$1,098.33) per month, with the last monthly payment being One thousand ninety-eight and 34/100 dollars (\$1,098.34).

JOURNAL OF PROCEEDINGS

3. Term. One (1) year term commencing January 1, 2016, 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. Tenant will be responsible for snow removal on the east parking lot in front of the Soil and Water conservation building and the front circle including both entrance and exit points, and for shoveling snow on the sidewalks from the front entrance to the parking lot.
6. Other. As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 17-16
Amend Budget for Municipal Sales Tax

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

WHEREAS, it is anticipated that the Sales Tax Revenue for 2015 will exceed the amount included in the budget; and

WHEREAS, the portion that is allocated to the municipalities will also exceed the amount included in the budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1985.----.4	Contractual – Municipal Sales Tax	\$850,000
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INCREASE REVENUE ACCOUNT:

A 1985.R111.OMUN	Non-Property Tax Items: Sales Tax- Muni Make Whole	\$850,000
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Signed: Scudder, Whitford, Starks, Muldowney, Chagnon, Nazzaro

Unanimously Adopted – January 27, 2016

RES. NO. 18-16
Amend Budget for Enterprise Fund Indirect Costs

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

REGULAR SESSIONS

WHEREAS, the method for allocating indirect costs was changed after the 2015 budget was prepared; and

WHEREAS, Venesky & Company prepares the County's Indirect Cost reports; and

WHEREAS, the County recorded indirect costs to the Enterprise Fund, and some will exceed the budget; now therefore be it

RESOLVED, That the Fund Balances are appropriated as follows:

INCREASE USE OF FUND BALANCE:

EL.-----909.0000	Fund Balance - Fund Balance, Unreserved Fund Balance	\$62,785
ESS.-----909.0000	Fund Balance - Fund Balance, Unreserved Fund Balance	\$ 8,787
EW.-----909.0000	Fund Balance - Fund Balance, Unreserved Fund Balance	\$ 1,837

And be it further;

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

INCREASE APPROPRIATION ACCOUNTS:

EE.8410.----.5	Fixed Contractual - Indirect Costs (A-87)	\$ 4,715
EL.8160.1000.----.5	Fixed Contractual - Indirect Costs (A-87)	\$62,785
ESS.8110.----.5	Fixed Contractual - Indirect Costs (A-87)	\$ 8,787
EW.8310.----.5	Fixed Contractual - Indirect Costs (A-87)	\$ 1,837

DECREASE APPROPRIATION ACCOUNT:

EE.8410.----.4	Contractual - Electricity Congestion	\$ 4,714
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 19-16

Amend 2015 Budget to Adjust Department of Motor Vehicles Accounts

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

WHEREAS, some Department of Motor Vehicles accounts have budgeted funds in excess of what is needed in 2015, and

WHEREAS, some Department of Motor Vehicles accounts have exceeded budgeted monetary amounts, therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1410.1411.4	Contractual – DMV	\$15,000
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JOURNAL OF PROCEEDINGS

DECREASE APPROPRIATIONS ACCOUNT:

A1410.1411.1 Personal Services – DMV \$15,000

Signed: Scudder, Whitford, Starks, Muldowney, Nazzaro (AC Failed with Chagnon voting "no")

Unanimously Adopted – January 27, 2016

RES. NO. 20-16

Accept 200% of Poverty Alternatives to Incarceration Grant

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 to Chautauqua County a 200% of Poverty Alternatives to Incarceration Grant; and

WHEREAS, the \$165,473 award is a one year extension to the three-year contract cycle (01/01/13 – 12/31/15), and covers the period 1/1/16 to 12/31/16; and

WHEREAS, the 2016 Chautauqua County Adopted Budget does not include this funding because the County did not receive notification of this grant award until December 2, 2015; and

WHEREAS, funds will be used to provide programs to eligible individuals with families whose income does not exceed 200 percent of the federal poverty level; and

WHEREAS, programming will incorporate evidence-based cognitive behavioral treatment to address errors in thinking that lead to offending behaviors, and will also provide job readiness skills that lead to job placement and retention; and

WHEREAS, upon acceptance of this funding the 2016 Chautauqua County budget needs to include this revenue and the 1.00 additional fully funded FTE who will perform grant services; now, therefore, be it

RESOLVED, That the County of Chautauqua accept this and future DCJS 200% of Poverty Alternatives to Incarceration grants; and be it further

RESOLVED, That the County Executive be authorized to execute any and all agreements and documents necessary for grant acceptance and implementation; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3140.----.1	Personal Services - Probation	\$ 54,698
A.3140.----.4	Contractual – Probation	\$ 71,421
A.3140.----.8	Employee Benefits - Probation	\$ 39,354
		\$165,473

INCREASE REVENUE ACCOUNT:

A.3140.R331.0POV	NYS Aid: Probation-Poverty Alternatives to Incarceration	\$165,473
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Signed: Wendel, Tarbrake, Whitford, Bankoski, Niebel, Chagnon, Nazzaro, Muldowney

REGULAR SESSIONS

Unanimously Adopted – January 27, 2016

RES. NO. 21-16

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, 2016 through December 31, 2016, for an estimated cost not to exceed \$2,000.00, based on an hourly rate of at least \$27.64; now therefore be it

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, Tarbrake, Whitford, Bankoski, Niebel, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 22-16

Increase Revenue and Appropriation Accounts Associated with 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 County Sheriff's Office was awarded grant funding from the State of New York Office of Homeland Security for the further implementation of bomb detection; and

WHEREAS, grant award #C174741 for \$110,000 has not been fully expended for the contract period of September 1, 2014 to August 31, 2016; and

WHEREAS, the 2016 Chautauqua County Budget should be amended to include the remaining balance of these funds; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.2	Equipment - Sheriff	\$23,500
A.3110.----.1	Personal Services - Sheriff	\$10,000
A.3110.----.4	Contractual - Sheriff	\$22,000

INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB	Federal Aid—Other Public Safety Aid	\$55,500
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Signed: Wendel, Tarbrake, Whitford, Bankoski, Niebel, Chagnon, Nazzaro, Muldowney

JOURNAL OF PROCEEDINGS

Unanimously Adopted – January 27, 2016

RES. NO. 23-16

Authorize Execution for LiveScan Equipment Grant from New York State Division of Criminal Justice Service FY 2016

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

WHEREAS, the Chautauqua County Sheriff received notice the New York State Division of Criminal Justice Service approved the application for a FY 2016 LiveScan Equipment Grant for the contract period from October 1, 2015 to September 30, 2016; and

WHEREAS, the grant funds will be used to replace LiveScan equipment for the Chautauqua County Office of the Sheriff and four local police departments; and

WHEREAS, the New York State Division of Criminal Justice Service will provide funding for in the amount of \$43,989, matched by local funds of \$43,989, \$29,326 of which will be provided by the four local police departments; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Division of Criminal Justice Service in the amount of \$87,978.

WHEREAS, the 2016 Chautauqua County Budget does not include any funding for these expenditures since the grant funds became available after the budget was released; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.3	Depreciable Equipment – Sheriff	\$29,326
A.3110.----.4	Contractual – Sheriff	\$58,652

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.3110.R338.9LVS	New York State Aid—Other Public Safety	\$43,989
A.3110.R226.0000	Chgs: Other Gov – Public Safety	\$43,989

Signed: Wendel, Tarbrake, Whitford, Bankoski, Niebel, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 24-16

Abolish Department of Health and Human Services Petty Cash Accounts

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

WHEREAS, pursuant to Resolution 249-94, Chautauqua County established a revolving petty cash fund in the amount of \$50.00 for the use of DSS- Jamestown Transitional Assistance (TA)

REGULAR SESSIONS

and a revolving petty cash fund in the amount of \$50.00 for the use of DSS – Dunkirk TA/MA to be used by the Department of Health and Human Services as incidental funds; and

WHEREAS, the DSS- Jamestown Transitional Assistance (TA) and DSS – Dunkirk TA/MA petty cash funds established by Resolution 249-94 are no longer necessary nor used by the Department of Health and Human Services; now therefore be it

RESOLVED, That the DSS- Jamestown Transitional Assistance (TA) and DSS – Dunkirk TA/MA petty cash funds established by Resolution 249-94 as incidental funds are hereby abolished; 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, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 25-16

Amend 2015 Budget to Adjust Department of Health & Human Services Accounts

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

WHEREAS, some Department of Health & Human Services program expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6140.----.4	Contractual – Safety Net	\$900,000
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DECREASE APPROPRIATION ACCOUNT:

A.6100.----.4	Contractual – Medicaid	\$900,000
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 26-16

Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses

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 has a vibrant tourism economy; and

JOURNAL OF PROCEEDINGS

WHEREAS, the County unanimously adopted its County Comprehensive Plan (*Chautauqua 20/20*) in 2011 which advocates for the preservation and promotion of its natural resources; and

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and the Chautauqua County Department of Planning and Economic Development (CCPED) are working to create secondary tourism attractions and attract tourism-related businesses to take advantage of the County's wealth of natural assets; 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 County of Chautauqua Industrial Development Agency in the amount of \$50,000.00 to provide service which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County.

Signed: Chagnon, Niebel, Starks, Odell, Nazzaro (AC Failed with Muldowney abstaining)

Adopted w/ Legislator Muldowney abstaining – January 27, 2016

RES. NO. 27-16

Authorizing SEQRA Review of the Sunset Valley Stream Streambank Stabilization Project

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

WHEREAS, pursuant to Resolution 212-15, nine projects, including \$29,250 towards the Chris Keefe Prendergast Creek Streambank Restoration project, were recommended by the Waterways Panel for 2016 2% Occupancy Tax funding and the County authorized the Chautauqua County Department of Planning & Economic Development (CCPED) to arrange New York State Environmental Quality Reviews (SEQRA) on these projects; and

WHEREAS, pursuant to Resolution 283-15, the County determined that the nine projects recommended for 2016 2% Occupancy Tax Funding 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

WHEREAS, pursuant to Resolution 146-15, the County selected six problematic tributary streams within the Chautauqua Lake watershed for application to the New York State Department of Environmental Conservation's Water Quality Improvement Program (WQIP) grant program, including Prendergast Creek; and

WHEREAS, the County was awarded six grants from the WQIP grant program, including \$58,039 for the Chris Keefe Prendergast Creek Streambank Restoration project; and

WHEREAS, The WQIP grant program awards will bring increased New York State Department of Environmental Conservation project funding to Chautauqua County and will allow for the reallocation of local 2016 2% Occupancy Tax funding for the next project recommended by the

REGULAR SESSIONS

Waterways Panel, the Sunset Valley Stream Streambank Stabilization project in the amount of \$21,750; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Chautauqua County Department of Planning & Economic Development to arrange SEQRA review of the Sunset Valley Stream Streambank Stabilization project.

Signed: Chagnon, Niebel, Starks, Odell, Nazzaro, Muldowney

Unanimously Adopted – January 27, 2016

RES. NO. 28-16

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

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program for the current fiscal year in the amount of Fifty-nine Thousand One Hundred Fifty-five and 00/100 (\$59,155.00) dollars

Signed: Chagnon, Niebel, Starks, Odell, Nazzaro (AC Failed with Muldowney abstaining)

Adopted w/ Legislator Muldowney abstaining – January 27, 2016

RES. NO. 29-16

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

JOURNAL OF PROCEEDINGS

WHEREAS, pursuant to Article 6 and Section 6.01 of the Chautauqua County Administrative 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: Chagnon, Niebel, Starks, Odell, Nazzaro (AC Failed with Muldowney abstaining)

Adopted w/ Legislator Muldowney abstaining – January 27, 2016

RES. NO. 30-16

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, 2016 through December 31, 2016.

Signed: Chagnon, Niebel, Starks, Odell, Nazzaro, Muldowney

Unanimously Adopted – January 27, 2016

REGULAR SESSIONS

RES. NO. 31-16

Modify 2015 Budget 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:

WHEREAS, Empire Specialty Cheese Co., LLC ("Empire") has established a cheese production operation in the Town of Harmony at the former AFA Foods facility; and

WHEREAS, Empire requested that Chautauqua County apply for funding on its behalf from the New York State Office of Community Renewal ("OCR") to finance a portion of the cost of equipment and working capital required to establish operations; and

WHEREAS, the Chautauqua Regional Economic Development Corporation ("CREDC") is assisting in the facilitation of the project and has requested that Chautauqua County provide the OCR funding to CREDC as a grant for the purpose of making a term loan and deferred loan to Empire; 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 and a grant agreement with CREDC, and designated the County Executive as the Environmental Certifying Officer; and

WHEREAS, Resolution 186-14 established appropriation and reserve accounts and authorized a subsequent payment of \$309,699.99 to CREDC on behalf of Empire in 2014; and

WHEREAS, Chautauqua County wishes to disburse a portion of the remaining grant funds to CREDC for the purpose of assisting Empire with the establishment a cheese production facility; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2015 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.6420.GOSC.4	Contractual – NYS Small Cities Grants	\$303,235
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INCREASE RESERVE ACCOUNT:

A.6420.GOSC.R478.900	Federal Aid – Other Economic Assistance	\$303,235
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Signed: Chagnon, Niebel, Starks, Odell, Nazzaro, Muldowney

Unanimously Adopted – January 27, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 32-16

Modify 2016 Budget 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:

WHEREAS, Empire Specialty Cheese Co., LLC ("Empire") has established a cheese production operation in the Town of Harmony at the former AFA Foods facility; and

WHEREAS, Empire requested that Chautauqua County apply for funding on its behalf from the New York State Office of Community Renewal ("OCR") to finance a portion of the cost of equipment and working capital required to establish operations; and

WHEREAS, the Chautauqua Regional Economic Development Corporation ("CREDC") is assisting in the facilitation of the project and has requested that Chautauqua County provide the OCR funding to CREDC as a grant for the purpose of making a term loan and deferred loan to Empire; 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 and a grant agreement with CREDC, and designated the County Executive as the Environmental Certifying Officer; and

WHEREAS, Resolution 186-14 established appropriation and reserve accounts and authorized subsequent payments of \$309,699.99 in 2014 and \$303,234.11 in 2015 to CREDC on behalf of Empire; and

WHEREAS, Chautauqua County wishes to disburse the balance of the grant funds to CREDC for the purpose of assisting Empire with the establishment a cheese production facility; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.6420.GOSC.4	Contractual – NYS Small Cities Grants	\$3,066
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INCREASE RESERVE ACCOUNT:

A.6420.GOSC.R478.900	Federal Aid – Other Economic Assistance	\$3,066
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Signed: Chagnon, Niebel, Starks, Odell, Nazzaro, Muldowney

Unanimously Adopted – January 27, 2016

REGULAR SESSIONS

RES. NO. 33-16
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	Municipality	Parcel ID No	Purchaser	Offer Amount	Taxes Owning
PA-146-2015 Includes PA-147-2015	Town Dunkirk	80.18-1-13&12	Southshore Rod & Gun Club	200.00	447.24
PA-159-2015	Village Falconer	371.10-5-28	Scott C Stearns	1500.00	4545.51

Signed: Scudder, Muldowney, Starks, Whitford

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - January 27, 2016

LOCAL LAW
INTRODUCTORY NO. 1-16
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING ASSISTANCE TO THE
COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY

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

Section 1. Purpose. The purpose of this local law is to authorize the County of Chautauqua to assist the County of Chautauqua Industrial Development Agency (CCIDA) in undertaking economic development programs and projects. It is the intent of this local law to support CCIDA's economic development initiatives to actively promote, attract, encourage and develop

JOURNAL OF PROCEEDINGS

industry and commerce in order to enhance the safety, health, and well-being of County residents and property. The authorization set forth in this local law shall be in addition to and in furtherance of the policies, purposes, powers, and duties set forth in Article 6 of the Chautauqua County Administrative Code, Article 18-A of the New York General Municipal Law, or other applicable law.

Section 2. Authorization. The County of Chautauqua is hereby authorized to assist CCIDA in undertaking economic development programs and projects, including, but not limited to, the acquisition of sites as part of economic development projects. Such assistance may be in the form of grants, loans, or in-kind services. Within amounts appropriated by the County Legislature, the County Executive is authorized and empowered to enter into agreements with CCIDA to provide such grants, loans, or in-kind services.

Section 3. Severability. In the event any provisions or part of this local law shall for any reason be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of the local law.

Section 4. Effective Date. This local law shall become effective upon filing with the Secretary of State.

Adopted by Legislature: 1/27/16
Public Hearing by County Executive: 2/8/16
Adopted as Local Law 1-16

R/C Vote: 16 Yes; 1 Abstention; 2 Absent
(Muldowney)
Date State Filed: 2/18/16

2nd Privilege of the Floor

My name is Patrick Meagher, I'm a resident of Busti, New York. Thank you for this opportunity to speak before you tonight. I am here tonight to inform the County Legislators and the members of the public of a very dangerous bill that has been introduced here in New York State.

Before I begin, I would like to ask you all a question. How many of you currently own a smartphone? No need to answer that. I assume the vast majority of you own some variety of a popular brand of smartphone. The reason I ask this is because the bill I am about the detail has serious ramifications on your ability to purchase and own a smartphone here in New York State.

The bill in question is Assembly Bill A8093 and relates to the manufacture and sale of smartphones that are capable of being decrypted and unlocked by the manufacture or its operating system provider. The bill is sponsored by Matthew J. Titone and co-sponsored by Walter T. Mosley. Should this bill pass through New York Assembly and Senate, Apple and Google makers of 98% of the current smartphone market, would face penalties of up to \$2,500 per device sold in New York State if a retailer willingly sells a device that cannot be decrypted or unlocked.

Before I continue, I would like to briefly describe what encryption/decryption is and why it matters. Encryption is a form of digital cryptography that scrambles all data on a given device, albeit a computer, flash drive, smartphones et.al. The only way to unscramble data is by means of an encryption key, a series of random numbers and letters that create a unique signature, recognized by only one device, unless that key is shared. Encryption is a means to protect sensitive and private data for businesses, governments, and individuals. Decryption is a process by which an encryption key is used to descramble the data. There does however exist such a thing as an encryption backdoor, a so called master key that can be used, and often abused, to break encryption and gain access to personal data and information. Any device with a known encryption backdoor is a target, nay a godsend, for hackers who wish to steal person data and exploit it for their own greed. This encryption backdoor is what Bill A8093 is all about. New York State wants to force cell phone manufactures and operating system creators to include a backdoor to any mobile device with encryption, or face significant fines for doing so. This bill is a direct threat to your privacy. It is an unconstitutional bill aimed at eroding your rights as an American Citizen. Your own government does

not trust you to have any form of private personal data on your smartphone or personal computer for that matter. Let's face it, these days, smartphones have more in common with personal computers than ever before, often replacing the majority of an individual's communications, transactions, banking, and productivity. The US Constitution clearly states in the 4th amendment, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated".

This bill seeks to nullify your privacy and right to be secure in your effects, and allows for warrantless search of your device. Do not be deceived by false promises that your devices won't be searched without a warrant. We know thanks to the effort of Edward Snowden that our Government regularly searches our emails, phone records, text messages, bank records, and more without a warrant and total impunity. Your own government lies a matter of course, as a matter of policy. With tools like the PATRIOT Act and the National Defense Authorization Act, which have abridged the constitution in the name of national security, your personal freedoms are slowly being eroded. We have begun on a slippery slope leading to a total Orwellian Society. Welcome to 1984.

The passage of A8093 will lead to a grey-market of cell phone sales. Devices of dubious origin sold online or in back alleys. Thousands of individuals migrating to neighboring states to purchase secure devices. Millions of dollars in sales tax lost because individuals who value their privacy and security will purchase their devices out of state and bring them back. Not only is this law unconstitutional, it is almost entirely unenforceable.

New York State would like you to believe that this is in the interest of national security, or for the purposes of criminal investigations. I can assure you this bill will not help to serve either purpose. The CIA wanting encryption backdoors is not a failure of intelligence, but a failure of leadership. An article on encryption and the intelligence community by SDnet had this to say. "After the September 11th attacks, people said the government did not know anything about them in advance which former insiders called an intelligence failure. After the chaos of the Boston bombing, the biggest terrorist attack on US soil since 2001, the FBI was accused of intelligence-sharing shortcomings. Since 2013, when you first heard Edward Snowden's name, the government finally had a scapegoat. Any person or company who acts in his name or double-down on security in the wake of the leaks is now to blame, accused of being traitorous or impeding investigations or intelligence gathering. Yet, in the latest attack, encryption has yet to be determined as a cause – or even a factor. Even former National Security Agency employees turned whistleblowers have said the daily deluge of data drowns analysts in too much information, meaning finding that needle in the vast haystack of intelligence is impossible. If the administration's intelligence directors are demanding access to even more data than their agencies know what to do with, that points to a failure of leadership rather than a fault of intelligence."

To make matters worse, in the last two weeks California state has introduced Bill 1681, sponsored by Jim Cooper, which is a near verbatim copy of the proposed New York bill I have been discussing. New York and California are the 2 most progressive states in the union, and yet both are proposing bills to abridge the Constitution which is reckless and the opposite of progressive.

Now I feel you can clearly see that Bill A8093 is both a violation of privacy and constitutional rights, as well as a useless, wasteful means of gathering information and intelligence.

I urge the members of the Legislature to use your resources, influence and connections to make other lawmakers within New York State aware of the damages this bill proposes. I also urge the members of the public here tonight to pass along the information I have provided to friends and family, and encourage them to look up Bill A8093 on the NYsenate.gov website and use the "Do you support this Bill" aye or nay box to voice your opinion and opposition to this bill. You will need to create a simple account to use the service, which ironically has a disclaimer saying "your privacy is guaranteed". Thank you all for your time this evening. I do have a small handout for anyone who wishes to look up more information on this. Thank you.

Interim Chairman Wendel: Anyone else?

JOURNAL OF PROCEEDINGS

Legislator Tarbrake: Thank you Mr. Chairman. Excuse me, I forgot to mention something during announcements. But I would like to give kudos to Dr. Mary Ann Spanos and the Office for the Aging for her yearly collection that she does for the elderly people in this County by passing out care packages. I know many of us Legislators participated this year and anybody else that participated did a great job. Anytime that you see the faces of these elderly people that get the care packages, it really pulls at your heart. So, I would like to thank Mary Ann and her staff for organizing this every year and it's a really nice thing that we do.

Interim Chairman Wendel: Anyone else to speak to the 2nd privilege of the floor? If not, can I have a motion –

Legislator Nazzaro: I move that we go into executive session to discuss proposed and pending litigation.

Legislator Borrello: Second.

Interim Chairman Wendel: All those in favor?

Unanimously Carried (6:53pm)

MOVED by Legislator Nazzaro, SECONDED by Legislator Lemon to close the executive session.

Unanimously Carried (7:41pm)

MOVED by Legislator Borrello, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:42pm)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, February 24, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Lemon)

Legislator Wendel delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro the minutes were approved. (1/27/16)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 1/27/16

STATE OF THE COUNTY ADDRESS
BY
COUNTY EXECUTIVE VINCENT W. HARRIGAN

County Executive's presentation can be seen at the following link:
<http://www.co.chautauqua.ny.us/ArchiveCenter/ViewFile/Item/1716>

COMMUNICATIONS:

1. Letter – JCC President's Round Table 2015-2016 academic year
2. Letter – Greystone Nature Preserve – Thanks for streambank restoration funding
3. Minutes - Chaut. County Soil & Water Conservation District Board mtg. 12/8/15
4. 2016 Chautauqua County Adopted Budget
5. Minutes – South & Center Chaut. Lake Sewer Districts Board mtg. 12/1/15
6. Minutes – South & Center Chaut. Lake Sewer Districts Board mtg. 1/12/16
7. Letter & CD – Ecology and Environment, Inc. - Supplemental Draft Environmental Impact Statement – Ball Hill Wind Project
8. Minutes - Chaut. County Soil & Water Conservation District Board mtg. 1/26/16
9. Report – Susan Marsh, Finance Director – January 2016 Investment Report

Motions: (On file w/ 2/24/16 Legislature Data)

- 1-16 Proclaiming February Black History Month – Unanimously Adopted
 - 2-16 Proclaiming March 14th-18th Agricultural Literacy Week in Chautauqua County – Unanimously Adopted
-

JOURNAL OF PROCEEDINGS

RES. NO. 34-16

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.

Kevin Muldowney
10 Beach Rd.
Dunkirk, NY 14048

Elisabeth Rankin
4 Arlington Ave.
Jamestown, NY 14701

Signed: Borrello, Niebel, Chagnon, Odell

Unanimously Adopted – February 24, 2016

RES. NO. 35-16

Confirm Re-Appointments-North Chautauqua Lake Sewer District Board

By Public Facilities Committee:
At the Request of Chairman Frank "Jay" Gould:

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

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

Wayne Dunbar
31 Elm Street
Mayville, New York 14757
Term Expires: 12/31/21

Marty Bova
38 Maple Drive E.
Mayville, NY 14757
Term Expires: 12/31/21

K. Martin Hardenburg
86 E. Chautauqua Street
Mayville, NY 14757
Term Expires: 12/31/21

Suzanne Aldrich
6561 Lighthouse Point Rd
Mayville, NY 14757
Term Expires: 12/31/21

Signed: Wilfong, Nazzaro, Scudder, Himelein

Unanimously Adopted – February 24, 2016

REGULAR SESSIONS

RES. NO. 36-16
Confirm Appointment – New York State 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

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

Christine Starks
100 Central Avenue
Fredonia, NY 14063
Term Expires: 12/31/17

Signed: Wilfong, Nazzaro, Scudder, Himelein

Unanimously Adopted – February 24, 2016

RES. NO. 37-16
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.

1st Battalion

Lawrence Barter
9 Pine Drive
Fredonia, NY 14063
Term Expires: 1/31/17

Jeffrey Griewisch
26 Burgess Street
Silver Creek, NY 14136
Term Expires: 01/31/17

Steve Lehen
9791 Route 60
Fredonia, NY 14063
Term Expires: 1/31/17

Allen Parker
8562 Shumla Road
Cassadaga, NY 14718
Term Expires: 01/31/17

Brian Purol
3681 New Road
Dunkirk, NY 14048
Term Expires: 01/31/17

Christopher Wichlacz
3381 Tarbox Road
Cassadaga, NY 14718
Term Expires: 1/31/17

 JOURNAL OF PROCEEDINGS

2nd Battalion

Al Akin
 5984 Manor Drive
 Chautauqua, NY 14722
 Term Expires: 1/31/17

Matthew Oehlbeck
 159 Park Street
 Sherman, NY 14781
 Term Expires: 1/31/17

Ronald Trippy
 6755 S. Portage Road
 Westfield, NY 14787
 Term Expires: 1/31/17

3rd Battalion

Scott Bailey
 PO Box 385
 Celoron, NY 14720
 Term Expires: 1/31/17

Jackson Knowlton
 2141 Shadyside Road
 Lakewood, NY 14750
 Term Expires: 1/31/17

Randall Shampoe Jr.
 690 Clymer-Sherman Road
 Clymer, NY 14724
 Term Expires: 1/31/17

4th Battalion

Lance Hedlund
 14 Dunn Avenue
 Jamestown, NY 14701
 Term Expires: 1/31/17

Jeff Molnar
 30 Main Street
 Bemus Point, NY 14712
 Term Expires: 1/31/17

Greg Scott
 3517 Cemetery Street
 Kennedy, NY 14747
 Term Expires: 1/31/17

Lyle Holland
 47 Clinton Street
 Westfield, NY 14787
 Term Expires: 1/31/17

Mark Smith
 9437 E. Main Road
 Ripley, NY 14775
 Term Expires: 1/31/17

Burl Swanson
 6168 Wright Road
 Dewittville, NY 14728
 Term Expires: 1/31/17

Ronald V. Johnson
 1265 Norby Road
 Jamestown, NY 14701
 Term Expires: 1/31/17

Sam Salemme
 217 Dearing Avenue
 Jamestown, NY 14701
 Term Expires: 1/31/17

Chet Harvey
 200 Spring Street
 Jamestown, NY 14701
 Term Expires: 1/31/17

Lloyd K. Johnson Jr.
 752 N. Park Street
 Ellington, NY 14732
 Term Expires: 1/31/17

Peter Samuelson
 4696 Maple Grove Road
 Bemus Point, NY 14712
 Term Expires: 1/31/17

Barry Swanson
 4870 Bayview Road
 Bemus Point, NY 14712
 Term Expires: 1/31/17

Signed: Wendel, Niebel, Tarbrake, Whitford

Unanimously Adopted – February 24, 2016

REGULAR SESSIONS

RES. NO. 38-16

Confirm Appointment & Re-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 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 Emergency Medical Services Council.

Re-Appointments

Paul Atwell
5150 Route 60
Gerry, NY 14740
Term Expires: 12/31/18

Douglas Conroe
4741 Whiteside Parkway
Maple Springs, NY 14701
Term Expires: 12/31/18

Dan Imfeld
3944 Hillview Drive
Lakewood, NY 14750
Term Expires: 12/31/18

Ronald Hasson
5345 Route 474
Ashville, NY 14710
Term Expires: 12/31/18

Tina Jones
4321 Harris Hill
Falconer, NY 14733
Term Expires: 12/31/18

Christopher Manning
12860 Erie Street
Irving, NY 14081
Term Expires: 12/31/18

Susan Kupkowski
3507 Werle Road
Dunkirk, NY 14048
Term Expires: 12/31/18

Laura Logan
248 Maple Avenue
Cassadaga, NY 14718
Term Expires: 12/31/18

Sam Salemme
217 Dearing Avenue
Jamestown, NY 14701
Term Expires: 12/31/18

Phil Wilson
438 Oak Hill Road
Frewsburg, NY 14738
Term Expires: 12/31/18

Appointment

Darlene Morrison (Filling the term of Jennifer Bostaph)
6716 Main Street
Cherry Creek, NY 14723
Term Expires: 12/31/17

Signed: Wendel, Niebel, Tarbrake, Whitford

Unanimously Adopted – February 24, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 39-16

Order Establishing the North Chautauqua County Water District

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 260-15 determining that the establishment of the North Chautauqua County Water District is in the public interest subject to Permissive Referendum, and

WHEREAS, the Notice of the adoption of the Resolution was given and forms for Petition for Referendum were made available to the public as required by law, and no Petition for Referendum was received, and

WHEREAS, the permission of the State Comptroller is not required for the formation of the District under County Law §258 since the cost of the District to a typical property as stated in the Notice of Hearing is below the average estimated cost to the typical properties or homes for the establishment of similar types of districts as computed by the State Comptroller, now therefore be it

ORDERED, pursuant to County Law §258, that the North Chautauqua County Water District be and hereby is erected and established for the area described in Resolution 217-15 adopted November 18, 2015, and be it further

ORDERED, That the Clerk of the Legislature shall cause certified copies of this Order to be recorded by the Chautauqua County Clerk and filed in the Office of the State Department of Audit and Control in accordance with County Law §259.

Signed: Wilfong, Nazzaro, Scudder, Himelein, Borrello, Niebel, Chagnon, Odell

Unanimously Adopted – February 24, 2016

RES. NO. 40-16

Appointment of Administrative Body for the North Chautauqua County Water District

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

WHEREAS, the Chautauqua County Legislature has erected and established the North Chautauqua County Water District (hereinafter referred to as District) pursuant to Article 5-A of the County Law, and

WHEREAS, in its Report recommending the formation of the District, the Chautauqua County Water Agency recommended that the administrative body of the District consist of nine members with the mayor of the Village of Brocton and the supervisors of the Towns of Portland, Pomfret, Dunkirk and Sheridan being ex officio members with the remaining members appointed by the Chautauqua County Legislature, now therefore be it

RESOLVED, That a nine member board is established as the administrative body of the District pursuant to County Law §261, and be it further

RESOLVED, That the following persons are appointed as members of the administrative board of the District, to serve at the pleasure of the County Legislature:

REGULAR SESSIONS

1. Mayor, Village of Brocton, ex officio with full voting powers
2. Supervisor, Town of Portland, ex officio with full voting powers
3. Supervisor, Town of Pomfret, ex officio with full voting powers
4. Supervisor, Town of Dunkirk, ex officio with full voting powers
5. Supervisor, Town of Sheridan, ex officio with full voting powers
6. Chairman, North County Industrial Water District No. 1, ex officio with full voting powers
7. Terry Niebel 3199 E. Main Street, Dunkirk, NY 14048 Term to expire 12/31/21
8. John Jay Warren 5182 Woodlands Dr. Dunkirk, NY 14048 Term to expire 12/31/21
9. Katherine Tampio 39 Hanover St. Silver Creek, NY 14136 Term to expire 12/31/21

and be it further,

RESOLVED, That, except for ex officio members, vacancies shall be filled through appointment by the Chautauqua County Legislature, and be it further

RESOLVED, That members of the administrative board of the District shall receive no compensation for acting as such members, and be it further

RESOLVED, That the chairman of the administrative body of the District shall be elected by and shall serve at the pleasure of the members of such board, and be it further

RESOLVED, That said administrative board shall have full power and authority to cause the project described in the District formation Map, Plan and Report to be constructed within the maximum amount authorized to be expended of \$11,750,000 and to operate and maintain the improvements constructed consistent with the November 17, 2015 Water Purchase/Water Supply Agreement among the County of Chautauqua, City of Dunkirk, Town of Portland, Village of Brocton, Town of Pomfret, Town of Dunkirk, Town of Sheridan and North County Industrial Water District No. 1, and be it further

RESOLVED, That said administrative board may enter into contracts as authorized by County Law Article 5-A within the scope of the District formation Map, Plan and Report and further authorizations which may be provided by the County Legislature with municipal corporations and other entities or individuals, and be it further

RESOLVED, That the chairman of the administrative board as authorized by the administrative board be and hereby is authorized and empowered to execute all necessary contracts, vouchers and legal instruments under the authority of the County Legislature and Article 5-A of the County Law.

Signed: Wilfong, Nazzaro, Scudder, Himelein, Borrello, Niebel, Chagnon, Odell (Amended in PF and PE)

Unanimously Adopted – February 24, 2016

RES. NO. 41-16

Amend 2015 Budget for Year End Reconciliations – District Attorney

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

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

JOURNAL OF PROCEEDINGS

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services - District Attorney	\$6,979
A.1165.1169.1	Personal Services - District Attorney-Crime Victims	\$1,880
A.1165.1169.4	Contractual - District Attorney-Crime Victims	\$ 417
A.1165.1169.8	Employee Benefits - District Attorney-Crime Victims	<u>\$ 612</u>
	Total	\$9,888

DECREASE APPROPRIATION ACCOUNT:

A.1165.----.4	Contractual - District Attorney	\$9,888
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Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Borrello, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 42-16

Amend 2015 Budget for Year End Reconciliations – Buildings & Grounds

By Public Facilities and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1620.----.1	Personal Services - B&G	\$25,441
A.1620.----.4	Contractual - B&G	\$10,772
A.1620.6090.4	Contractual - B&G - DMV - Jamestown	\$16,968
A.1620.7010.4	Contractual - B&G - South Co Office Building	\$10,190
A.1620.7030.4	Contractual - B&G - Fifth St Jmst Office Space	<u>\$12,750</u>
	Total	\$76,121

DECREASE APPROPRIATION ACCOUNTS:

A.1620.----.8	Employee Benefits - B&G	\$36,213
A.1620.5020.4	Contractual - B&G - Hall R. Clothier Building	\$15,221
A.1620.5030.4	Contractual - B&G - Court House	\$13,329
A.1620.5060.4	Contractual - B&G - Gerace Office Building	\$10,184
A.1620.5070.4	Contractual - B&G - Mayville Municipal Bldg	<u>\$ 1,174</u>
	Total	\$76,121

Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

REGULAR SESSIONS

RES. NO. 43-16
Amend 2015 Budget for Year End Reconciliations – CARTS

By Public Facilities and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.5630.5625.1	Personal Services - 5630-BUS OPERATIONS	\$37,658
A.5630.5625.4	Contractual - 5630-BUS OPERATIONS	<u>\$ 8,585</u>
	Total	\$46,243

DECREASE APPROPRIATION ACCOUNT:

A.5630.5625.5	Fixed Contractual - 5630-BUS OPERATIONS	\$46,243
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Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

RES. NO. 44-16
Amend 2015 Budget for Year End Reconciliations –DPF- D Fund

Public Facilities and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

D.5110.----.1	Personal Services - Maintenance of Roads	\$372,815
D.5110.----.4	Contractual - Maintenance of Roads	\$ 18,797
D.5110.----.8	Employee Benefits - Maintenance of Roads	<u>\$134,630</u>
	Total	\$526,242

DECREASE APPROPRIATION ACCOUNTS:

D.5142.----.1	Personal Services - Snow Removal: Co Roads	\$327,439
D.5142.----.8	Employee Benefits - Snow Removal: Co Roads	<u>\$198,803</u>
	Total	\$526,242

Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 45-16

Amend 2015 Budget for Year End Reconciliations – DPF-Engineering

By Public Facilities and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1440.----.1	Personal Services - Engineers	\$19,339
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DECREASE APPROPRIATION ACCOUNT:

A.1440.----.8	Employee Benefits - Engineers	\$8,114
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INCREASE REVENUE ACCOUNT:

A.1440.R259.0025	Licenses & Permits - Permits - DPF	\$11,225
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Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney (Amended in AC)

Unanimously Adopted – February 24, 2016

RES. NO. 46-16

Amend 2015 Budget for Year End Reconciliations – Parks and Forestry

By Public Facilities and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.7110.----.1	Personal Services - Parks	\$15,035
A.7110.----.2	Equipment - Parks	\$ 1,549
A.7110.----.4	Contractual - Parks	\$ 1,192
A.7110.----.8	Employee Benefits - Parks	\$10,670
A.8730.----.4	Contractual - Forestry	<u>\$ 6,706</u>
	Total	\$35,152

DECREASE APPROPRIATION ACCOUNTS:

A.7110.----.5	Fixed Contractual - Parks	\$ 3,230
A.5610.5610.4	Contractual - CC Airport - Jamestown Airport	<u>\$31,922</u>
	Total	\$35,152

REGULAR SESSIONS

Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

RES. NO. 47-16
Amend 2015 Budget for Year End Reconciliations – NCLSD

By Public Facilities and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.1	Personal Services - Administration	\$ 955
ESN.8110.8112.4	Contractual - Administration	\$46,641
ESN.8110.8112.8	Employee Benefits - Administration	\$ 8,849
ESN.8120.8122.1	Personal Services - Sanitary Sewers	\$ 4,690
ESN.8130.8132.1	Personal Services - Sewage Treatment	\$ 1,066
ESN.8130.8132.5	Fixed Contractual - Sewage Treatment	\$ 96
ESN.8130.8132.8	Employee Benefits - Sewage Treatment	\$ 3,797
	Total	\$66,094

DECREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.5	Fixed Contractual - Administration	\$23,533
ESN.8120.8122.2	Equipment - Sanitary Sewers	\$27,220
ESN.8120.8122.3	Depreciable Equipment - Sanitary Sewers	\$15,341
	Total	\$66,094

Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

RES. NO. 48-16
Amend 2015 Budget for Year End Reconciliations – PPDS

By Public Facilities and Audit & Control Committees:
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 that ESP Fund Balance is appropriated as follows:

JOURNAL OF PROCEEDINGS

INCREASE THE USE OF FUND BALANCE:

ESP.----.924.0000	Net Assets - Net Assets - Unrestricted (Deficit)	\$62,689
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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 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

ESP.8120.8124.4	Contractual - Sanitary Sewers	\$10,623
ESP.8130.8134.4	Contractual - Sewage Treatment	<u>\$72,915</u>
	Total	<u>\$83,538</u>

DECREASE APPROPRIATION ACCOUNTS:

ESP.8110.8114.4	Contractual - Administration	\$ 1,397
ESP.8110.8114.5	Fixed Contractual - Administration	\$ 7,215
ESP.8120.8124.5	Fixed Contractual - Sanitary Sewers	\$ 2,343
ESP.9730.9734.6	Principal - PPDS Debt Service	<u>\$ 9,894</u>
	Total	<u>\$20,849</u>

Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

RES. NO.49-16

Amend 2015 Budget for Year End Reconciliations – SCCLSD

By Public Facilities and Audit & Control Committees:
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 that the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

ESS.8110.----.1	Personal Services - Administration	\$1,894
ESS.8110.----.8	Employee Benefits - Administration	\$ 6,391
ESS.8120.----.4	Contractual - Sanitary Sewers	\$4,304
ESS.8130.----.5	Fixed Contractual - Sewage Treatment	\$ 51
ESS.8130.----.8	Employee Benefits - Sewage Treatment	<u>\$ 2,341</u>
	Total	<u>\$14,981</u>

DECREASE APPROPRIATION ACCOUNT:

ESS.8130.----.4	Contractual - Sewage Treatment	\$14,981
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Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

REGULAR SESSIONS

RES. NO. 50-16
Amend 2015 Budget for Year End Reconciliations – Landfill

By Public Facilities and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.1	Personal Services - Environment - Landfill	\$ 29,283
EL.8160.1000.4	Contractual - Environment - Landfill	\$168,228
EL.8160.7000.1	Personal Services - Environment - Recycling	\$ 11,210
EL.8160.7000.8	Employee Benefits - Environment - Recycling	<u>\$ 7,741</u>
	Total	\$216,462

INCREASE REVENUE ACCOUNT:

EL.8160.1000.R237.6000	Shared Services - CHRGS: OCC Municipal	\$216,462
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Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

RES. NO. 51-16
Amend 2015 Budget for Year End Reconciliations – BOE

By Administrative Services and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.1	Personal Services - Board of Elections	\$41,244
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DECREASE APPROPRIATION ACCOUNTS:

A.1450.----.4	Contractual - Board of Elections	\$10,765
A.1450.----.8	Employee Benefits - Board of Elections	<u>\$30,479</u>
		\$41,244

Signed: Scudder, Muldowney, Whitford, Chagnon, Borrello, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 52-16

Amend 2015 Budget for Year End Reconciliations – County Clerk

By Administrative Services and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1410.----.1	Personal Services - COUNTY CLERK	\$ 3,660
A.1410.----.5	Fixed Contractual - COUNTY CLERK	\$ 122
A.1410.----.8	Employee Benefits - COUNTY CLERK	\$25,431
A.1410.1411.1	Personal Services - CNTY CLK-MOTOR VEHICLES	\$ 6,355
A.1410.1411.5	Fixed Contractual - CNTY CLK-MOTOR VEHICLES	\$ 916
A.1460.----.4	Contractual - RECORDS MANAGEMENT	\$ 449
A.1460.----.5	Fixed Contractual - RECORDS MANAGEMENT	\$ 255
A.1460.----.8	Employee Benefits - RECORDS MANAGEMENT	\$ 135
A.7510.----.4	Contractual - HISTORIAN	\$ 282
A.7510.----.5	Fixed Contractual - HISTORIAN	\$ 22
	Total	<u>\$37,627</u>

DECREASE APPROPRIATION ACCOUNTS:

A.1410.----.4	Contractual - COUNTY CLERK	\$ 3,663
A.1410.1411.4	Contractual - COUNTY CLERK-MOTOR VEHICLES	\$ 3,236
A.1410.1411.8	Employee Benefits - COUNTY CLERK-MOTOR VEHICLES	\$ 1,972
A.1460.----.1	Personal Services - RECORDS MANAGEMENT	\$ 2,968
A.6610.----.1	Personal Services - WEIGHTS & MEASUREMENTS	\$ 3,227
A.6610.----.4	Contractual - WEIGHTS & MEASUREMENTS	\$ 4,112
A.6610.----.5	Fixed Contractual - WEIGHTS & MEASUREMENTS	\$ 5,342
A.6610.----.8	Employee Benefits - WEIGHTS & MEASUREMENTS	\$ 7,379
A.7510.----.8	Employee Benefits - HISTORIAN	\$ 692
A.2490.----.4	Contractual - Community College Tuition	\$ 5,036
	Total	<u>\$37,627</u>

Signed: Scudder, Muldowney, Whitford, Chagnon, Borrello, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 53-16

Amend 2015 Budget for Year End Reconciliations – County Executive

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

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

REGULAR SESSIONS

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1230..1	Personal Services - County Executive	\$3,556
A.1230..8	Employee Benefits - County Executive	<u>\$1,471</u>
	Total	\$5,027

DECREASE APPROPRIATION ACCOUNTS:

A.1230..4	Contractual - County Executive	\$3,882
A.1230..5	Fixed Contractual - County Executive	\$1,077
A.1230.CMPL.4	Contractual - Compliance	<u>\$ 68</u>
	Total	\$5,027

Signed: Scudder, Muldowney, Whitford, Chagnon, Borrello, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 54-16

Amend 2015 Budget for Year End Reconciliations – County Attorney

By Administrative Services and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1420.----.1	Personal Services - County Attorney	\$17,062
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DECREASE APPROPRIATION ACCOUNT:

A.1162.1165.4	Contractual - Unified Court Costs - ILS - Child Custody	\$17,062
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Signed: Scudder, Muldowney Whitford, Chagnon, Borrello, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 55-16

Amend 2015 Budget for Year End Reconciliations – Information Technology Services

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

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

JOURNAL OF PROCEEDINGS

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1610.----.1	Personal Services - OFFICE SERVICES	\$ 965
A.1610.----.8	Employee Benefits - OFFICE SERVICES	\$ 2,114
A.1650.----.1	Personal Services - COMMUNICATIONS SYSTEMS	\$ 3,323
A.1650.----.5	Fixed Contractual - COMMUNICATIONS SYSTEMS	\$ 359
A.1670.----.1	Personal Services - PRINT SHOP	\$ 920
A.1670.----.4	Contractual - PRINT SHOP	\$21,731
A.1680.----.5	Fixed Contractual - INFORMATION TECHNOLOGY	\$ 1,505
A.1680.----.8	Employee Benefits - INFORMATION TECHNOLOGY	<u>\$28,055</u>
	Total	\$58,972

DECREASE APPROPRIATION ACCOUNTS:

A.1610.----.4	Contractual - OFFICE SERVICES	\$ 3,079
A.1650.----.4	Contractual - COMMUNICATIONS	\$20,531
A.1650.----.8	Employee Benefits - COMMUNICATIONS	\$ 6,025
A.1680.----.4	Contractual - INFORMATION TECHNOLOGY	\$27,748
A.1680.----.1	Personal Services - INFORMATION TECHNOLOGY	<u>\$ 1,589</u>
	Total	\$58,972

Signed: Scudder, Muldowney, Whitford, Chagnon, Borrello, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO.56-16
Amend 2015 Budget for Year End Reconciliations – Legislature

By Administrative Services and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1010.----.5	Fixed Contractual - LEGISLATIVE BOARD	\$6,727
A.1040.----.1	Personal Services - CLERK, LEGISLATIVE BOARD	<u>\$1,979</u>
	Total	\$8,706

DECREASE APPROPRIATION ACCOUNT:

A.1010.----.1	Personal Services - LEGISLATIVE BOARD	\$8,706
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Signed: Scudder, Muldowney, Whitford, Chagnon, Borrello, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

REGULAR SESSIONS

RES. NO. 57-16

Amend 2015 Budget for Year End Reconciliations – Health Insurance Fund

By Administrative Services and Audit & Control Committees:
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 M Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

M.-----924.0000	Net Assets – Net Assets-Unrestricted (Deficit)	\$12,899
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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 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

M.1930.----.4	Contractual - Judgements and Claims	\$ 976,309
M.1930.----.8	Employee Benefits - Judgements and Claims	\$ 46,925
	Total	\$1,023,234

DECREASE APPROPRIATION ACCOUNTS:

M.1930.HMO.4	Contractual - Judgements & Claims - Alt Plans – HMO	\$ 711,134
M.1910.----.4	Contractual - Administration	\$ 40,766
	Total	\$ 751,900

INCREASE REVENUE ACCOUNT:

M.1930.R270.9096	Departmental Income - M Fund Surcharge	\$ 258,435
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Signed: Scudder, Muldowney, Whitford, Chagnon, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 58-16

Amend 2015 Budget for Year End Reconciliations – Assigned Counsel

By Public Safety and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1162.1120.4	Contractual - Unified Court Costs - Assigned Counsel	\$463,192
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JOURNAL OF PROCEEDINGS

DECREASE APPROPRIATION ACCOUNT:

A.2490.----.4	Contractual - Community College Tuition	\$463,192
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Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 59-16

Amend 2015 Budget for Year End Reconciliations – Public Defender

By Public Safety and Audit & Control Committees:

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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1170.----.4	Contractual - Public Defender	\$ 4,185
A.1170.1172.1	Personal Services - Aid To Defense	\$ 345
A.1170.1174.1	Personal Services - Alt to Incarnation	\$ 4,481
A.1170.1174.8	Employee Benefits - Alt to Incarnation	\$ 940
A.1170.----.3	Depreciable Equipment - Public Defender	\$ 9,784
	Total	\$19,735

DECREASE APPROPRIATION ACCOUNTS:

A.1170.----.8	Employee Benefits - Public Defender	\$11,301
A.1170.----.2	Equipment - Public Defender	\$ 8,434
	Total	\$19,735

Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 60-16

Amend 2015 Budget for Year End Reconciliations-Sheriff

By Public Safety and Audit & Control Committees:

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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.1	Personal Services - Consolidated Dispatching	\$ 22,524
A.3020.IECG.1	Personal Services - Interoperable Emer Comm	\$ 4,518
A.3020.IECG.8	Employee Benefits - Interoperable Emer Comm	\$ 987
A.3110.3114.1	Personal Services - Pistol Permit	\$ 1,640
A.3110.3118.1	Personal Services - Criminal Investigation - Juvenile	\$ 3,034
A.3110.3118.5	Fixed Contractual - Criminal Investigation - Juvenile	\$ 141
A.3150.----.1	Personal Services - Jail	\$672,566
A.3150.----.4	Contractual - Jail	\$ 46,866
A.3150.----.5	Fixed Contractual - Jail	\$ 997
A.3150.----.8	Employee Benefits - Jail	\$ 48,060
A.3189.3111.5	Fixed Contractual - Navigation	\$ 332
A.3189.3112.5	Fixed Contractual - Snowmobile	\$ 11
A.3189.MEDI.1	Personal Services - Medi-Vac	\$ 4,002
A.3189.MEDI.5	Fixed Contractual - Medi-Vac	\$ 71
A.3315.----.1	Personal Services - STOP DWI	\$ 190
A.4230.3113.1	Personal Services - So Tier Drug Task Force	\$ 947
A.4230.3113.4	Contractual - So Tier Drug Task Force	\$ 36,254
	Total	\$843,140

DECREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.8	Employee Benefits - Consolidated Dispatching	\$ 25,311
A.3020.DISP.4	Contractual - Consolidated Dispatching	\$ 541
A.3020.DISP.5	Contractual - Consolidated Dispatching	\$ 331
A.3020.E911.1	Personal Services - E911 System	\$ 8,935
A.3020.E911.4	Contractual - E911 System	\$ 15,664
A.3020.E911.8	Employee Benefits - E911 System	\$ 738
A.3020.TECH.1	Personal Services - Technical Services	\$ 35,334
A.3020.TECH.4	Contractual - Technical Services	\$ 4,660
A.3020.TECH.5	Fixed Contractual - Technical Services	\$ 251
A.3020.TECH.8	Employee Benefits - Technical Services	\$ 35,427
A.3020.W911.3	Depreciable Equipment - E911 Wireless	\$ 5,805
A.3020.W911.4	Contractual - E911 Wireless	\$ 55,023
A.3110.----.1	Personal Services - Sheriff	\$153,739
A.3110.----.4	Contractual - Sheriff	\$ 22,734
A.3110.----.5	Fixed Contractual - Sheriff	\$ 308
A.3110.----.8	Employee Benefits - Sheriff	\$163,148
A.3110.3114.4	Contractual - Pistol Permit	\$ 50,169
A.3110.3114.5	Fixed Contractual - Pistol Permit	\$ 493
A.3110.3114.8	Employee Benefits - Pistol Permit	\$ 1,323
A.3110.3118.4	Contractual - Criminal Investigation - Juvenile	\$ 3,453
A.3110.3118.8	Employee Benefits - Criminal Investigation - Juvenile	\$ 7,268
A.3189.3111.1	Personal Services - Navigation	\$ 6,245
A.3189.3111.4	Contractual - Navigation	\$ 6,502
A.3189.3111.8	Employee Benefits - Navigation	\$ 5,545
A.3189.3112.1	Personal Services - Snowmobile	\$ 301
A.3189.3112.4	Contractual - Snowmobile	\$ 4,117
A.3189.3112.8	Employee Benefits - Snowmobile	\$ 19,956
A.3189.MEDI.8	Employee Benefits - Medi-Vac	\$ 4,073
A.3315.----.8	Employee Benefits - STOP DWI	\$ 190
A.2490.----.4	Contractual - Community College Tuition	\$ 57,000
A.4322.----.4	Contractual - Mental Hygiene Law	\$ 88,000
A.1162.1125.4	Contractual - Indigent Services Child Custody	\$ 5,561
	Total	\$788,145

JOURNAL OF PROCEEDINGS

INCREASE REVENUE ACCOUNTS:

A.4230.3113.R432.4000	Drug Control Programs	\$187,201
A.3020.DISP.R338.9002	Oth Publ Safty: Dispatch Grant	\$ 16,000
A.3020.IECG.R438.9IEC	Inoperable Emer Comm Grant	<u>\$ 1,794</u>
	Total	<u>\$204,995</u>

DECREASE REVENUE ACCOUNT:

A.4230.3113.R332.4000	Drug Control Programs	\$150,000
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Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 61-16

Amend 2015 Budget for Year End Reconciliations – EMS

By Public Safety and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.1	Personal Services - Emergency Services	\$10,377
A.3010.----.8	Employee Benefits - Emergency Services	\$ 1,928
A.3625.----.1	Personal Services - Technical Rescue Team	\$ 63
A.3640.----.1	Personal Services - Hazardous Materials	\$ 63
A.3640.----.8	Employee Benefits - Hazardous Materials	\$ 900
A.3989.----.1	Personal Services - Emergency Medical Service	\$ 3,142
A.3989.----.5	Fixed Contractual - Emergency Medical Service	<u>\$ 808</u>
	Total	<u>\$17,281</u>

DECREASE APPROPRIATION ACCOUNTS:

A.3010.----.4	Contractual - Emergency Services	\$12,305
A.3625.----.4	Contractual - Technical Rescue Team	\$ 63
A.3640.----.4	Contractual - Hazardous Materials	\$ 963
A.3989.----.4	Contractual - Emergency Medical Service	<u>\$ 3,950</u>
	Total	<u>\$17,281</u>

Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 62-16

Amend 2015 Budget for Year End Reconciliations – Mental Hygiene

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

REGULAR SESSIONS

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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4250.----.5	Fixed Contractual - ALCOHOL ADDICTION CONTROL	\$ 3,570
A.4310.----.8	Employee Benefits - MENTAL HYGIENE ADMIN	\$15,644
A.4320.----.2	Equipment - MENTAL HYGIENE PROGRAMS	\$ 6,127
	Total	\$25,341

DECREASE APPROPRIATION ACCOUNTS:

A.4250.----.4	Contractual - ALCOHOL ADDICTION CONTROL	\$ 3,570
A.4310.----.4	Contractual - MENTAL HYGIENE ADMIN	\$15,644
A.4320.----.4	Contractual - MENTAL HYGIENE PROGRAMS	\$ 6,127
	Total	\$25,341

Signed: Tarbrake, Lemon, Rankin, Wilfong, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 63-16

Amend 2015 Budget for Year End Reconciliations – Office for the Aging

By Human Services and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.4	Contractual - Office for the Aging	\$48,933
A.6772.----.5	Fixed Contractual - Office for the Aging	\$ 6,865
	Total	\$55,798

DECREASE APPROPRIATION ACCOUNT:

A.6772.----.1	Personal Services - Office for the Aging	\$55,798
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Signed: Tarbrake, Lemon, Rankin, Wilfong, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 64-16

Amend 2015 Budget for Year End Reconciliations – HHS

By Human Services and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.7310.----.4	Contractual - Youth Programs	\$ 76,208
A.2960.ADMN.4	Contractual - EDUC: Handicapped Children Admin.	\$ 27
A.2960.ADMN.8	Emp. Benefits - EDUC: Handicapped Children Admin.	\$ 416
A.4010.----.4	Contractual - Public Health Admin	\$ 5,291
A.4010.----.5	Fixed Contractual - Public Health Admin	\$ 10,035
A.4010.HE.5	Fixed Contractual - Public Health - Health Education	\$ 400
A.4010.NURS.1	Personal Services - Public Health - Nursing	\$ 18,481
A.4010.NURS.1	Equipment - Public Health - Nursing	\$ 101
A.4025.----.8	Employee Benefits - Laboratories	\$ 7,514
A.4035.----.1	Personal Services - Family Health/Planning	\$ 29,694
A.4035.----.8	Employee Benefits - Family Health/Planning	\$ 10,892
A.4042.----.4	Contractual - Rabies Control	\$ 121
A.4042.----.8	Employee Benefits - Rabies Control	\$ 3,697
A.4046.----.4	Contractual - Phys Handicapped Children	\$ 257
A.4059.----.1	Personal Services - Early Intervention Program	\$ 18,070
A.4059.----.4	Contractual - Early Intervention Program	\$ 16,880
A.4059.----.5	Fixed Contractual - Early Intervention Program	\$ 298
A.4082.----.5	Fixed Contractual - WIC Program	\$ 351
A.4090.----.1	Personal Services - Environmental Health	\$ 51,072
A.4090.----.8	Employee Benefits - Environmental Health	\$ 5,486
A.4189.HIV.1	Personal Services - Oth PH Prog. - HIV Testing	\$ 19,825
A.4189.HIV.8	Employee Benefits - Oth PH Prog. - HIV Testing	\$ 20,705
A.6010.----.2	Equipment - Social Services Admin	\$ 616
A.6140.----.4	Contractual - Safety Net	\$259,609
A.6142.----.4	Contractual - Emergency Aid for Adults	<u>\$ 4,246</u>
	Total	<u>\$560,292</u>

DECREASE APPROPRIATION ACCOUNTS:

A.7020.----.4	Contractual - Youth Bureau	\$ 35,000
A.2960.ADMN.1	Personal Svc. - EDUC: Handicapped Children Admin.	\$ 700
A.4010.----.1	Personal Services - Public Health Admin	\$ 15,326
A.4010.HE.4	Contractual - Public Health - Health Education	\$ 400
A.4010.NURS.8	Employee Benefits - Public Health - Nursing	\$ 26,096
A.4035.----.4	Contractual - Family Health/Planning	\$ 40,586
A.4042.----.1	Personal Services - Rabies Control	\$ 3,818
A.4059.----.8	Employee Benefits - Early Intervention Program	\$ 20,861
A.4082.----.4	Contractual - WIC Program	\$ 351
A.4090.----.2	Equipment - Environmental Health	\$ 14,882
A.4090.----.4	Contractual - Environmental Health	\$ 21,679

REGULAR SESSIONS

A.4090.----.5	Fixed Contractual - Environmental Health	\$ 6,209
A.6010.----.4	Contractual - Social Services Admin	\$ 616
A.6100.----.4	Contractual - Medicaid	<u>\$332,560</u>
	Total	\$519,084

INCREASE REVENUE ACCOUNT:

A.7310.R382.0000	NY State Aid - Youth Programs	\$ 76,208
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DECREASE REVENUE ACCOUNT:

A.7020.R382.0000	NY State Aid - Youth Programs	\$ 35,000
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Signed: Tarbrake, Lemon, Rankin, Wilfong, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 65-16

Amend 2015 Budget for Year End Reconciliations – PED

By Planning & Economic Development and Audit & Control Committees:
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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6420.----.8	Employee Benefits - Promotion of Industry	\$ 7,719
A.8020.----.1	Personal Services - Planning	\$11,685
A.8020.WTRS.1	Personal Services - Planning - Watershed Administration	\$ 1,226
A.8020.WTRS.5	Fixed Contractual - Planning - Watershed Administration	<u>\$ 84</u>
	Total	\$20,714

DECREASE APPROPRIATION ACCOUNT:

A.8020.----.8	Employee Benefits - Planning	\$20,714
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Signed: Borrello, Niebel, Chagnon, Odell, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 66-16

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 \$85,000.00 from the New York State Department of Taxation and Finance pursuant to its Crimes Against Revenue Program for the period from January 1, 2016 through December 31, 2016; and

JOURNAL OF PROCEEDINGS

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 2016 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services-District Attorney	\$ 55,454
A.1165.----.8	Employee Benefits – District Attorney	\$ 28,638
A.1165.----.4	Contractual – District Attorney	<u>\$ 908</u>
		\$ 85,000

INCREASE REVENUE ACCOUNT:

A.1165.R338.9012	NYS Aid: Other Public Safety: CAC Grant	\$ 85,000
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Signed: Wendel, Niebel, Tarbrake, Whitford, Himelein, Chagnon, Borrello, Muldowney, Nazzaro
Unanimously Adopted – February 24, 2016

RES. NO. 67-16
2015 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 Regional Partnership Grant in the amount of \$94,000 under the 2015 Hazmat Grant Program which runs from September 1, 2015 through August 31, 2018; and

WHEREAS, the 2015 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, Resolution 140-15 authorized the County Executive to sign and accept the Homeland Security HazMat Grant Program, now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.3	Depr. Equipment – HazMat	\$48,100
A.3640.----.2	Equipment – HazMat	\$26,600

REGULAR SESSIONS

A.3640.----.4	Contractual – Hazmat	<u>\$19,300</u>
		\$94,000
<u>INCREASE REVENUE ACCOUNT:</u>		
A.3640.----.R430.5004	Federal Aid – Homeland Security	\$94,000

Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 68-16

Fiscal Year 2015 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

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

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$19,370.00 under the FY 2015 Hazardous Material Emergency Preparedness (HMEP) Grant Program. Funding is provided by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the HMEP planning grants are used to develop, improve, and implement emergency plans; determine flow patterns of hazardous materials within a state and between states; and determine the need within a state for regional hazardous materials emergency response teams; and

WHEREAS, the grant period runs from September 30, 2015 through September 30, 2016, and as may be extended; and

WHEREAS, most grant funding will be expended in the 2016 budget year, now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award and subsequent changes to work plans if necessary, and

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.1	Personnel – Hazardous Materials	\$15,670
A.3640.----.8	Employee Benefits – Hazardous Materials	\$ 1,300
A.3640.----.4	Contractual – Hazardous Materials	\$ 2,400

INCREASE REVENUE ACCOUNT:

A.3640.R430.5004	Federal Aid – Homeland Security	\$19,370
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Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 69-16

Acceptance of New York State Funds for the Establishment of PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program

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

WHEREAS, the State of New York has awarded to Chautauqua County \$185,000.00 to establish a local branch of the PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program (Dwyer Program); and

WHEREAS, the Dwyer Program brings returning veterans together with other veterans in a secure, anonymous setting in order to help one another cope with the effects of Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI); and

WHEREAS, such funds have not been appropriated in the 2016 Budget; now, therefore, be it

RESOLVED, That the Chautauqua County Legislature accepts this State funding to establish a local branch of the PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program; 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 the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

INCREASE REVENUE ACCOUNT:

A.4320.-----R349.0000	New York State Aid—Mental Hygiene-OMH	\$185,000
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INCREASE APPROPRIATION ACCOUNT:

A.4320.-----4	Contractual – Mental Hygiene	\$185,000
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Signed: Tarbrake, Lemon, Rankin, Wilfong, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 70-16

Authorize Acceptance of Funds from New York State Department of Health for Alzheimer's Disease Caregiver Support Initiative

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

WHEREAS, the Offices for the Aging (OFA) in the six Western New York counties, Catholic Charities of Buffalo, and the Alzheimer's Association of Western New York have applied and received grant funds for an Alzheimer's Disease Caregiver Support Initiative for 2016 through 2020 from the New York State Department of Health (NYSDOH); and

WHEREAS, such funds are to be utilized to provide care consultation, coordination, support groups, respite, and other non-institutional services to support Alzheimer's Caregivers; and

REGULAR SESSIONS

WHEREAS, Chautauqua County OFA has been awarded the following funding from NYSDOH:

- \$116,399 for 2016;
- \$117,799 for 2017;
- \$119,227 in 2018;
- \$120,683 in 2019;
- \$120,966 in 2020; and

WHEREAS, this funding shall be distributed to OFA through Catholic Charities of Buffalo; and

WHEREAS, such funds have not been appropriated in the 2016 Budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts this funding from the New York State Department of Health for the Alzheimer's Disease Caregiver Support Initiative, which shall be distributed to the Chautauqua County Office of the Aging by Catholic Charities of Buffalo; 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 and Catholic Charities of Buffalo to obtain these funds; and be it further

RESOLVED, That the programs funded pursuant to the Alzheimer's Disease Caregiver Support Initiative Grant shall sunset after the grant funds are exhausted; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.1	Personal Services – Office for the Aging	\$ 55,230
A.6772.----.4	Contractual – Office for the Aging	46,399
A.6772.----.8	Employee Benefits – Office for the Aging	<u>14,770</u>
		\$116,399

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.6772.R377.2000	NYS Aid – Alzheimer's Caregivers Program	\$116,399
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Signed: Tarbrake, Lemon, Rankin, Wilfong, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 71-16

Amending County Budget to Include DSRIP Performing Provider Systems Funds

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

WHEREAS, New York State has initiated a Delivery System Reform Incentive Payment (DSRIP) Program to create an integrated service delivery system designed to reduce Medicaid expenses; and

JOURNAL OF PROCEEDINGS

WHEREAS, the DSRIP Program includes the establishment of "Performing Provider Systems," one of which is Millennium Collaborative Care; and

WHEREAS, Millennium Collaborative Care is a d/b/a of Erie County Medical Center Corporation (ECMCC), a public benefit corporation, and ECMCC is the lead entity of Millennium Collaborative Care; and

WHEREAS, Chautauqua County, through its Department of Mental Hygiene, will be a Performing Provider Systems (PPS) healthcare provider participant; and

WHEREAS, as a PPS Participant, the County is eligible for State funding which will be administered through Erie County Medical Center Corporation d/b/a Millennium Collaborative Care; and

WHEREAS, it is anticipated that this funding will be available for five years, with 2016 funding to be up to the amount of \$343,246; and

WHEREAS, if the County does not participate, the future of health homes and clinic programs will be at a disadvantage; and

WHEREAS, such funds have not been appropriated in the 2016 Budget; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements to receive these funds for so long as such funds are included in the budget; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Budget

INCREASE REVENUE ACCOUNT:

A.4320.----.R349.0000	New York State Aid—Mental Hygiene	\$343,246
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual—Mental Hygiene	\$343,246
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Signed: Tarbrake, Lemon, Rankin, Wilfong, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 72-16

Acceptance of New York State OASAS Funds for Alcoholism and Substance Abuse Prevention and Treatment

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

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has allocated to Chautauqua County 2016 funds in the amount of \$602,493, to be used for Chemical Dependency treatment and prevention programs; and

REGULAR SESSIONS

WHEREAS, funds for such programs have been provided to the County on an annual basis, and these 2016 funds are included in the County's 2016 budget; and

WHEREAS, Chautauqua County Mental Hygiene will use \$211,881 to continue to operate treatment programs in Dunkirk and Jamestown; and

WHEREAS, Chautauqua County Mental Hygiene will act as a flow through for \$390,612 to Chautauqua Alcohol and Substance Abuse Council (CASAC) for continuation in 2016 of prevention programs in Chautauqua County; now, therefore, be it

RESOLVED, That the Chautauqua County Legislature accepts State funding to continue these programs for so long as such funding is available and is included in the County's budget; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with New York State OASAS to obtain these funds for so long as such funds are available to the County and are included in the County budget.

Signed: Tarbrake, Lemon, Rankin, Wilfong, Whitford, Chagnon, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

RES. NO. 73-16

Authorize Agreement with BOCES for Family Planning Services

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

WHEREAS, pursuant to Resolution 282-15 the County Legislature authorized Chautauqua County to enter into an agreement with the State of New York for 2016 Family Planning Program services; and

WHEREAS, as part of the Family Planning program the County requires community sexuality education services; and

WHEREAS, Erie II Chautauqua Cattaraugus BOCES is qualified to provide such services and has in the past provided such services for the County's Family Planning Program; therefore be it

RESOLVED, That the Legislature authorizes the County Executive to enter into an agreement with Erie II Chautauqua Cattaraugus BOCES for the provision of grant-related community sexuality education services.

Signed: Tarbrake, Rankin, Wilfong, Whitford (Lemon voting no)

Unanimously Adopted – February 24, 2016

RES. NO. 74-16

Authorizing Internship Agreements with Public Colleges and Universities

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

JOURNAL OF PROCEEDINGS

WHEREAS, pursuant to Resolution 101-11 the County Executive is authorized to enter into internship agreements with the State University of New York and its affiliated community colleges; and

WHEREAS, the work of various Departments of the County is suited to the provision of internship experiences, and County Departments derive benefits from such internships; and

WHEREAS, it is in the best interest of the County for the County Executive to be authorized to enter into internship relationships with all public colleges and universities; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute internship agreements with all public colleges and universities.

Signed: Scudder, Muldowney, Whitford

Unanimously Adopted – February 24, 2016

RES. NO. 75-16

Acceptance of New York State Department of Environmental Conservation Water Quality Improvement Project Grant and Approval of SEQRA Determination

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

WHEREAS, pursuant to Resolution 146-15, the Chautauqua County Department of Planning and Economic Development ("CCPED") in partnership with the Chautauqua Lake and Watershed Management Alliance, the Chautauqua County Soil & Water Conservation District and the Chautauqua Watershed Conservancy submitted a grant application to the New York State Department of Environmental Conservation's ("NYSDEC") Water Quality Improvement Program ("WQIP") – Round 12 for an environmental restoration project ("Project") intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of six problematic tributary streams within the Chautauqua Lake watershed; and

WHEREAS, CCPED was awarded \$1,073,170.00 for 75% of the Project through the WQIP grant with a requirement for 25% local funding participation to finance the remaining portion:

NYSDEC Water Quality Improvement Program Grant				
Tributary Name	Total Project Cost	NYSDEC-WQIP Funding Received	Commitment of Local Matching Funds	Other Sources of Local Match
Dutch Hollow Creek Main Stem	\$642,905.00	\$482,179.00	\$125,614.00	\$35,112.00
West Dutch Hollow Creek	\$367,850.00	\$275,888.00	\$56,850.00	\$35,112.00
Goose Creek	\$52,920.00	\$39,690.00	\$13,230.00	

REGULAR SESSIONS

Ball Creek	\$88,231.00	\$66,174.00	\$22,058.00	
Bemus Creek	\$201,600.00	\$151,200.00	\$50,400.00	
Prendergast Creek	\$77,386.00	\$58,039.00	\$19,346.00	
Totals	\$1,430,892.00	\$1,073,170.00	\$287,498.00	\$70,224.00

and;

WHEREAS, the local funding match for the main stem of Dutch Hollow Creek project includes previously expended funding for the 2013 Barton & Loguidice Report in the amount of \$35,112.00, and an additional \$75,614.00 to be provided from the 2% Occupancy Tax Reserve and \$50,000.00 to be provided from reallocated Chautauqua Lake Management Commission capital program funds pursuant to Resolution 131-15; and

WHEREAS, the local funding match for the West Dutch Hollow Creek project includes previously expended funding for the 2013 Barton & Loguidice Report in the amount of \$35,112.00, and an additional \$15,618.00 to be provided from the 2% Occupancy Tax Reserve and \$41,232 to be provided from reallocated Chautauqua Lake Management Commission capital program funds pursuant to Resolution 131-15; and

WHEREAS, the local funding match for the Goose Creek project includes \$6,615.00 to be provided from the 2% Occupancy Tax Reserve and \$6,615.00 to be provided from reallocated Chautauqua Lake Management Commission capital program funds pursuant to Resolution 131-15; and

WHEREAS, the local funding match for the Ball Creek project includes \$11,029.00 to be provided from the 2% Occupancy Tax Reserve and \$11,029.00 to be provided from reallocated Chautauqua Lake Management Commission capital program funds as per Resolution 131-15; and

WHEREAS, the local funding match for the Bemus Creek project includes \$25,200.00 to be provided from the 2% Occupancy Tax Reserve and \$25,200.00 to be provided from reallocated Chautauqua Lake Management Commission capital program funds pursuant to Resolution 131-15; and

WHEREAS, the local funding match for the Prendergast Creek project includes \$9,673.00 to be provided from the 2% Occupancy Tax Reserve and \$9,673.00 to be provided from reallocated Chautauqua Lake Management Commission capital program funds pursuant to Resolution 131-15; and

WHEREAS, the Watershed Coordinator will provide administrative oversight, including requests for reimbursement of eligible expenses through the NYSDEC's WQIP program, the Chautauqua Lake and Watershed Management Alliance will provide project administration, the Chautauqua County Soil & Water Conservation District will manage the Project, and the Chautauqua Watershed Conservancy will provide public outreach and education for the Project; and

WHEREAS, Chautauqua County, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that the Project is desirable and is in the public interest; and

JOURNAL OF PROCEEDINGS

WHEREAS, the CCPED and the various involved agencies have reviewed the six streambank stabilization 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

WHEREAS, the County has reviewed the SEAF for each project and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Actions to determine if the Actions may have any significant adverse environmental effects; and

WHEREAS, the CCPED recommends that the six streambank stabilization projects 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 Chautauqua County Legislature accepts the New York State Department of Environmental Conservation WQIP award in the amount of \$1,073,170.00 and pledges up to \$143,749.00 from the 2% Occupancy Tax Reserve and \$143,749.00 from reallocated Chautauqua Lake Management Commission capital program funds for the New York State Department of Environmental Conservation WQIP grant for the Project; and be it further

RESOLVED, That the County hereby finds and determines that the six streambank stabilization projects will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.889.WATRFund Bal, Rsvd Fund Bal-MISC RES: Lakes Waterways	\$ 143,749
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RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital	\$ 143,749
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.674.4 Contractual – CLMC	\$ 143,749
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37979.4 Contractual - Water Quality Improvement Proj.	\$1,360,668
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DECREASE CAPITAL REVENUE ACCOUNT:

H.8020.674.R503.1000 Interfund Transfers – Interfund Transfer	\$ 143,749
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.8020.37979.R395.9WQI NYS Aid: Water Quality Improvement Gran	\$1,073,170
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H.8020.37979.R503.1000 Interfund Transfers – Interfund Transfers	<u>\$ 287,498</u>
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	<u>\$1,360,668</u>
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Signed: Borrello, Niebel, Chagnon, Odell, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

REGULAR SESSIONS

RES. NO. 76-16

Authorize Use of Funding from County's 3% Occupancy Tax Fund for Non-County Trail Development Projects for the Welch Trail Recreation Area

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

WHEREAS, the *Chautauqua County Comprehensive Plan 20/20* identified the desire of Chautauqua County residents to conserve sensitive natural resources and connect natural and cultural resources, while creating opportunities for healthy lifestyles and economic development; and

WHEREAS, the *Chautauqua County Greenway Plan* identified opportunities to achieve the above goals of Chautauqua County residents, including the development of a shared-use trail from Barcelona Harbor into the Town of Westfield to the Chautauqua Institution in the Town of Chautauqua, known as the Barcelona to Chautauqua Institution Trail; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development (CCPED) commissioned the *Barcelona to Chautauqua Institution Shared Use Trail Feasibility Study and Implementation Plan* to determine the feasibility of implementing the Barcelona to Chautauqua Institution Trail, which stated that construction in segments was the most feasible path for implementation; and

WHEREAS, the Barcelona to Chautauqua Institution Trail is being constructed in segments, with a short segment in Mayville slated for construction in 2016; and

WHEREAS, the Town of Westfield with the support of the County, the Chautauqua County Land Bank, the Westfield Development Corporation, and the Village of Westfield applied for an Office of Parks, Recreation, and Historic Preservation (OPRHP) Recreational Trail Program (RTP) grant that would enable construction of a segment of the Barcelona to Chautauqua Institution Trail in the Village of Westfield along Chautauqua Creek called the Welch Trail Recreation Area (Project); and

WHEREAS, in December 2015 New York State awarded \$200,000.00 towards the \$594,750.00 required for the Project construction, which requires a local match to be met by a combination of in-kind services from the Westfield Development Corporation, the Village and Town of Westfield, site preparation by the Chautauqua County Land Bank, and a local cash match; and

WHEREAS, the 2016 Budget includes \$78,000.00 for non-county trail development projects, of which \$58,000.00 has not yet been assigned; and

WHEREAS, this Project meets the criteria for use of these funds; therefore be it

RESOLVED, That the Chautauqua County Legislature pledges \$50,000.00 from the 2016 3% Occupancy Tax Non-County Trail Development account to fulfill the local cash match requirement for the OPRHP RTP grant for the construction of the Welch Trail Recreation Area in the Village of Westfield along Chautauqua Creek; and it is further

RESOLVED, That the County Executive by and hereby is authorized to enter into an intermunicipal agreement to provide funds to the Town of Westfield for construction of the Welch Trail Recreation Area.

Signed: Borrello, Niebel, Chagnon, Odell, Muldowney, Himelein, Nazzaro

Unanimously Adopted – February 24, 2016

JOURNAL OF PROCEEDINGS

RES NO. 77-16

Authorize Use of Funds for Defense of Lawsuit Brought by the Town of Ellery

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

WHEREAS, the County has operated the Chautauqua County Landfill in the northeast corner of the Town of Ellery since 1981 under strict regulation by the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the location of a single, centralized county landfill served by County and State highways was selected by the County in the late 1970s to replace over 40 unsafe local "dumps," including 2 such facilities in the Town of Ellery; and

WHEREAS, the County filed an application with NYSDEC in 2010 to construct additional disposal cells at the County Landfill on land already owned by the County, with the intent to process approximately the same volume of waste as occurs in the current operation; and

WHEREAS, beginning in 2010, NYSDEC acted as lead agency for the environmental review of the proposed new disposal cells, which included NYSDEC's holding of a public scoping session in November 2010, its acceptance of a Draft Supplemental Environmental Impact Statement (DSEIS) in May 2014, two public comment periods in 2014 and 2015, the holding of a public hearing in March 2015; and NYDEC's acceptance of the Final Environmental Impact Statement (FEIS) in August 2015; and

WHEREAS, although the Town of Ellery previously proposed that the County pay the Town a "host payment" for the County Landfill of approximately \$650,000 per year from 2018-2022, and over \$800,000 per year from 2023-2027, the Town has now commenced a lawsuit against NYSDEC and the County challenging the 5 year environmental review of the proposed new disposal cells, and has also adopted a Town local law seeking to block the landfill project; and

WHEREAS, in furtherance of the County's Solid Waste Management Plan and the County's comprehensive plan known as "Chautauqua 20/20," it is in the best interest of all of the citizens of Chautauqua County that the County Landfill's operation continue to provide low cost solid waste services for the County's residential, industrial, commercial, and municipal users, including recycling, transfer stations, household hazardous waste collection, and free credits to municipalities for demolition projects to reduce neighborhood blight; now therefore be it

RESOLVED, That the County Executive is authorized to undertake the County's legal defense of any litigation brought by the Town of Ellery utilizing funds from the EL.8160.025 Phase IV Construction account, including the making of counterclaims, cross-petitions, or other legal actions in the discretion of the County Executive to enable the construction of the new disposal cells to proceed.

Signed: Wilfong, Nazzaro, Scudder, Himelein, Chagnon, Borrello, Muldowney

Unanimously Adopted – February 24, 2016

RES. NO. 78-16

Setting Salary for Clinical Staff Coordinator

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

REGULAR SESSIONS

WHEREAS, the Director of Community Mental Hygiene Services has requested that salary be set for a new position of Clinical Staff Coordinator assigned to oversee the day to day operations of the jail services, the Mobile Transition Team, the ON TRACK NY early intervention team, and Assisted Outpatient Treatment, and

WHEREAS, the Human Resources Department has classified the job as Clinical Staff Coordinator and supports the request that the salary be set at Grade 25, therefore be it

RESOLVED, That the title of Clinical Staff Coordinator be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 25.

Grade 25 (2016: \$27.93 - \$36.08) 35 hours per week
(\$50,833 - \$65,666 per year)

Signed: Scudder, Muldowney, Whitford, Tarbrake, Lemon, Rankin, Wilfong, Chagnon, Himelein, Nazzaro

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – February 24, 2016

RES. NO. 79-16

Authorize Transfers of Tax Foreclosure Properties to Town of Ripley, CODE and Village of Westfield

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

WHEREAS, pursuant to Resolution 44-13, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Town of Ripley has requested that the County convey to the Town a tax delinquent property (SBL # 240.12-3-27) formerly known as the Corner Bar; and

WHEREAS, the Town of Ripley expended funds to demolish the structure on the parcel that was in significant disrepair, and the Town has therefore requested that the property be conveyed to it for One Dollar (\$1.00); and

WHEREAS, Citizen's Opportunity for Development and Equality, Inc. (CODE) has requested the County to convey to CODE a tax delinquent property (SBL #387.26-4-31) located at 719 E. Second Street in the City of Jamestown; and

WHEREAS, CODE has agreed to demolish the structure on the parcel, and CODE has therefore requested that the property be conveyed to it for One Dollar (\$1.00); and

WHEREAS, the Village of Westfield has requested that the County convey to the Village a tax delinquent property (SBL # 192.20-1-15) formerly known as the Portage Inn; and

WHEREAS, the Village of Westfield and Chautauqua County Land Bank Corporation will expend resources to demolish the Portage Inn that was in significant disrepair, and the Village has therefore requested that the property be conveyed to it for One Dollar (\$1.00); therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcel # 240.12-3-27 to the Town of Ripley for One Dollar (\$1.00), with the Town responsible for any applicable real property taxes commencing with the 2016 County/Town taxes; and be it further

RESOLVED , That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcel # 387.26-4-31 to CODE for One Dollar (\$1.00), with CODE responsible for any applicable real property taxes commencing with the 2016 County/Town taxes; and be it further

RESOLVED , That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcel # 192.20-1-15 to the Village of Westfield for One Dollar (\$1.00), with the Village responsible for any applicable real property taxes commencing with the 2016 County/Town taxes; and be it further

RESOLVED, That the County Executive is hereby authorized to negotiate additional terms and conditions, enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transactions.

Signed: Scudder, Muldowney, Whitford, Chagnon, Borrello, Himelein, Nazzaro

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – February 24, 2016

RES. NO. 80-16
Authorize Transfer of Tax Foreclosure Property to Chautauqua County Land Bank Corporation

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

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, the Chautauqua County Land Bank Corporation has also received two substantial grants from the New York State Office of the Attorney General (OAG) in part to fund the demolition of distressed structures; and

WHEREAS, a deteriorating structure on 724 Park Avenue in the City of Dunkirk was previously designated for demolition under the OAG grant and retained by the County for such purpose, but CCLBC has received a proposal for restoration of the property for a future owner-occupied residence; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure property containing a distressed or at risk structure to the Chautauqua County Land Bank Corporation, for no monetary consideration and upon such terms and conditions negotiated by the County Executive:

<u>City/Town</u>	<u>Village</u>	<u>Parcel ID Number</u>	<u>Property Location</u>
City of Dunkirk		79.19-7-64	724 Park Avenue

Signed: Scudder, Muldowney, Whitford

REGULAR SESSIONS

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – February 24, 2016

RES. NO.81-16

A Resolution Authorizing \$11,750,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of Improvements in Connection with the Establishment of the North Chautauqua County Water District in and for Said County

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

WHEREAS, the County Legislature of the County of Chautauqua, New York, has heretofore found it to be in the public interest to establish the North Chautauqua County Water District in said County; and

WHEREAS, it is now desired to provide for the financing of the improvements authorized for such District pursuant to the Local Finance Law; NOW, THEREFORE,

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

Section 1. The improvements necessary in connection with the establishment of the North Chautauqua County Water District in the County of Chautauqua, New York, consist of water mains, a pump station and a storage tank, all as set forth in the Map, Plan and Report prepared in connection with the establishment of such District, at a maximum estimated cost of \$11,750,000, are hereby authorized.

Section 2. The plan for the financing of such improvements shall be by the issuance of \$11,750,000 bonds of said County herein authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, all the taxable real property in said County shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

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 bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those

JOURNAL OF PROCEEDINGS

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, or
- 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 newspaper 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: Wilfong, Nazzaro, Scudder, Himelein, Borrello, Niebel, Chagnon, Odell, Muldowney

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – February 24, 2016

RES. NO. 82-16

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

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

WHEREAS, the County of Chautauqua, New York (hereinafter, the "County") heretofore issued \$16,950,000 Public Improvement (Serial) Bonds, 2010 pursuant to various bond resolutions to pay the cost of capital purposes, as further described in the bond determinations certificate of the Director of Finance dated January 15, 2010 (hereinafter referred to as the "2010 Bond Determinations Certificate"), such Public Improvement (Serial) Bonds, 2010, being dated January 15, 2010 with remaining maturities on January 15 in the years 2017 through 2030, both inclusive, as more fully described in the 2010 Bond Determinations Certificate (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding callable principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

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

Section 1. For the object or purpose of refunding the callable portion of the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$11,900,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$10,230,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-16 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Director of Finance pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Director of Finance shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the Director of Finance. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the

JOURNAL OF PROCEEDINGS

County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Director of Finance as Fiscal Agent as hereinafter provided).

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

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

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

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

The Director of Finance is hereby further delegated all powers of this Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

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

REGULAR SESSIONS

Section 3. It is hereby determined that:

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;
- (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the objects or purposes for which such Refunded Bonds were issued is set forth in the 2010 Bond Determinations Certificate;
- (c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the object or purpose for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Director of Finance is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Director of Finance; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Director of Finance shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

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

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the

JOURNAL OF PROCEEDINGS

same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

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

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

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each Refunded Bond which the Director of Finance shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale for purchase prices to be determined by the Director of Finance, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Director of Finance, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds.

Section 11. The Director of Finance and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all

REGULAR SESSIONS

certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

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

- Section 13. The validity of the Refunding Bonds may be contested only if:
1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
 2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
 3. Such obligations are authorized in violation of the provisions of the Constitution.

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

Signed: Chagnon, Muldowney, Himelein, Nazzaro (Amended in AC to add Exhibit A)

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – February 24, 2016

EMERGENCY RES. NO. 83-16
Authorize Payments for Settlement of Claims

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, payment for the settlement of claims for amounts equal to or greater than \$25,000.00 require approval of the County Legislature pursuant to Local Law 4-86 of the County of Chautauqua, as amended; and

WHEREAS, the County's insurance carrier and the County's Law Department have recommended settlement of the claims of Naseka Browne and Tashiany Martin for the sum of \$75,000.00 each; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the payment of \$75,000.00 to be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claim of Naseka Browne and \$75,000.00 to be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claim of Tashiany Martin; and be it further

RESOLVED, That CS Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

CS.....863.0000	Fund Bal., Reserved Fund Balance – Ins. Reserve	\$150,000
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And be it further

JOURNAL OF PROCEEDINGS

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

CS.1930.----.4	Contractual – Judgements & Claims	\$150,000
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Unanimously Adopted – February 24, 2016

2nd Privilege of the Floor

Thank you Mr. Chairman and members of the Legislature. Randy Elf from West Ellicott. Today I sent all of you a copy of an op-ed from the Post Journal that ran last year and it concerns the Chautauqua County Airport and the commercial air service that we have there. I just wanted if I may please, to call your attention to that op-ed. I won't repeat what it says here except to say that any local community that aspires to thrive needs good solid commercial air services. For 40 years, since we have had commuter air service at the Chautauqua County Airport, we know what the formula for success has been. One part of the formula for success has been that we need service on a major airline and to the hub airport of that major airline. We had that for about 38 years, we don't have that now and because of that, passenger count is falling off and we need to make significant changes to the commercial air service that we have so we can continue to have that commercial air service that we need. For the rest, I'd call your attention to op-ed that ran in the Post Journal and if there are any questions anyone has at another time, I would be happy to take them. Thank you Mr. Chairman.

Dan Heitzenrater, County Executive's office, 3 North Erie Street. I just want to let everyone know that tomorrow morning the State of the County Address will be available in pdf form on the County Executive's web site and the video will also be available on the official Chautauqua County youtube channel. Thank you.

I'm Emily Reynolds from Cornell Cooperative Extension, Sherman, New York. I just wanted to thank you for your continued support of Cooperative Extension in agricultural with Ag. Literacy Week and I wanted to remind you that this Sunday is the 4th Annual 4-H Have a Heart Dinner. It is at the Chautauqua Suites and there are still tickets at the door so if you haven't had a chance to get yours, I encourage you to come. It's a really great night and a lot of fun. Thank you.

Michael Rough from the Chautauqua County Veteran's Service Agency, Lakewood, New York. I just want to thank the Legislature for passing the resolution for the PFC Dwyer money that is going to go a long way to helping a lot of people recover from PTSD.

On a personal note we have seen a lot of discussion about things to bring about economic activity in Chautauqua County. I think one area that we are not concentrating on is our deer herd. If anybody has heard for Pike County, Illinois, it's a small rural county of Illinois. Thirty years ago, nobody ever heard of it but now people fly in from all over the world to hunt deer because they were able to rest the control of managing their deer herd from the State of Illinois and create one wildlife management unit. Right now, we have multiple wildlife management units in our County. I really don't have a great deal of faith in the DEC in the manner in which they manage our deer herd. Things like antler restrictions and relationships with large private land owners, we could create another industry that could bring tourism and a lot of money into Chautauqua County. Thank you for your time.

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (7:37p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, March 23, 2016, 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:35 p.m.

Clerk Tampo called the roll and announce a quorum present. (Absent: Rankin, Whitford, Wendel)

Legislator Wilfong delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro the minutes were approved. (2/24/16)

1st Privilege of the Floor

Mr. Brian Ellis, 1104 Prendergast Ave, Jamestown, NY.(recorder malfunction)... which is a pharmaceutical ingredient that is found in many asthma inhalers and nebulizers (*inaudible*) breathing problem. There's (*inaudible*) flavorings and also if the consumer wishes, nicotine. The only reason I bring this to you is because in our shop, we've seen a number of addicted teens and when I say teens, 18, 19, come in and they feel what it is doing to them. Vaping is a very real, very successful smoking cessation product. To ultimately take away the ability for those folks that are reaching out for assistance and for health, to take that away from them is unfortunately what we will be doing here. I would actually like to address the specific topic again which basically raising the legal age of purchase from 18 to 21. There was an article that was published last Saturday, March 19th in the Winston Salem Journal on this very topic and it was entitled "Second E-Cig Study", finds raising the age limit may have a backfire effect. The article actually cites a study done by Weill Cornell Medicine located in New York City. The article says, the Weill Cornell medical study which used data from 2007 to 2013, to investigate whether e-cigarette age restrictions would lead adolescents to other smoking options, found 11.7% increase in regular teen cigarette use after states imposed e-cigarette age (*inaudible*) and constraints. The association suggests that e-cigarettes may be a substitute for cigarettes among adolescents, for example, teenage cigarette smokers living in states where they can legally purchase e-cigarettes, may be more likely to quit smoking aided by these electronic devices than teenage smokers living in states where they cannot legal purchase these devices. The article further quotes Michael Pesko who is a health economist and an assistant professor of health care policy research at Weill Cornell Medicine, no practical implication is that recently both New York City and Hawaii have changed their legal purchasing age for both cigarettes and e-cigarettes to 21 without commenting on the merits of raising the cigarette minimum age to 21, results from the study suggests that it would have been better from a public health standpoint to increase the purchasing age to 21 for only cigarettes and not e-cigarettes. We at Yeti Vape, we adhere to full compliance of the current law. We do not allow customers under the age of 18 to enter our store. All e-liquid produced by us is clear labeling that indicates ingredients and proper warnings and most importantly all e-liquid that we sell comes with child resistant packaging.

Passing a law that increase the minimum age of purchasing here in Chautauqua County will also have negative economic effects as well. Customers between the ages of 18 and 20 will still obtain these products, however, they will be shopping in neighboring Cattaraugus, Erie, and Warren counties. Do you want to be responsible for driving more revenue out of Chautauqua County, similar to years past when consumers traveled to Pennsylvania for clothing to avoid paying sales tax? In closing, I would just like to say that the balance of power in this very legislative body was changed in this past election cycle. Voters did not like the direction that Chautauqua County was headed in, I also casted my vote for change. So please remember, we do vape, but we also vote. Thank you.

JOURNAL OF PROCEEDINGS

My name is Stacy Harbre-court(?), 35 (*inaudible*), North Tonawanda, N.Y. I live in Erie County. I am a long time New York resident and Director of Operations to your local vape shop in Erie County called Listeria(?). I am speaking to you with great urgency and importance to express my concerns about this recent proposed legislation in Chautauqua County to raise the legal age to smoking and vaping from 18 to 21. I understand that this decision was brought forth by County Legislators to protect the youth of the County for tobacco use. First and foremost, vaping is not smoking. It does not produce smoke. It may resemble smoke in the form of vapor but there is no smoke. It is non-combustible. They do not produce tar, secondhand smoke and/or residual as you would see on your windows, your walls, and your home and there is no smell other than the form of flavoring. In my opinion along with other business owners in the vaping industry and other - numerous constituents, this law was made in such haste and the lack of knowing of the facts regarding electronic cigarettes and vaping. If this law is passed, in my opinion, it will do more harm than good. I myself, our company, as well as those within the vaping community believe that there should have been more research investigation and discussion involved within the committees. It should have been focused on (*inaudible*) reinforced statements starting from signs brought forth by our industry and you should not have made your decisions based on the cons involving the use of electronic cigarettes and vaping in the relation to tobacco use and vaping. I wish our industry was given more opportunity to bring back document and speakers that could rebuttal and justify the use of electronic cigarettes posing no life threatening illness and injury upon the public and that change in age would only give more opportunity to our youth to use traditional tobacco products and not a reason to quit using cigarettes all together. We attempted on different occasions to get the opportunity to speak to our legislature through emails, phone calls, and face to face. No response has ever been made from their office to us. We as concerned citizens as well as being a part of the vaping industry want to help in the decision making regarding this bill given any and all assistance with providing educational information to them. We have been to numerous legislative hearings regarding tobacco e-cig laws within Erie County and Albany. We have put a lot of time and effort in trying to communicate, educate and discuss but no one seems to want to give us the time of day. We even brought several studies with us today to hand out to all of you with information regarding the use of electronic cigarettes and the reasons why raising the age would be a problem than a benefit. Within the studies it shows that the use of electronic cigarettes is 95% less harmful than the use of traditional cigarettes. It also shows that by increasing the legal age to purchase, not just tobacco products but vaping products, poses more chances of our youth to continue to use the tobacco and not to quit. By giving our vaping customers, being those teenagers 18-19 years old opportunity to try these alternative methods to smoking, provides them the willingness to break free from smoking traditional tobacco products for hopes a better and lesser of a life style. They are trying to state that e-cigarettes are being directed towards teens, that they are a gateway traditional tobacco use, I believe is incorrect and they are wrong. We are not promoting to our youth. We are just stating that they should have the same right to better their lives. The percentage of people that smoke electronic cigarettes as an alternative to traditional tobacco use is increasing every day. They are people who are looking to stop smoking. I have been smoke free for 8 years because of vaping. I would never go back to traditional smoking. It has benefitted my family, myself, my business, my health has increased by vaping. I do not get bronchitis every year like I use to when I was a traditional smoker. There is a lot of benefit to just leaving the legal age to 18. I hope that you will reconsider and just use the information that we gave you to just research vaping more. It is an alternative to a better lifestyle. Thank you.

My name is Marci Osborne, and I am here on behalf of Crosby's. My home address 953 Rt. 394, in Kennedy. I too have always been a Chautauqua County resident and my opinion is, if you raise the age for age restrictive products, they are going to buy them anyway. They will get them somehow. We, as a company, educate every person that comes into our company with training on both selling age restricted products appropriately and what the effects of smoking does to you. I personally smoked for 25 years and free of smoking and pray that my children do not smoke. However, if we move this to 21, it's going to hurt our business. I have a store in Falconer, New York,

REGULAR SESSIONS

which is 7 miles from the Arrow Mart in Cattaraugus County, which would be Randolph and they will go there and buy their cigarettes. I feel that our business is respectable and though we do sell cigarettes, we do try to prevent under aged smoking. I do have a letter from NYAX(?) which the Vice President of our company is on the board and so I will share that with you.

Elevating Chautauqua County's tobacco purchase age to 21 would regrettably fail to curb youth smoking because the sad reality of how and where most under aged smokers obtain their cigarettes in New York State. The New York State Association of Convenient Stores warned today. Critical research confirms that the vast majority of teen smokers get cigarettes not from retail stores but from social sources that are impervious to the tobacco purchase age, said James Calvin, President of the New York State Association of Convenient Stores. By in-large Chautauqua County retailers are upholding their responsibility to prevent under age tobacco sales as evidence by compliance records for better than the State average. During the 17 month ending March 31, 2012, that is the last statistic published by New York State Department of Health, Chautauqua County stores failed only 3 of 188 under cover tobacco purchase attempts carried out by the County Health Department. The failure rate of just 1.6%, less than 1/3rd of the Statewide failure rate. With Chautauqua County retail stores refusing under age purchase attempts, 98.4% at this time, was the primary source of cigarettes for teen smokers. Older relatives and acquaintances, (*inaudible*). The Center for Disease Control annual youth risk behavior study confirms year after year that the vast majority of teen smokers obtain their cigarettes from social sources. Reinforcing this point, was released this month of the initial findings of the long term population assessment of tobacco and health study sponsored by the National Institute of Health and the US Food and Drug Administration confirming that 86% of 15 to 17 year old smokers obtain cigarettes from social sources. Such as asking someone else for a cigarette or being offered cigarettes by someone which was 43% or giving an adult money to buy cigarettes for them, 32%. Supporters of a higher purchase age theorize that raising it to 21 would cut off the social sources because the 18, 19, and 20 year old smokers, the younger teens know, or attend school with, would no longer have cigarettes because they wouldn't be able to buy them at stores. Well, think about that. If 13, 14, 15, 16, and 17 year old kids are resourceful enough to get cigarettes through means other than purchasing them in a retail store, don't you think that 18, 19, and 20 year old smokers who can no longer buy them at a retail store are going to be equally resourceful? Won't they just find their own sources and aren't they more likely to have private transportation enabling to access cigarettes in Erie County or Cattaraugus County or neighboring Pennsylvania where the purchase age will remain at 18. Or any of the nearby tribal enterprises that ignore the purchase age and every other tobacco regulation. Because of these reasons, raising the tobacco age to 21, while well intended, would amount to frivolling around the edges of youth smoking problem and therefore it cannot justify making Chautauqua County small businesses forfeit any portion of their legal sales. If Chautauqua County were serious about curtailing youth smoking, it would pass a law making it illegal for minors to possess or use tobacco products (*inaudible*). It's illegal to possess alcohol, fireworks, or graffiti tools but yet for all of the evidence of how dangerous it is for kids to smoke, it's perfectly legal for them to possess and use tobacco products they got from sources other than a daily licensed retail store. Incredibly the current policy is smoke um if you got them.

I'm Brady Duink, 327 Clymer-Corry Road, Clymer. I am here tonight on behalf of the Chautauqua County Health Network and to show our full support for the enactment of Local Law 2-16. For two main reasons really from our perspective. Ninety five percent of adult smokers start smoking before the age 21 and also 95% of the people who buy cigarettes and give to minors is under the age of 21. So anything from our perspective that we can do to help curtail those issues, we can totally support. Also, as many of you may know, the reason the State Health ranking Chautauqua County in the bottom five in health factors for (*inaudible*). Fifty out of sixty two so we also feel that this opportunity for Chautauqua County will help maybe increase our ratings in that department and hopefully by Chautauqua County showing leadership on this issue that maybe neighboring counties, maybe state as a whole also, shows support for this issue. So, all of us are fully on board, fully endorse this measure. Thank you for your time.

Mr. Kenneth Dahlgren, 291 Wiltsie Road. Lifelong member of Chautauqua County. I have been involved in local politics and community work for many years in Chautauqua County. One of the programs that I have been involved with for 16 years, has been working with the issue of smoking and new smoking rates especially. There are a number of things that have been said here today and it's interesting. Some of the statistics that were given here tonight, actually support what we're trying to encourage by raising the age rate from 18 to 21. The 86% that had been decided from one study that shows people get, young kids get tobacco from their social network, their peers, is absolutely true. Studies have actually been done breaking that down a little more in other locations which show a vast majority of those social network where they get their cigarettes from are 18, 19, and 20 year old peers. Now, it's been said that if we were to raise the regulation from 18 to 21, that people will just go elsewhere. I agree. Some people will go elsewhere. I mean, that is human nature. But, we have evidence from other places that have enacted this study. The biggest one we have is Neda, Massachusetts who did it ten years ago and when their regulation was fully enacted over a four year period, raised to 21, they found within a few years their youth smoking rate had actually been cut in half. That's significant because what's really significant about it is they were a small isolated community surrounded by many other suburbs and many other communities who still had a purchase age of 18 and their rate still was cut in half. That goes to show you that not every single one of our kids is going to avoid obeying the law in (*inaudible*) to buy somewhere else. The other thing is sales. That age group, 18 to 20, accounts for 2% of the tobacco sales. Now, yes, there could be a potential loss of some tobacco sales but it's analyzed by the State, that about 2% of the sales and you think, why is 2% of the sales a big deal. Why are we passing a law aimed at curbing 2% of tobacco sales in this age group? Well, what we don't talk about (*inaudible*) that the adolescent brain is still developing up through the age of 25/26, there is brain development going on and study after study has shown that that developing brain is impacted by nicotine. Leading to some of the same brain changes as you find with heroin addiction. Now, people that age don't necessarily smoke a great deal but it's the age where they are beginning to smoke and those brain changes are starting to take place and that age period actually from 18 through 20/21, is a period where the younger kids who started smoking occasionally actually start to cement that habit. When you get towards the old end of that spectrum, they start to become daily smokers. So, you are impacting, if you can eliminate some of this nicotine addiction and that includes nicotine delivered through e-cigarette devices and that is a whole another issue that I'm not going to get into tonight. You have heard about e-cigarettes being a life saver for cessation, that may or may not be true for older adults. The studies right now are on the fence about that. They don't seem to be any more effective and possibly less effective than nicotine replacement batches, but that is another story. What you've got is the fact that, we are finding, those of us who are working every day with (*inaudible*) people in the community, are finding the increasing numbers of young people turning to nicotine. You have seen the cigarette rates going down but they are using some of those other nicotine products. Not just vaping but other products, chew and things like that. What this law really looks to do is help curtail some of that nicotine addiction that is happening at a young age that is leading to, later on in life, higher rates of smoking. Some of the most prestigious scientist in our country have looked at this issue and they really feel that, the Institute of Medicine report really feels that at a minimum that enacting this law country wide, you would see a minimum decrease of at least 12% or more in the smoking rate and a 10% decrease in premature death. Obviously, we're looking at the county level but when it comes right down to it, I know when I was a Legislator, sometimes you feel like you have to take a stand and I really believe that Chautauqua County can be a real example of taking a stand for our children and preventing many future deaths through this one simple piece of legislation which honestly is not going to hurt the retailers. We always hear that as a warning and guess what, it doesn't materialize. We heard that with Clean Indoor Air, we heard that with other issues as well. Thank you.

My name is Sara Sanders, from 1925 E. Main Street, Falconer, and I'm a Junior at Falconer Central School. I am part of (*inaudible*) against smoking. A lot of the kids in my school, even my grade are 18 years of age are friends with the younger students in the school. A lot of the times, I hear them over talking or sharing e-cigarettes, how they are getting them from people that they can

REGULAR SESSIONS

get them from, any type of way that they can get them. We have a corner outside of Falconer, right across the school called smokers corner and after school and any hours, they are out there sharing their products, any tobacco product, e-cigarettes and helping other people get them. A lot of time in class, you even see kids pulling out their e-cigarettes or chewing. Their education is being compromised because of it. They will be taken out of class because of suspension. There are kids who smoke inside of school, in the bathrooms and get suspended for it as well. Although e-cigarettes might be shown not to be harmful, I have seen many accounts how they are harmful and they are still addictive. Anyone should not stand by and watch the youth become addictive and be hurt by products because of the death of it. I don't think that it is right that kids are being hurt from something that they are only getting from friends. If the age was moved up to 21, I know a lot of people are not friends and this will – put over the age of 20. It's just not someone they are normally talking to and they would not be able to get these products and would not get hurt because of it. Thank you.

My name is Christine Schuyler, Secretary to the Chautauqua County Board of Health, 7 North Erie Street, Mayville. I am here as the Secretary to the Board of Health. We have (*inaudible*) local law to raise the age to purchase tobacco stems from the conviction of the Board of Health in October, 2015. You have that letter in front of you but I think that it is important that you realize that the Board of Health supports and recommends this local law. This letter reads: Dear Chairman Gould: As a means of protecting public health, the Chautauqua County Board of Health strongly endorses and supports the passage of a local law raising the age of purchase tobacco products and electronic cigarettes from 18 to 21. Three thousand young people will smoke their first cigarette today. Of these 3,000 young people, nearly 750 will die from disease caused by cigarettes. Teen smoking can lead to a lifelong addiction to nicotine.

A local law increasing the age to purchase tobacco products and electronic cigarettes would demonstrate Chautauqua County's commitment to improving the health and well-being of our residents. Tobacco use is the number one cause of preventable disease and death in this county, this state and this nation. At 24.7%, the smoking rate in Chautauqua County is higher than the New York State average of 16.7%. Most of those addicted to tobacco, start using tobacco before 21 years of age. This law would protect young County residents from the unregulated and unknown effects of electronic cigarettes, herbal cigarettes, and other prohibited products. It would prevent exposure of youth, who are particularly susceptible to addiction, to the chemically addictive effects of tobacco and related products, in an effort to improve public wellness and reduce health insurance expenditures.

Such a local law would also further the goals of New York State's Tobacco use, prevention, and control program, the New York State Department of Health's Prevention Agenda, and the Chautauqua County Community Health Improvement Plan.

Raising the age to 21 to purchase tobacco products and electronic cigarettes also demonstrates Chautauqua County's responsiveness to findings made by the Institute of Medicine, which conducted a study at the request of the US Food and Drug Administration, that initiation age of tobacco use is critical and that:

- i. Adolescent brains are uniquely vulnerable to the effects of nicotine
- ii. An earlier age of initiation is associated with greater levels of nicotine dependence and greater intensity and persistence of smoking beyond adolescence and through adulthood;
- iii. Almost one in five high school seniors is a current cigarette smoker;
- iv. The majority of teenager users rely on social sources – such as family and friends to acquire tobacco
- v. Raising the legal minimum legal age to twenty-one will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students;
- vi. Delaying initiation rates will likely decrease the prevalence of tobacco users in the U.S. population; and
- vii. Raising the minimum legal age will likely improve the health of adolescents and young adults by reducing the number of those with adverse physiological effects.

JOURNAL OF PROCEEDINGS

(*Inaudible*) you also have a summary of that Institute of Medicine report. I think that it is important that you remember that the County Board of Health's mission is promote health and prevent disease and that is for all residents of this County and we take our mission very seriously and made that recommendation in good faith to this Legislature. 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.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 2/24/16

COMMUNICATIONS:

1. Letter – County Exec. Horrigan -Land Bank Board appointments
2. Letter – County Exec. Horrigan – NYS Fish & Wildlife Management Board Appointments
3. Minutes – Lake Erie Management Commission, 2/22/2016
4. Letter – NYS Department of State – Filing of Local Law 1-16
5. Minutes – South & Center CLSD Board mtg. 1/12/2016
6. Letter – Chaut. County Real Property – Level 3 Corrected Applications
7. Letter – County Exec. Horrigan – Ethics Board Reappointment
8. Report – Small Business Development Center, 10/1/15-12/31/15
9. Letter – County Exec. Horrigan – Emergency Services Council appointments
10. Letter – Michael Nicholson – Re: Disability Benefits for Volunteer Firefighters
11. Letter – Tompkins County Legislature – Re: Federal Child Care Law changes
12. Minutes – Chaut. Lake & Watershed Management Alliance mtg. 2/11/16
13. Report – Susan Marsh, Finance Director – February 2016 Investment Report
14. Minutes – South & Center CLSD Board mtg. 3/1/16
15. Email – Steve Duffy – Comments Re: Local Law Intro. 2-16
16. Email – Chris Hughes – Comments Re: Local Law Intro. 2-16
17. Email – Ken Dahlgren – Information Re: Local Law Intro. 2-16

Motion: (On file with 3/23/16 Legislature Data)
3-16 Proclaiming March Women's History Month – Unanimously Adopted

RES. NO. 84-16

Confirm Appointment and Re-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 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 New York State Fish and Wildlife Management Board.

New Appointment:

Andrew Joy
9867 Farrel Rd.

Re-Appointment:

Zenon Olow
23 Bennett Dr.

REGULAR SESSIONS

Fredonia, N.Y. 14063
Term Expires: 12/31/16

Fredonia, N.Y. 14063
Term Expires: 12/31/17

Signed: Hemmer, Wilfong, Himelein, Scudder

Unanimously Adopted – March 23, 2016

RES. NO. 85-16

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.

Mary Kay Szwejbka
22 Castile Dr.
Fredonia, N.Y. 14063
Term Expires: 1/31/19

Signed: Scudder, Vanstrom, Starks, Whitford

Unanimously Adopted – March 23, 2016

RES. NO. 86-16

Confirm Appointment & 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 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 Emergency Medical Services Council.

Re-Appointment:
Robert Rein, Jr.
2643 Gerry-Ellington Rd.
Gerry, N.Y. 14740
Term Expires: 12/31/18

Appointment:
Jason Carmen Replacing Tina Jones
509 South Main St. Red Cross Rep.
Jamestown, N.Y. 14701
Term Expires: 12/31/18

Signed: Wendel, Bankoski, Niebel, Whitford

Unanimously Adopted – March 23, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 87-16

Confirm Appointments & Re-Appointments - Chautauqua County Land Bank Board of Directors

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

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointments and re-appointments to the Chautauqua County Land Bank Board of Directors.

New Appointments:

Diane E. Hannum
10435 Bay Shore Drive
Dunkirk, N.Y. 14048
Term Expires: 3/31/18

Nicole May
120 Lambert Avenue
Fredonia, N.Y. 14063
Term Expires: 3/31/18

Re-Appointments:

Jim Caffisch
928 Marvin Rd.
PO Box 100
Clymer, N.Y. 14724
Term Expires: 3/31/18

John Hemmer
7539 East Rt. 20
Westfield, N.Y. 14787
Term Expires: 3/31/18

William Carlson
10370 Chestnut Rd.
Dunkirk, N.Y. 14048
Term Expires: 3/31/18

Hugh Butler
36 Hurst Ave.
PO Box 615
Chautauqua, N.Y. 14722
Term Expires: 3/31/18

Jeffrey Gossett
8 Sunset Drive
Fredonia, N.Y. 14063
Term Expires: 3/31/18

Paul Whitford
58 Harris Ave.
Jamestown, N.Y. 14701
Term Expires: 3/31/18

Scott Butler
42 Main Street
Forestville, N.Y. 14062
Term Expires: 3/31/18

Peter Lombardi
140 Cook Ave.
Jamestown, N.Y. 14701
Term Expires: 3/31/18

Aaron Resnick
6828 Sherman-Westfield Rd.
Westfield, N.Y. 14787
Term Expires: 3/31/18

Signed: Chagnon, Niebel, Odell, Starks

Unanimously Adopted – March 23, 2016

RES. NO. 88-16

Authorize Transfer of Funds in 2016 Budget for Purchase of Equipment for Chautauqua County Buildings and Grounds

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

WHEREAS, the Chautauqua County Department of Public Facilities, Division of Buildings & Grounds appropriated funds in the 2016 Budget for the purchase of a John Deere Garden Tractor for the maintenance of the Mayville Campus; and

REGULAR SESSIONS

WHEREAS, such appropriated funds were budgeted as equipment; and

WHEREAS, the appropriate classification for such purchase is depreciable equipment; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1620.----.3	Depreciable Equipment – Buildings & Grounds	\$7,500
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DECREASE APPROPRIATE ACCOUNT:

A.1620.----.2	Equipment – Buildings & Grounds	\$7,500
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Signed: Hemmer, Scudder, Wilfong, Himelein, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – March 23, 2016

RES. NO. 89-16

Amend, Reconcile, and Close Capital Project Accounts

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

WHEREAS, Chautauqua County approved Capital Project 25669 "Land Acquisition in Runway Protection Zone (Phase 1) at Dunkirk Airport" in the 2009 Capital Budget; and

WHEREAS, the approved cost of Project 25669 was established at \$500,000 and the County committed to a 2.5% local share of the funding under account H.5610.240.R503.1000; and

WHEREAS, the County Legislature approved Resolution 20-09 to accept FAA and NYSDOT grants for AIP Project 3-36-0022-39-09 "Land Acquisition for Existing Runway 6-24 RPZ (Engineering only)" with a total cost of \$49,100; and

WHEREAS, Chautauqua County approved Capital Project 25672 "Runway 6/24 Extension – Combined Projects" in the 2010 Capital Budget; and

WHEREAS, Project 25672 was approved as a combination of several separate projects related to the extension of Runway 6/24 including 25749 (Runway Design), 25750 (Runway Construction), 25751 (Relocate Newell Road), and 25672 (Land Acquisition Phase 2); and

WHEREAS, the 2010 Capital Budget for Project 25672 was established at \$700,000 and the County committed to a 2.5% local share of the funding under account H.5610.25672.R503.1000; and

WHEREAS, the County Legislature approved Resolution 229-10 to accept FAA and NYSDOT grants for AIP Project 3-36-0022-42-10 for "Land Acquisition for Runway 6-24 Extension" with a total cost of \$122,000; and

WHEREAS, pursuant to Resolution 115-10, the County Executive approved FAA and NYSDOT grants for AIP Project 3-36-0022-43-10 for "Extension of Runway 24 and Parallel Taxiway & Newell Road Relocation – Design" in 2010 with a total cost of \$317,900; and

JOURNAL OF PROCEEDINGS

WHEREAS, Project 25672 was further amended in the 2011 Capital Budget to include projects 25669 (Land Acquisition in Runway Protection Zone (Phase 1)), and 25670 (ALP Update & Environmental Assessment for MALSAR - Dunkirk); and

WHEREAS, the 2011 Capital Budget increased the total project budget an additional \$1,000,000 and committed an additional 2.5% local share of the funding under account H.5610.25672.R503.1000; and

WHEREAS, the County Legislature approved Resolution 150-11 and Resolution 201-11 to accept FAA and NYSDOT grants for AIP Project 3-36-0022-44-11 "Relocate Newell Road – Construction Phase I (Part of Runway 24 Extension Project)" with a total cost of \$656,600; and

WHEREAS, Project 25672 was further amended in the 2012 Capital Budget to exclude projects 25669 and 25670; and

WHEREAS, the 2012 Capital Budget increased the total budget for Project 25672 an additional \$2,300,000 and committed an additional 2.5% local share of the funding under account H.5610.25672.R503.1000; and

WHEREAS, the County Legislature approved Resolution 193-12 to accept FAA and NYSDOT grants for AIP Project 3-36-0022-45-12 for "Extend Runway 24 1,000 feet & Parallel Taxiway including NAVAIDS – Construction" with a total cost of \$3,076,783 and an amended funding formula that committed a 5.0% local share; and

WHEREAS, Resolution 193-12 amended the budget for Project 25672 to the total cost of AIP Project 3-36-0022-45-12 only; and

WHEREAS, the final project cost of AIP Project 3-36-0022-39-09 is \$47,885 and is accounted for in Capital Project H-5610-240; and

WHEREAS, the final project cost of AIP Project 3-36-0022-42-10 is \$119,832; and the final project cost of AIP Project 3-36-0022-43-10 is \$316,935; and the final project cost of AIP Project 3-36-0022-44-11 amended for cost overrun is \$673,966; and the final project cost of AIP Project 3-36-0022-45-12 amended for change orders and cost overrun is \$3,198,194; and all costs are accounted for in Capital Project H-5610-25672; and

WHEREAS, all AIP projects accounted for in accounts H-5610-240 and H-5610-25672 are now complete, and such accounts can therefore be closed, now therefore be it

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.878.0000	Fund Balance – Reserve for Capital	\$22,538
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2015 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$22,538
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; and be it further

REGULAR SESSIONS

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

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.240.4	Contractual – Land Acquisition R/W Protection Zone	\$ 452,115
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DECREASE CAPITAL REVENUE ACCOUNTS:

H.5610.240.R359.7000	NYS Aid – Transportation Capital	\$ 11,303
H.5610.240.R459.7000	Federal Aid – Transportation Capital	\$ 429,511
H.5610.240.R503.1000	Interfund Transfers – Interfund Transfer	\$ 11,301

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25672.4	Contractual – RW 6/24 Extension (Dunkirk)	\$1,232,144
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25672.R359.7001	NYS Aid – Airport Capital Grants	\$ 33,839
H.5610.25672.R459.2000	Federal Aid – Airport Capital Grants	\$1,164,466
H.5610.25672.R503.1000	Interfund Transfers – Interfund Transfer	\$ 33,839

; and be it further

RESOLVED, That the Director of Finance: close accounts H-5610-240 and H-5610-25672, precluding any further expenditures; reconcile the accounts; post account adjustments; and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of the audit and reconciliation of accounts, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Hemmer, Scudder, Wilfong, Himelein, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – March 23, 2016

RES. NO. 90-16
Recognition of Earth Day

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

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

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

JOURNAL OF PROCEEDINGS

period from Saturday, the third weekend in April-through Saturday the second weekend of May, 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: Hemmer, Scudder, Wilfong, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 91-16

Authorize Extension of Grant Funding for Help America Vote Act (HAVA) SHOEBOX Grant

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

WHEREAS, pursuant to Resolution 102-12, the County Legislature authorized the Chautauqua County Board of Elections to receive a grant from the NYS Board of Elections acting through the State of New York in the amount of \$230,002.76 to implement the 2002 Help America Vote Act (HAVA); and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from March 31, 2014 through March 31, 2017; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of the grant agreement with the State of New York for the designated time period.

Signed: Scudder, Vanstrom, Starks, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 92-16

Accept New York State Voting Access for Individuals with Disabilities, Polling Place Access Improvement Grant Funds to Enhance Voting Opportunities to Person with Disabilities

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

WHEREAS, the County Board of Elections has successfully applied through the New York State Board of Elections for grant funds to enhance voting opportunities to persons with disabilities in the amount of \$10,057.11, and

WHEREAS, the County Board of Elections will use the grant proceeds to establish, expand and improve access to poll sites to increase participation by individuals with a full range of disabilities in the election process, and

WHEREAS, it is appropriate to accept these grant funds to enhance voting opportunities for persons with disabilities, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary agreements with New York State for the Voting Access for Individuals With Disabilities, Polling Place Access Improvement grant in the amount of \$10,057.11.

REGULAR SESSIONS

Signed: Scudder, Vanstrom, Starks, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 93-16

Denial of Level 3 Applications for Refunds/Credits of Real Property Taxes, Form RP 556, Dated February 9, 2016, for the 2015-2016 School Districts, 2016 City and 2016 County/Towns Tax Bills

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

WHEREAS, Level 3 has filed applications for refund/credit of real property taxes pursuant to Real Property Tax Law Section 556 for the 2015-2016 school districts, 2016 city and 2016 county/town tax bills, and

WHEREAS, the Chautauqua County Tax Director has investigated the circumstances of the claims of Level 3 in the applications, and

WHEREAS, the Chautauqua County Tax Director has transmitted a written report of such investigation and his recommendations for action thereon, and

WHEREAS, the Chautauqua County Tax Director has determined that the applications are without merit and recommends that the applications be denied for multiple reasons, and

WHEREAS, the Chautauqua County Tax Director has recommended that the applications be denied for the following specific reasons:

1. The fiber optic cable constitutes taxable real property under multiple sections of Section 102 of the Real Property Tax Law as follows:
 - A. Fiber optic cable has been interpreted and taxed as real property for more than thirty years, and should continue to be taxed as real property;
 - B. The fiber optic cable constitutes property for the distribution of light and is taxable real property pursuant to Real Property Tax Law 102(120(f));
 - C. The fiber optic cables constitute fixtures and are taxable real property pursuant to Section 102(12)(b) of the Real Property Tax Law;
 - D. The fiber optic cable meets the definition of real property pursuant to Real Property Tax Law Section 102(12)(i) and is taxable under that section;
 - E. The Real Property Tax Law does not provide any tax exemption for fiber optic cable;
 - F. Real Property Tax Law Section 102 does not contain any express or implied exclusion for fiber optic cable from the definition of taxable real property;
 - G. The Legislative History of Real Property Tax Law Section 102 does not support Level 3's position that fiber optic cable does not constitute taxable real property and is not subject to real property taxation;
 - H. The research articles submitted by Level 3 in the prior court case have no foundation, are not authoritative, were written many years after the New York State Legislature enacted the language contained in Real Property Tax Law Section 102, and there is no evidence the New York State Legislature considered those articles when the Legislation was enacted; and
 - I. The RCN case, which applicant references in its applications, is factually and legally distinguishable from the circumstances involving Level 3's property located in Chautauqua County. The RCN case involved property in New York City in a

JOURNAL OF PROCEEDINGS

building, and not underground cables connected to taxable fiber optic cable in the right of way, as is the situation in Chautauqua County. In addition, the RCN case is in a different department and is not binding on the Courts in the Appellate Division, Fourth Judicial Department.

2. The applications are procedurally improper. The applicant's claims do not fall within the scope of the Correction of Errors procedure contained in Section 556 of the Real Property Tax Law. The applications fail to establish a clerical error, unlawful entry, or an error in essential fact as those terms are defined by Section 550 of the Real Property Tax Law. Numerous Town tax assessors have also analyzed Level 3's claims and concluded that its allegations do not constitute an "unlawful entry" as that term is defined in Real Property Tax Law Section 550(7);

3. Level 3 failed to pay the taxes under a protest. The Voluntary Payment Doctrine bars Level 3 from recovery of taxes paid without protest. See *City of Rochester v. Chiarella*, 65 N.Y.2d 92, 98 (1985); *City of Rochester v. Chiarella*, 98 A.D.2d 8, 9, 12 (4th Dept., 1983) aff'd 63 N.Y.2d 857 (1984). Level 3's argument that Real Property Tax Law Section 556 allows recovery without protest is without merit since Section 556 does not state or provide an affirmative right to recover taxes without protest. *Level 3 Communications, LLC v. Essex County*, 129 A.D.3d 1255 (3rd Dept., 2015); *Community Health Plan v. Burkard*, 3 A.D.3d 724, 725 (3rd Dept., 2004).

4. The RP-556 applications are time barred and untimely on the basis that they were filed after the expiration of the tax warrants. *Level 3 Communications, LLC v. Essex County*, supra.

5. The applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the Real Property Tax Law challenging the assessments prospectively. The applications improperly seek retroactive tax refunds under inapplicable sections of the Real Property Tax Law.

6. The applications should be denied on public policy grounds because Level 3 voluntarily deferred its challenges to the public assessments for multiple years and exposed the municipalities and school districts to unnecessary retroactive disruption of their budgets. *Press v. County of Monroe*, 50 N.Y.2d 695 (1980); *Solnick v. Whalen*, 49 N.Y.2d 224 (1979).

7. The applications are untimely and barred by the four-month statute of limitations because they were filed more than four (4) months after the assessment rolls became final and binding. See *Press v. County of Monroe*, 50 N.Y.2d 695 (1980).

8. The applications contain only conclusory allegations with respect to fiber optic cables, and fail to contain detailed and sufficient evidence with respect to the identity, location, composition and usage of its property and lines. The applications fail to contain any information from any engineer, expert, person, or employee with personal knowledge with respect to the cable lines in question.

9. The applicant incorrectly used the wrong application with respect to the 2016 county, town and city taxes. The proper form with respect to those taxes is RP-554;
And

WHEREAS, the Chautauqua County Legislature has carefully considered and fully agrees with the investigation and recommendations of the Chautauqua County Tax Director, therefore be it

REGULAR SESSIONS

RESOLVED, That the Applications for Refunds/Credits of Real Property Taxes Form 556 for the 2015-2016 school districts, 2016 city and 2016 county/town tax bills are hereby denied in their entirety for the reasons set forth above.

Signed: Scudder, Vanstrom, Starks, Whitford

Unanimously Adopted – March 23, 2016

RES. NO. 94-16

Authorize County Executive to Execute the Resource Allocation Plan

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 2016 program year; and

WHEREAS, the amount approved for allocation to the County is \$187,596.00; and

WHEREAS, OCFS will reimburse the County for expenditures made in accordance with the approved Program Allocations 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 through 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 it is 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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the follow adjustments to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.7310.----.4	Contractual – Youth Programs	\$20,726
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INCREASE REVENUE ACCOUNT:

A.7310.R382.0000	NYS Aid – Youth Programs	\$20,726
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Signed: Lemon, Rankin, Wilfong, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 95-16

Authorize Contracts and Agreements with Local Police Departments for 2016-2018 STOP-DWI Enforcement Efforts

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

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

WHEREAS, funding for such contracts and agreements will be derived from STOP-DWI funds pursuant to the 2016-2018 Stop-DWI Plans, and from the New York State STOP-DWI Foundation through a grant from the Governor's Traffic Safety Committee via the National Highway Traffic Safety Administration; now therefore be it

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

Signed: Wendel, Bankoski, Niebel, Whitford

Unanimously Adopted – March 23, 2016

RES. NO. 96-16

Authorize Agreements with Law Enforcement Agencies for Reimbursements Under Operation Stone Garden

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for Operation Stonegarden; and

WHEREAS, part of the requirement is shared partnerships with other law enforcement agencies, and a portion of the funding for allowable expenditures is to be shared by participating agencies; and

WHEREAS, the following agencies will be participating with the Chautauqua County Office of the Sheriff in Operation Stonegarden:

New York State Police
New York State Park Police
New York State Department of Environmental Conservation
City of Dunkirk Police Department
Town of Ellicott Police Department
Village of Fredonia Police Department
City of Jamestown Police Department
Town of Busti/Village of Lakewood Police Department; and

REGULAR SESSIONS

WHEREAS, the Chautauqua County Office of the Sheriff is the lead agency required to distribute the funding appropriately; now therefore be it

RESOLVED, That the County Executive is authorized to execute agreements with the aforementioned participating law enforcement agencies under the guidelines of Operation Stonegarden, and with any other law enforcement agencies that may be added to the program.

Signed: Wendel, Bankoski, Niebel, Whitford

Unanimously Adopted – March 23, 2016

RES. NO. 97-16

Authorize Execution for New York State Office of Homeland Security Grant for FY2015 Public Safety Answering Point (PSAP)

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

WHEREAS, the Chautauqua County Sheriff received notice 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 (PSAP); and

WHEREAS, the State of New York will provide funding in the amount of \$178,323.00 with no local funds required for the contract period from January 1, 2016 to December 31, 2016; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Office Homeland Security.

Signed: Wendel, Bankoski, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 98-16

Increase Revenue and Appropriation Accounts Associated with New York State Office of Homeland Security Funding Grant – Bomb Squad Initiative Program

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for under the FY15 Bomb Squad Initiative Grant Program; and

WHEREAS, the State of New York will provide funding for FY15 grant award C174751 in the amount of \$103,750, with no local funds, for the contract period from September 1, 2015 to August 31, 2018; now therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----2	Equipment—Sheriff	\$ 2,600
A.3110.----3	Depreciable Equipment—Sheriff	\$ 55,000
A.3110.---1	Personal Services - Sheriff	\$ 16,000
A.3110.---4	Contractual Services – Sheriff	<u>\$ 30,150</u>
		<u>\$103,750</u>

INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB	Federal Aid—Other Public Safety Aid	\$103,750
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Signed: Wendel, Bankoski, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 99-16

Increase Appropriation Accounts for New York State Office of Homeland Security and Emergency Services Grants for Explosive Detection Canine Team

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

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

WHEREAS, the State of New York will provide funding for grant award T174749 in the amount of \$20,000, with no local funds; and

WHEREAS, the 2016 Chautauqua County Budget does not include any funding for these expenditures; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---1	Personal Services—Sheriff	\$ 8,200
A.3110.---2	Equipment—Sheriff	\$ 6,500
A.3110.---4	Contractual—Sheriff	\$ 4,500
A.3110.---8	Employee Benefits—Sheriff	<u>\$ 800</u>
		<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, Bankoski, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

REGULAR SESSIONS

RES. NO. 100-16

Increase Appropriation Accounts for United States Department of Homeland Security FY 2015 Port Security Grant Program (PSGP)

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

WHEREAS, the Chautauqua County Sheriff received notice the United States Department of Homeland Security approved the application for a FY 2015 Port Security Grant; and

WHEREAS, the United States Department of Homeland Security will provide funding in the amount of \$37,089, matched by local funds of \$12,363, for the contract period from September 1, 2015 to August 31, 2018; and

WHEREAS, the funds will be used to purchase a three-year comprehensive maintenance agreement for Motorola portable and mobile radios purchased with FY09 and FY11 PSGP funding; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3020.E911.--4	Contractual—Sheriff	\$37,089
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INCREASE REVENUE ACCOUNT:

A.3020.E911.R438.9PSC	Federal Aid—Port Security	\$37,089
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Signed: Wendel, Bankoski, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 101-16

Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant – Operation Stone Garden FY14 & FY15

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

WHEREAS, the County Sheriff's Office 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 Operation Stone Garden; and

WHEREAS, fiscal year 2014 grant award #C192449 for \$54,991 and fiscal year 2015 grant award #C192459 for \$70,585 have not been fully expended; and

WHEREAS, the 2016 Chautauqua County Budget does not include any funding for these expenditures; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNTS:

A.3110.--1	Personal Services--Sheriff	\$ 77,602
A.3110.--4	Contractual--Sheriff	\$ 21,119
A.3110.--8	Employee Benefits--Sheriff	\$ 21,690
		<u>\$120,411</u>

INCREASE REVENUE ACCOUNT:

A.3110.R438.9OSG	Federal Aid--Other Public Safety Aid	\$120,411
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Signed: Wendel, Bankoski, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 102-16

Authorize Agreement with Town of Chautauqua for Court Security Detail

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Town of Chautauqua 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 Chautauqua for the period of January 1, 2016 through December 31, 2016, for an estimated cost not to exceed \$2,000.00, based on an hourly rate of at least \$27.64; now therefore be it

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

Signed: Wendel, Bankoski, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 103-16

Authorize Agreement with New York State Unified Court System Eighth Judicial District for Drug Court Services

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 a deputy sheriff to serve as a drug court team member; and

WHEREAS, 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, 2016 through March 31, 2017, with payment made by the Unified Court System to the County not to exceed \$32,500.00; now 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 drug court

REGULAR SESSIONS

services as set forth above with revenues to be credited to account A.1162.1110.R333.0000; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2016 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1110.1	Personal Services – Court Officers	\$20,000
A.1162.1110.8	Employee Benefits – County Officers	\$12,500

INCREASE REVENUE ACCOUNT:

A.1162.1110.R333.0000	NYS Aid – Court Officers	\$32,000
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Signed: Wendel, Bankoski, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

MOVED by Legislator Himelein, SECONDED by Legislator Chagnon to amend by substitution.

WHEREAS, New York State Unified Court System Eighth Judicial District has requested the Chautauqua County Office of the Sheriff provide a deputy sheriff to serve as a drug court team member; and

WHEREAS, 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, 2016 through March 31, 2017, with payment made by the Unified Court System to the County not to exceed \$32,500.00; now 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 drug court services as set forth above with revenues to be credited to account A.3110.R333.0000; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2016 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services – Sheriff	\$15,478
A.3110.----.8	Employee Benefits – Sheriff	\$ 4,988
A.3110.----.4	Contractual Expenses – Sheriff	\$12,034

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R333.0000	NYS Aid – Court Officers	\$32,500
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Unanimously Adopted as amended– March 23, 2016

RES. NO. 104-16

Authorize Agreement with Village of Silver Creek for Enhanced Police Services

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

JOURNAL OF PROCEEDINGS

WHEREAS, the Village of Silver Creek has requested the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village of Silver Creek and the Town of Hanover for the 2016 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Village of Silver Creek for the period of April 1, 2016 through December 31, 2016 for an estimated cost not to exceed \$384,036.00; and

WHEREAS, the Chautauqua County Sheriff's Office has negotiated a tentative agreement to amend the current contract with the Village of Silver Creek to extend the current agreement from December 31, 2015 to March 31, 2016 at a rate not to exceed the rate of that current contract; now therefore be it

RESOLVED, That the County Executive is hereby authorized to and empowered to execute an amendment to the current agreement and a new agreement with the Village of Silver Creek for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Bankoski, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – March 23, 2016

RES. NO. 105-16

Authorization for Chautauqua County to Participate in the Great Lakes Small Harbors Coalition

By Planning & Economic Development:

At the Request of County Executive Vincent W. Horrigan and Legislator George Borrello:

WHEREAS, the Chautauqua County Lake Erie shoreline is an 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 Lake Erie have been threatened by numerous factors at various times including, but not limited to, decreased water quality, point source pollution, introduction of non-native species, excessive erosion, flooding and drainage issues in the lake watershed, and decreased ability to launch and navigate watercraft within harbors and waterways; and

WHEREAS, pursuant to Resolution 178-11, the Chautauqua County Legislature authorized the establishment of the Lake Erie Management Commission (LEMC) that prioritizes and selects Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan (International Document), seeks additional funding for Lake Erie watershed projects, and undertakes such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, the Great Lakes Small Harbors Coalition represents the shared needs and interests of Great Lakes communities with commercial and small harbors such as those located in Chautauqua County, including Barcelona Harbor, Dunkirk Harbor, and Cattaraugus Creek Harbor; therefore be it

RESOLVED, That the Legislature hereby authorizes the County to participate in the Great Lakes Small Harbors Coalition; and be it further

REGULAR SESSIONS

RESOLVED, That the Legislature hereby authorizes the LEMC to represent Chautauqua County's interests in advocating for increased federal funding for the operation and maintenance of Barcelona Harbor, Dunkirk Harbor, and Cattaraugus Creek Harbor through participation in the Great Lakes Small Harbors Coalition.

Signed: Chagnon, Niebel, Odell, Starks

Unanimously Adopted – March 23, 2016

RES. NO. 106-16

Authorize Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding

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

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spurs economic development; and

WHEREAS, the health and usability of Chautauqua County's Lakes and Waterways have been threatened by numerous factors at various times including, but not limited to, decreased water quality, point source pollution, introduction of non-native species, excessive erosion, sedimentation, flooding and drainage issues, and the decreased ability to launch and navigate watercraft within harbors and waterways; and

WHEREAS, pursuant to Resolution 178-11, the Chautauqua County Legislature authorized the establishment of the Lake Erie Management Commission (LEMC) to prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan, seek additional funding for Lake Erie watershed projects, and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, projects undertaken by the United States Army Corps of Engineers (USACE), such as the much needed maintenance dredging and rehabilitation of breakwaters at Chautauqua County's shallow draft recreational harbors in Barcelona, Dunkirk and Cattaraugus Creek are of low priority when compared to large deep draft commercial harbors with significant shipping tonnage; and

WHEREAS, federal funds, such as those appropriated under the Water Resources Development Act (WRDA), are initially prioritized by the USACE staff located in Buffalo, Cleveland and Washington D.C. for inclusion in the President's budget, which is then allocated by members of the United States Senate and House of Representatives during federal budget negotiations, and Chautauqua County, as a small rural county, is at a distinct disadvantage with respect to its ability to advocate for its fair share of federal funds; and

WHEREAS, Chautauqua County desires to use retain the professional services of NEXUS Government Relations (NEXUS), a consultant specializing in water resources, programming, federal projects and obtaining federal funding on a six-month trial basis at a cost not to exceed \$15,000; and

WHEREAS, LEMC shall provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation; and

JOURNAL OF PROCEEDINGS

WHEREAS, Chautauqua County shall provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS from the 2% Occupancy Tax Reserve; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County to retain the professional services of NEXUS Government Relations, a consultant specializing in water resources, programming federal projects and obtaining federal funding, on a six-month trial basis at a cost not to exceed \$15,000; and be it further

RESOLVED, That the Chautauqua County Legislature hereby authorizes LEMC to represent Chautauqua County's interests in advocating for increased federal funding and projects and that LEMC will provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation; and be it further

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS; and be it further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.889.WATR	Fund Balance – Misc. Reserve: Lakes & Waterways	\$10,000
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Watershed Administration – Contractual	\$10,000
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Signed: Himelein, Muldowney, Chagnon, Odell, Nazzaro (Failed in P&E w/ Niebel and Starks voting "no")

Unanimously Adopted – March 23, 2016

RES. NO. 107 -16
Compensation of Poll Site Coordinators

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

WHEREAS, the State Legislature has amended the Election Law and made substantive and procedural changes affecting the conduct and administration of the elective process in the State of New York; and

WHEREAS, New York Elections Law now provides for the compensation of Poll Site Coordinators by the County and that the rate of Compensation for Poll Site Coordinator be set by each County's Legislative body pursuant to Section 3-420; and

WHEREAS, pursuant to Res. 29-06, 72-09 and 140-13, the rate of pay for the Chautauqua County Election Inspectors was set be the County Legislature to conform to the applicable minimum wage as required by either Federal or State minimum wage law; and

REGULAR SESSIONS

WHEREAS, New York State minimum wage has increased to \$9.00 per hour, and the Board of Elections has recommended that modifications to the compensation of the Poll Site Coordinators always stay a minimum of \$3.00 above minimum wage; therefore be it

RESOLVED, That the rate of pay for Poll Site Coordinators be increased to \$12.00 per hour, effective for the 2016 elections, and always stay a minimum of \$3.00 above the applicable Federal or State minimum wage, whichever is higher.

Signed: Scudder, Vanstrom, Starks, Whitford, Chagnon, Nazzaro, Muldowney, Himelein

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent - March 23, 2016

LOCAL LAW
INTRODUCTORY NO. 2 - 16
CHAUTAUQUA COUNTY

A LOCAL LAW TO RAISE THE LEGAL AGE FOR PURCHASE OF
TOBACCO PRODUCTS IN CHAUTAUQUA COUNTY TO 21

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

Section 1. Legislative Findings and Intent.

The sale in Chautauqua County of tobacco and related products to individuals under twenty-one years of age should be prohibited in order to:

- a) further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law §1399-ii;
- b) respond to the fact that tobacco is the leading cause of preventable death and disease in New York State;
- c) respond to findings made by the Institute of Medicine, which prepared a report at the request of the U.S. Food and Drug Administration entitled "Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products," concluding and suggesting that:
 - i. adolescent brains are uniquely vulnerable to the effects of nicotine;
 - ii. a younger age of initiation is strongly associated with greater nicotine dependence and is also associated with greater intensity and persistence of smoking beyond adolescence and into adulthood;
 - iii. almost one in five high school seniors is a current cigarette smoker;
 - iv. underage users rely primarily on social sources, such as friends and family, to acquire tobacco, and most of these sources are likely to be between eighteen and twenty years old;
 - v. raising the minimum legal age to twenty-one will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students;
 - vi. delaying initiation rates will likely decrease the prevalence of tobacco users in the U.S. population; and
 - vii. raising the minimum legal age will likely immediately improve the health of adolescents and young adults by reducing the number of those with adverse physiological effects;

JOURNAL OF PROCEEDINGS

- d) address the fact that, when adjusted for age, 27.8 percent of adults in Chautauqua County smoke, which is the ninth highest county smoking rate in the State;
- e) respond to findings that most (nearly 90%) of those addicted to tobacco, start using tobacco before twenty-one years of age;
- f) respond to the growing rates of electronic cigarette use among youth, which expose users to unhealthy levels of nicotine and other unknown harmful chemicals;
- g) reduce the exposure of our youth to disease-causing toxins in secondhand smoke and in chemicals emitted from electronic cigarettes, liquid nicotine, shisha, herbal cigarettes, and other Prohibited Products as defined herein;
- h) apply evidence-based strategies to address the public health issues that result from tobacco use including but not limited to cancer, heart disease, and lung disease;
- i) prevent exposure of youth, who are particularly susceptible to addiction, to the chemically addictive effects of tobacco and related products, in an effort to improve public wellness and reduce health insurance expenditures; and
- j) protect young County residents from the unregulated and unknown effects of electronic cigarettes, herbal cigarettes, and other Prohibited Products.

Section 2. Definitions.

- a) "Prohibited Products" means:
 - i. cigarettes, cigars, chewing tobacco, powdered tobacco, shisha, bidis, gutka, other tobacco products, nicotine water, herbal cigarettes, electronic cigarettes, liquid nicotine, snuff, rolling papers, and smoking paraphernalia, as those terms are defined in New York State Public Health Law Article 13-F and, when not so defined, as commonly understood to be defined; and
 - ii. all other products which are prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

- b) "Enforcement Officer" means the County of Chautauqua Board of Health.

Section 3. Policy.

- a) The sale of Prohibited Products to those under the age of twenty-one is prohibited in Chautauqua County to the same extent that sale of such products to those under eighteen years of age is prohibited by New York State Public Health Law Article 13-F, as the same may be amended from time to time.
- b) The identification requirements contained in New York State Public Health Law Article 13-F Section 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this law by reference, except that the age to be proven by such identification shall be twenty-one.
- c) Prohibited Products may not be sold in vending machines located in the County.
- d) No person operating a place of business wherein Prohibited Products are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any Prohibited Product in any manner, unless such Product is stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container; provided, however, such restriction shall not apply to tobacco businesses as defined in subdivision eight of §1399-aa of New York State Public Health Law Article 13-F, as the same may be amended from time to time, and to places to which admission is restricted to persons twenty-one years of age or older.

REGULAR SESSIONS

Section 4. Posting of Signs.

Vendors of Prohibited Products shall post a sign in a conspicuous place imprinted with the statement "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA, BIDIS, GUTKA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS, OR SMOKING PARAPHERNALIA, TO PERSONS UNDER TWENTY-ONE YEARS OF AGE, IS PROHIBITED BY LOCAL LAW." Such sign shall be printed on a white card in red letters at least one-half inch in height. Signs shall be protected from tampering, damage, removal, or concealment. In the event additional sign language is required due to changes to New York State Public Health Law Article 13-F, vendors shall add such additional language to their signs, including, but not limited to, reference to additional products which may become prohibited for sale to minors.

Section 5. Enforcement.

- a) The Enforcement Officer is charged with ensuring compliance with this Local Law.
- b) In the event a violation of this Law also constitutes a violation of New York State Public Health Law, as the same may be amended from time to time, the Enforcement Officer shall take enforcement action pursuant to and in accordance with New York State Public Health Law Article 13-F §1399-ee, as the same may be amended from time to time.
- c) For a violation of this Law which does not constitute a violation of New York State Public Health Law:
 - i. the Enforcement Officer may issue and serve upon the person complained against a written hearing notice, in accordance with the provisions of the Chautauqua County Sanitary Code, together with the complaint made against him or her. The Complaint shall specify the provision(s) of this Local Law of which such person is alleged to be in violation, accompanied by a statement of the manner in which that person is alleged to have violated it, and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Board of Health or its designated hearing officer, at a specified location, date, and time, not fewer than fifteen (15) days after the date of service of the notice;
 - ii. notwithstanding the above, the Board of Health or its designee may, in its discretion, offer a proposed stipulation to the person complained against, in which case the person complained against will have the option of executing the proposed stipulation within any time frame specified, or proceeding with a formal hearing;
 - iii. when the Enforcement Officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the Enforcement Officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed as prohibiting an Enforcement Officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law;
 - iv. any person who desires to register a complaint under this Local Law may do so through the Enforcement Officer;
 - v. the decision of the Enforcement Officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules; and
 - vi. the Enforcement Officer, subsequent to any appeal having been finally determined, may bring an action in a court of proper jurisdiction to recover the civil penalty assessed in accordance with Section 6 of this Local Law.

JOURNAL OF PROCEEDINGS

Section 6. Violations and Penalties.

Violation of any provision of this Local Law shall be punishable by a civil penalty in an amount determined by the Chautauqua County Board of Health, within the parameters of the minimum and maximum penalties set forth in New York State Public Health Law §1399-ee(2), as the same may be amended from time to time.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its specific application.

Section 8. Effective Date.

This local law shall become effective October 1, 2016.

MOVED by Legislator Tarbrake, SECONDED by Legislator Borrello to TABLE.

Unanimously Carried – March 23, 2016

Tabled: 3/23/16

Adopted by Legislature: 4/27/16

Public Hearing by County Executive: 5/17/16

Adopted as LL 2-16 (Effective: 10/1/16)

R/C Vote: 13 Yes; 6 No (No's: Bankoski,

Muldowney, Niebel, Scudder, Vanstrom, Wilfong)

Date State Filed: 5/24/16

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Nazzaro, SECONDED by Legislator Himelein and duly carried the meeting was adjourned. (7:25 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, April 27, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present.

Legislator Whitford delivered the prayer and pledge of allegiance.

MOVED by Legislator Nazzaro, SECONDED by Legislator Himelein, the minutes were approved. (3/23/16)

Chairman Gould: With the Legislature's permission, I would like to move the presentations before the 1st privilege of the floor.

PROCLAMATION:

WESTERN NEW YORK ARMED FORCES
BY COUNTY EXECUTIVE VINCENT W. HARRIGAN

COMMENDATIONS:

PANAMA CENTRAL SCHOOL
VARSITY GIRLS & BOYS BASKETBALL TEAMS
AND THEIR COACHES
BY CHAIRMAN JAY GOULD

DIVISION II WRESTLING CHAMPION
BRADLEY BIHLER
BY LEGISLATOR CHAGNON

&
DIVISION II WRESTLING CHAMPION
JACOB PAUL PERU
BY LEGISLATOR VANSTROM

DUNKIRK-FREDONIA STEELERS
HOCKEY TEAM
BY LEGISLATORS BANKOSKI AND STARKS

1st Privilege of the Floor

Brian Ellis, 607 W. 3rd Street, Jamestown. Ladies and Gentleman of the Legislature. One month ago I addressed this very body to show opposition to a law that would raise the minimum age to purchase tobacco and vapor products to 21. I am here again to reiterate that position and also show my vapor products should not be classified as tobacco products. Last month when I spoke stating facts, figures, and statistics, I will not take the opportunity and repeat that what was said previously, however, I

would like to take this remaining time that I have left to educate why vaping is not smoking. Does vaping look like smoking? Absolutely. Both activities look similar but that is where the similarities end. Unlike the cigarette where tobacco is burning, the process of vaping is simplified by an example is similar to putting a pot of water on the electric stove to boil. The e-liquid comes in contact with the heat source, which heats that liquid, evaporating it turning it to vapor. Now (*inaudible*) and smoke is not produced. This is why a person who transition to smoking to vaping will show the same progression of symptoms of someone that uses other methods to stop smoking. Pulse rate and blood pressure reduce and increase some taste and smell return, smokers cough is minimized if not eliminated altogether and the best sign of all is that the lungs start to cleanse themselves and the body starts to expel the toxins that we deposited into the lungs during smoking. But I don't want you to take my word for it. There is also legal precedence right in in New York State. On February 5, 2016, Judge Linda R. Johnson of New York City declared in the case of People versus Thomas, an electronic cigarette neither burns nor contains tobacco and said the use of such a device which is commonly referred to as vaping involves in inhalation of vaporized liquid, consisting of water, nicotine, propylene glycol or vegetable glycerin and occasionally flavoring. This does not fit within the definition of smoking under Public Health Law subsection 1399-0. I would like to add that if vaping does not fit the definition of smoking then it also does not fit under the definition of tobacco use. We are seeking one of two outcomes tonight. First; vote down this bill. Do not that the opportunity away from young adults of Chautauqua County to make choices about their life. Whether you or I agree or disagree, whatever that choice is, it is theirs to make. Or secondly, please consider tabling this piece of legislation again for revision. Vapor products have been legally declared to not fit the definition of smoking. They should be stripped out of this legislation and any and all piece of legislation so that those that chose to make a healthier life style choice can do so freely and willingly. With all due respect, please let me remind the members of this Republican controlled body of one of the core values of the party. Families and communities should be strong and free from government intrusion. Please remember this as you cast your vote. Thank you.

My name is Devin Agett and I live on School Street in Jamestown. I'm a Health teacher at Purcell Middle School. I'm going to urge your support for raising the legal age to purchase tobacco products from 18 to 21 which I believe will reduce the number of smokers in our area and create a healthier community. Chautauqua County has one of the highest smoking rates in the State, which I'm sure most of aware and even though nationwide smoking rates continue to drop, we are seeing a major rise in the rates of e-cigarettes and vapor use. I have overheard many of my students talking about how they can get vaporizers easier and e-cigarettes easier and how they think there is no harm in using them where studies show otherwise. We have actually had several students this year get caught with vaporizers in our schools. Many of them have stated that they have gotten them from their older siblings and I think raising the age to 21 would help keep this from happening and keeping them out of our school which will help our students to stay away from them. They show that, whenever you are (*inaudible*) developing into your mid to early twenties and the younger you are when you start smoking the more likely you are to become addicted. Correlation right now shows that whenever people start using these e-cigarettes and these vaporizers, they have been turning to using tobacco. So, the younger they start doing that, the more likely they are going to become addicted for life time. So, I think raising the age will overall make our community a lot healthier. Thank you for your time.

My name is Andrew Osborn. I am here representing the Smoke Free Alternative Trade Association, the New York Chapter which I'm the co-chairman. I came down here from Buffalo, New York to speak to you guys about this legislation. Especially about electronic cigarettes and vapor products. What I would like to speak on today is the concept of unintended consequences. A lot of times an industry like ours will rise up and it's understandable that legislation needs to be passed, regulations need to be done on a new product, especially when it's something that is being used as an alternative to a product that we know is detrimental to public health and society. So, what I really want to reflect on today was the importance of understanding that vapor products are being used by

adult smokers and they are also being used by smokers in this age demographic that we are talking about today, ages between 18 and 21. One of the pieces of information that was actually in the bill that we are talking about here today was the fact that 90% of smokers start before the age of 21. That was the justification for this law. Why I thought that was kind of funny because without having to do any homework, I'm aware that 90% of smokers start smoking before the age of 18. So, when you use those two pieces of data together, you start to realize that the age between 18 and 21 is actually probably the smallest percentage of when people actually start to smoke cigarettes. You make the choice before your legal in 90% in cases just like before, you would be illegal under this current thing we are discussing. So, unless we are going to raise the age to 26, which statistics show 99% of smokers start before 26. I don't think that this negligible (*inaudible*) is going to make any difference. The information that I have today which I am going to leave with the Legislature here today if anyone is interested in reading it, a just have a few pieces of information from some really important people in the public health sector. Starting with this article from Dr. Lynn Kozlowski, who is a UB expert and he's actually the Professor of Community Health and Health Behavior. He recently did a study that shows that by including electronic cigarettes with traditional combustible tobacco, you actually increasing the youth rates of smoking or at least at risk of increasing those rates and I will tell you why. Generally cigarettes, combustible tobacco products are much, much easier to be obtained by a smoker who's not of legal age. So, when you take all the products and raise the age, you are basically taking away an opportunity for a smoker, an adult smoker between the age of 18 to 21 to lose the option for something that has been proven in government studies to be 95% less harmful or more. To take that right away from someone because they chose to smoke long before the age of 18 is simply unfair. So, I think what we need here today, we need to land on something where if we're going to raise the age of combustible tobacco products then maybe that needs to be done but we need to understand what the consequence and the unintended consequences of these actions. A recent study done by Yale University show that, in a nutshell, banning electronic cigarette sales to minors counteracts the 50% downward trend in teens smoking for a given two year period. The CDC, the Center for Disease Control, have said that they have seen exponentially large growth in teen smoking going down – excuse me, reduction in teen smoking and the only correlating fact to that is a boom in teen vaping. Well, that is not necessarily something that we're encouraging at all. But if our youth is choosing, making a choice for a reduced harm alternative to a life style decision that maybe their parents chose and that is why they pick up their first cigarette in the first place, we can't leave these guys hanging. And if it's easier for them to obtain cigarettes than it is to obtain vapor products, then we are doing another injustice to these guys. I will leave you with one more thing here that I thought was almost more relevant. This was from a recent study at Cornell University and they concluded that basically that there is a concerning trend of smoking adolescents increasing when electronic nicotine delivery (*inaudible*) are made harder for them to access. So, in closing I just like to clarify again, we need to understand what these products are. Adults smokers of all ages predominately in the 40's, 50's, and 60's are rushing to these products because they felt the effects of a life time of consuming combustible tobacco and to take that away, we may be damning our youth in this County to having no choice but the cigarettes which is much easier for them to obtain. So thank you very much for your time and I hope you consider voting no on this bill.

Hello ladies and gentleman of this Legislature. My name is Steven Pane. I live on Shirley Lane in Jamestown and I would like to share with you the story of my best friend's Mother. My best friend Mother, Robin, 53 years old and has been a smoker for 39 years. She has luckily not suffered from a heart attack, stroke or cancer caused by cigarette smoking. She does however have chronic COPD and N stage emphysema. She is tied to an oxygen tank all day, cannot lie down and cannot stand for more than 10 minutes. If she is without oxygen for 14 minutes, she will not survive. She now lives her life in her chair unable to take part in things that you take for granted such as shopping, walking the dog, and other daily activities. She cannot contribute to society. All she can do is exist and worry about her loved ones venturing into the world without her. She did not grow up having the benefit of the option to vaporize her nicotine. I can only imagine that if she could go back and have the chance to quit, she would take it. According to the American Lung Association there are

approximately 600 ingredients in cigarettes. When burned they create more than 7,000 chemicals. At least 60 of which are known to cause cancer. E-liquid, the substance used in vaping contains 4 ingredients. Water, nicotine, (*inaudible*) flavoring, and propylene glycol or vegetable glycerin or sometimes a mixture of both. That is 4 ingredients compared to 600 in cigarettes. Nicotine is just as if not more addictive than any drugs and narcotics including heroin. In Oxford Journal, entitled Duration of Smoking Abstinence and Success in Quitting, found that if you were able to quit for 3 months, there is a 52% chance of success, however, if you only made it one month, you have a 12% chance of succeeding in ending your smoking addiction. The pursuit of saving nicotine addiction results in \$133 billion dollars spent treating preventable tobacco related illnesses in the United States and it's still the number one preventable cause of death in the country according to the American Cancer Association. According to the CDC, cigarette smoking is responsible for more than 480,000 deaths per year in the US and for every person who dies because of smoking, at least 30 people live with a serious smoking related illness. As a current smoker of five years and still trying to quit, I can tell you that every time you fail to quit you lose confidence in yourself. You go back to satisfying your addiction and it slowly begins to control every aspect of your life. You begin to be unable to leave the house without a lighter and a pack of smokes. Always thinking when to take your smoke breaks at work, how you are going to afford your next pack, and what people around you think. Vaping is not smoking cessation method however vaping is the only thing that has enabled me personally to quit smoking for any period of time, longer than a day. Vaping, I can pick my nicotine level and slowly work my way down to adjusting no nicotine and once I get to that point, I can lessen my physical smoking behaviors and habits. A friend of mine picked up their first cigarette when they were 13 and haven't put them down since. They are now 17, so under age to purchase cigarettes for themselves, however, they smoke upwards of a pack a day. So many arguments that they have a negative effect on the brains of 18 to 21 year olds, is absurd. A minimum age to purchase cigarettes which are much more lethal is 18 and you can be 14 years old and still purchase them indirectly. Essentially all this law will do is enable 21 year old middlemen to make money off of minors and 18 to 20 year olds who want to quit smoking cigarettes so that they may be in control of their lives. This motion to change the minimum age of vaping will not really take away the chance for (*inaudible*) but will take away an opportunity for millions of others who are my age or younger to quit. Please don't take away this chance to quit that has led many success stories, jobs in local areas, and properly regulated and studied it could leave to a reduction of billions of dollars and millions of lives lost every year due to cigarette smoking. Please do not allow this motion to pass into law. Thank you.

Dan Cole, Jamestown, Myrtle Avenue. I came here today to back these guys up. My son who is 19 and a severe asthmatic went from smoking cigarettes to vaping. At night, I can hear from his room, wheezing and just hard to breath and snoring real loud and since he's done the vaping, he's cleared up. He doesn't wheeze. He actually more active now. I don't agree with tobacco or anything but the vaping has really proven good for my son. For me of 30 years, I have tried quitting for the last 10 and this is the first I've actually stayed off of it for four months. Thank you.

My name is Derrick Houser from 4^{2nd} Street in Jamestown, and I would just like to urge you to consider passing the raising the tobacco age to 21. I have been a teacher and coach at middle school and high school for the past 8 years and the statistics of the issue is that have been brought forth are very real with tobacco and the use. Anything that we can do to keep these kids more active in school activities, on the field and in the classroom, keep them away from these, I think that we should definitely do. Eighteen, I don't think is what it was 20 or 30 years ago. This is very developmental age, 18, 19, 20, more students are going to college, more students finding more about themselves and I think the longer we can keep them away from these things, the better off we are and any opportunity we have to do so, we should take. Thank you.

My name is Abigale Quattrone, I live on Brook Street in Lakewood. I am currently a senior at Southwestern High School. I am here briefly share my opinions on why you should raise the legal age to purchase all tobacco products from 18 to 21. The statistic states that 95% of adult smokers

started before the age of 21. My grandfather was one of them. He started at the age of 12. He sadly because he was addicted for so long, died at a young age because of COPD. In articles that I have read, it states that the human brain continues to grow and develop until a person in his early 20's. The addictive properties of the nicotine have a much greater hold on the developing brain of young people. Simply meaning that it's easier for kids under 20 to get hooked. So why is it that we can buy tobacco at age 18? And how are people under 18 getting tobacco products? Many times they are able to get their friends to purchase it for them. There are several students in high school that are 18 who seem (*inaudible*) tobacco products for their friends. If the legal age to purchase tobacco products was 21, then the chances to find someone to buy it would be reduced. By limiting that access to tobacco products, we can potentially reduce the number of young people experiencing and using those products which will also improve their health. This law could ultimately save lives and reduce the medical costs to fight illness caused by tobacco use. Thank you.

My name is Michelle Starwalt and I am here representing Chautauqua Striders. Chautauqua Striders is a youth service agency. We've been in existence for over 35 years and we are very proud to serve almost 1,500 students around the County each and every year. We have a very active and award winning track and field unit. We cover mentoring throughout the entire County, tutoring, SAT prep, ACT prep, regents and all that we have to say that any person in this County, whether teachers and schools, community programs, Boys and Girls Club, YWCA's, anyone working with youths in our County, we know the risks and dangers of underage and 18 year olds smoking. We know that the gray matter in a person's brain, does not truly develop until we get to be into our down or mid 20's. I personally and not a person who agrees with more laws and more rules to govern hard working, tax paying individuals. I have never been that person but if we can do one thing to save youth between the ages of 18 and 21 from creating a lifelong habit, a true addiction, that's not only costly but in many situations, deadly, I think we as parents, and concerned community members and government, need to act on that. If any of you have lost a loved one from lung cancer or any other inhaled nicotine related illness, you would be standing right here as well saying the same exact things. These are our youth's, this is our future and we can do something about it. Thank you.

Good evening everybody. I'm Brady Duink of Clymer, here representing the Chautauqua County Health Network. I would like to echo a lot of thoughts of the people that have already spoken in support of the tobacco 21 legislation and also highlight two reasons why we (*inaudible*). I think that this is important for this tobacco legislation to come into effect. One, nicotine has a stronger impact on youth and young adults than on adults and two; the legislation would reduce youth access to tobacco products. Brain development, as you have heard, continues through young adulthood, making young people highly susceptible to nicotine and the negative impact it has on the brain development. Adolescents become addicted to nicotine more quickly and at lower levels as adults do. Also smokers 18 and 19, have been proven to be the most likely age group to be asked to buy tobacco products for minors. We still have 18 year olds who are still students in high school that are able to purchase tobacco products and distribute to other school mates as well as recent high school graduates who still socialize with the current classmates and provide tobacco opportunities in that fashion. My experience in the school system rarely, you see 21 or 22 year olds socializing with high school age students. The tobacco 21 legislation would address most of those issues and decrease access of tobacco products to minors. So, once again, the Chautauqua County Health Network fully supports the tobacco 21 legislation including the e-vaping prohibition and urge the Legislature to do the same. Thank you.

My name is Doug Champ, 225 Bowen Street. I normally come here to talk about other topics but this is something that is very close to my life, the smoking issue. My grandfather and father and I go back to their time in the military when they gave cigarettes away free. Fortunately I didn't lock into that, but, I learned a lot from it in terms of what it can do to you. So, when I got out of the service, I decided go to college and I tried medical issues and I got into pre-med. I didn't pursue that and I'm not representing any medical issue here other than myself, my family, but I remember

JOURNAL OF PROCEEDINGS

something very, very important when we had a course on anatomy physiology and we had two cadaver's there. We had a cadaver of a smoker and a non-smoker. The lung of the non-smoker was pink, opaque, and clear. The lung of the smoker looked like charcoal. A human lung weighs 3 pounds. That is all it weighs. However it gets emerged in toxins which are nicotine (*inaudible*) so a smoker's lung will weigh more at the time of death. The unique thing behind this, this lung, the clear lung and the dark lung, the question was asked, how old are they. This lung of a non-smoker man was an 85 year old lung. This lung, the dark lung was from a 35 year old man. He died of lung cancer. Now, when we have all these young people coming in front of us on a night when we are (*inaudible*) abilities, they have healthy lungs. Now, what are we going to do? We're going to come out and say o.k., that's good. We honor you with all your athleticism and now we're going to institute a new law that will allow them to smoke at the age of 18 or have an opportunity to take that away. This does not make any sense to me as a grandfather or father and someone who had witnessed a family member die of lung cancer, it is not a very pretty sight. Spend some time in Roswell if you have any doubts about how this works. This is a serious health issue. The bottom line is health and the cost of health to all of us. Each month Chautauqua County sends a huge bill to the State of New York for related illness (*inaudible*) or caused by smoking long term. Health cost of this is dramatic. It takes 10 years to recover totally from smoking to non-smoking. Eighty five percent of all deaths of lung cancer is from smoking. The other 15% are from rayon gas, other aspects associated to breathing and on smoking associated participation of people who smoke around you. So, I don't understand the logic behind why we want to allow young people to smoke more. So, I think at this point and time if you examine your lungs, your children's lungs and the lungs of young people who just left here, I think there is enough information on hand to say why you want to at least make an attempt to keep this smoking law about 21. Thank you.

Good evening, my name is Brea Agett and I'm a resident of Lakewood, New York. 1847 Winch Road. I currently work as Junior Planner with the Department of Health and Human Services and that's often, it's a wonderful job and that's my boss, she is here tonight. It's a wonderful job but it's also can be very frustrating. As you may know, as you have heard tonight health is a major problem in Chautauqua County. We are ranked, what is it, 58 out of 62 as far as health outcomes for New York State, so we're doing very poorly when it comes to health. So, in my job, I spend all day looking at health statistics. I meet with community partners and we get together and talk about what can we do to try and make our county healthier. At the end of the day, you know, we've been looking at all of these statistics and it can be very frustrating, we leave that meeting discouraged and often we are hopeful but we really never know if what we are doing is going to make an impact. So, our smoking rate is the 9th highest in New York State. That's 27.8% when we adjust for age compared to 15.9% in New York State. Nationally the youth smoking has been dropping, but e-cigarette use is growing at an alarming rate. On average, 522 people in our county die every year from heart disease. 73 of those people are between the ages 35-64 so it's not just our elderly who are dying, it's a number of people. 974 cases of cancer are diagnosed in our County every year and I know we have all been touched personally by cancer. We know that tobacco is linked to all of these diseases and these figures. As a county, I believe we need to do all that is within our power to protect our children. More than half of the children who become regular smokers will die prematurely from tobacco-related disease.

The health impacts of tobacco are also very expensive and we have heard over \$1,400 State and Federal tax dollars from every household are used to pay for the disease and death from tobacco.

This is all bad news but tonight I am not discouraged like I usually am. I am hopeful. The stage has been set for a policy that has the potential to significantly decrease the number of kids who take up smoking and to save lives. Tobacco 21 is responsible, it is cost-effective, it's easy, and it's the right thing to do for our children. Right now, you have the knowledge and the power to protect our children from a lifetime of nicotine addiction and tobacco-related disease. Please make the best choice for them and vote yes to increase the legal age to purchase tobacco products to 21.

REGULAR SESSIONS

My name is Sara Sanders from 1925 East Main Street and I'm a Junior at Falconer Central School. One of the groups that we have there is called Realty Check and its youth against smoking. We have many regional and County events and you can see the amount of youths, thousands of kids that understand the effects of smoking. One of the main things we do is try to make knowledge of tobacco market advertisement specifically towards the youth and try to get them to the addiction. There is an area outside of school called, Smokers Corner, where the upper classmen, many over 18, share tobacco products. Vape, chew, cigarettes with the younger kids. Every day you see them out there as young as 6th graders getting to use the products. There are no people usually over 18 in school and passing this law would eliminate over half of our school specifically from obtaining products and starting this addiction. Our society comes from the youth, it is brought up from the youth and starting off (*inaudible*) start this addiction is not good for the community and it really will bring the death rate (*inaudible*) millions of deaths every year. Thank you.

Thank you Mr. Chairman. My name is Nancy Bargar and I am very happy to be here to commend what I believe will be a vote this evening in support of this legislation. I urge you now to (*inaudible*) respect. My views, my opinions, my beliefs on it in support of this legislation have been eloquently stated and most of us I believe, by the young people who are here this evening, I would remind you that I sat in your seat for 10 years as we fought very hard, particularly on the other side of the isle, Fred Croscut and I, against major objections to being leaders in New York State, not just in Western New York. Erie County, Chautauqua County, Manhattan, and then the rest of the State. We stood up and we made it happen and we should be leading in this respect. As was just stated, for us to be at the bottom of the pile in terms of the way that we take care of ourselves is not good for our image. It's not good. Mr. Champ kind of stole my thunder and I am going to use the argument again that I used over 10 years ago to this body. That the Rotary Foundation paid for me to spend a year in the country of Sweden. And while I was there, I co-wrote a book on the Swedish health care. In that research, my colleagues and I went to many health care facilities in the country of Sweden and in particular we observed autopsies and it was exactly as what Mr. Champ stated. You have a person that lived in the country who never smoked, who had a long life with a red healthy lung and you had a person who smoked who lived probably in a city, in Stockholm where you had a lot of traffic and you had some of the other things that caused poor air quality. I just can't urge you enough, if you are somebody sitting here tonight who wants to lead in this legislation, I urge you to take the side of those people who have spent now, many, many years enforcing the legislation that we have in a positive way. I defy you to find someone in this County we should reserve what we've done to date. I remember the days when we had lobbyist from South Carolina come up here and tell us that North Carolina was going fall into the ocean if we passed this legislation. That this was anti-business and I assure you that it is not. In the long run, it's the best thing that you can do for the taxpayers you represent in this body. Thank you very much.

My name is Samantha Vanstrom, I live (*inaudible*) County, this is Veronica. Full disclosure, I was the Realty Check Coordinator in this area for six years. Back when I started 9 years ago the big thing was flavored tobacco products. One of our biggest focuses was to educate the kids. To educate everyone else, basically, about how tobacco companies target kids with these products that are more appealing to kids. Flavored tobacco products basically (*inaudible*) same thing as e-cigarettes and vapor products. Most of them are flavored, just like flavored tobacco products where and if (*inaudible*), it's targeting young people. It's not targeting your 40 or 50 year old smokers, its targeting young people. As a person who has worked with children for over 10 years now in many different aspects, with Realty Check, with Foster Care, with 4-H, substitute teaching, kids are susceptible but then once they know the realities, they can make good decisions and we need to give them that opportunity to make good decisions. Increasing the age to purchase these products will help them to get to that point where their brains and their (*inaudible*) are to the point where they can make good responsible decisions for themselves without us being right there telling them what they need to do. Thank you.

JOURNAL OF PROCEEDINGS

Good evening, my name is Ken Dahlgren, I live at 291 Wiltsie Road, in Frewsburg. I'm here actually to speak outside of my normal role. I am here as a citizen, I am here as a taxpayer, I'm here as somebody that has been concerned of our community for my entire lifetime and involved in the process. I really, first of all, just want to stop and recognize each and every one of you. The sacrifice that you made and only you know how much sacrifice you made to be in this position as a Legislator. I understand and I know that it is not easy and I know that you have been overwhelmed with information from this side and from that side and it can sometimes just be frustrating. I am sure this morning, not one of you woke up looking forward to this meeting tonight. Because you know the amount of information that is going to be thrown at you. I'm urging you though, to understand that this moment, whether you believe me or not, is probably the most important moment you will have in your career on this body. That's how important this issue is. This is not an insignificant issue. Not at all. I remember the days, 18 years ago, fighting the fight with Nancy and recognizing how much we had stacked against us. The same arguments you have all heard this week and believe me, those arguments are not just coming out of the brains of the citizens of Chautauqua County. Those arguments are being bought and paid for by the tobacco industry. Whether our citizens realize it or not, I saw firsthand what they are capable of doing and I see today what they are still doing and it sickens me. Don't succumb to the propaganda that is being bought and paid for with the lives of millions of people. I am talking about our young people that are coming up. We have an opportunity, in spite of all the arguments you've heard, really. Do we put personal freedom arguments against having proper sanitation? Like removing lead from paint, from all of these other public health initiatives. This purely is a public health initiative that is proven that it will save lives. You have heard arguments about it hurting small businesses. Guess what? That is how the tobacco industry play book from 40 years ago and they are still using it today. Bottom line, did it kill small business when you enacted Clean Indoor Air Act? No, it did not. It will not happen over raising the age from 18 to 21. We have a responsibility to really look out for our citizens and to look out for the most vulnerable. You've heard about the issues with brain science. They are real, they are true and nicotine. Nicotine's connections with addictions and rewiring the adolescent brain. These are important issues to think about. So, I am not here to give you all of the statistics, I am just hear as a father, as a taxpayer, I am sick of it costing me hundreds and thousands of dollars a year to supplement the earnings of the tobacco industry. It has been shown that raising this age in isolated communities can decrease the rate of youths smoking by nearly half. That is significant. We are talking about hundreds of children a year in our county alone, being preventive from taking up a lifelong addiction which they could lose 10 to 15 years of their life if they succumb to. This is a pivotal moment in your career and I really want you, and I respect each and every one of you. I know there will be yes votes, I know that there will be no votes, and I understand your reasons for both. But, I am encouraging you to really think about this matter and recognize that this is a pivotal moment for you. This will probably be the most important vote you ever act on. And I am not exaggerating by saying that. Thank you.

My name is Jeff (?), I live in Jamestown, 562 2nd Street. I came here today to explain how I agree with the increase to the age of 21. From my experience in being in the Marine Corp and seeing 18 year olds, 19 year olds, who never smoked and they were in top shape. Guys who could run 3 miles in 18 minutes, having such a stressful job, that an enlisted Marine, being able to go – not being able to buy alcohol because they are not 21, (*inaudible*) distinguishes chew, cigars, and bring the cigarettes – e-cigarettes and just using it in such large amounts, they are still 18, 19, they understand that and take too much of it is going to hurt your body. They take it and then end up being not the best Marine's that they can be. They end up getting sick, they end of having a lower physical score when they run and do pull ups. Because they don't understand that taking so much tobacco, nicotine hurts your body. I have seen my closest friends deployed and come back, was never shot at, was never hurt, but actually get sick because of the stress level made them take more tobacco (*cross noise-inaudible*). That is all that I have to say.

Good evening, Mr. Chairman, esteemed body, my name is Anthony Balloni, I'm here from Roswell Park Cancer Institute. I live in Kenmore, New York and I am also the Director of the Tobacco

REGULAR SESSIONS

Free Western New York, which includes my colleagues that work here in your county, Tobacco Free Chautauqua, Cattaraugus, and Allegheny. The Mission or Roswell Park Cancer Institute is to understand, prevent, and cure cancer. Our Mission at Tobacco Free Western New York is to help adults stop and prevent youths from starting. So, we're naturally in favor of any policy that further puts tobacco out of reach of adults and especially youth because we have heard several of our previous speakers talk about how vulnerable youth are to the addiction of nicotine. We've seen businesses occasionally volunteer to reduce or remove tobacco such as CVS recently but that's unique so what we've also seen as you heard, stopping the tobacco epidemic sometimes requires policy to delay and prevent smoking initiation. We know that tobacco continues to kill more than opioid, heroin, obesity, alcohol and several other causes of preventable disease combine. So, anything that helps youth to prevent starting is a positive. We heard earlier the fact that more youth are in high school now, I mean, more 18 to 19 year olds are in high school than in past years and by putting the age to 21, the kids that are younger that are more susceptible and that we have seen, the average age of tobacco use starts at age 13. So, by having their friends or their brothers, sisters, in the age of 18 to 21, makes it that much more easy for them to get access and start. Our colleagues, the gentleman who represent the vaping businesses talked about the fact that, including vaping in this bill would be damning out youth but I believe their living in the present and I ask you to think forward to the idea of what bill were to pass might lead to and think that if this bill was passed, no 18 to 21 year olds were using tobacco, in fact their argument that vaping would serve as a safe pathway away from tobacco would not be needed. We wouldn't have any 18 to 21 year olds that are smoking or using tobacco. But what they neglected to mention is that in vaping there is also nicotine. And nicotine is the addictive substance in vaping and tobacco. What we are alarmed mostly at is yes, we do see the use of combustible tobacco going down and we are happy with that but we do see an alarming number of youth taking up vaping and thus becoming or threatening to become addictive to nicotine. So, what will happen when this trend of vaping starts to wane? The merchants move onto the next hot product and those that have become addicted to nicotine through vaping would most likely turn to tobacco. So, again, Tobacco Free Western New York supports all policy that further puts tobacco out of reach of youth and adults. We've seen it many times and have heard things in the past that Clean Indoor Air Act has driven down tobacco use. New York State has the highest tax in the nation on tobacco and it drives down tobacco use. When tobacco rates, tobacco pricing goes up 10%, tobacco use goes down 4%. Dr. Highland, my boss at Roswell Park, responds to people when they say, well, what is the magic cure for cancer? He says, well, I could help save the lives of half a million Americans if we just get rid of tobacco use. Thank you.

My name is Lisa Schmidtfredrick-Miller, I reside at 2373 Erickson Road, in Ashville, New York. I'd like to speak specifically to the use of e-cigarettes and inclusion of e-cigarettes in this legislation. E-cigarette use relatively new and (*inaudible*) use and data of (*inaudible*) is still emerging. What we do know however does not look good. High school use of e-cigarettes is tripled since 2012 and that is a rate much faster than we're seeing in the decline in smoking rates. Many large e-cigarette companies are owned in whole or in part by large tobacco companies. These tobacco companies have tremendous experience in selling products and they know that if they cannot get people hooked before the age of 21, they are unlikely to become smokers. Similarly the e-cigarette industry needs addicted users in order to continue to have a future market for their product. These companies need to get kids hooked before the age of 21. While I agree that e-cigarettes do not appear as damaging as traditional cigarettes, there is still a lot that we don't know about e-cigarette use. However, there are two things that we do know. One is that the number of kids trying e-cigarettes far exceeds the decline in smoking rates that we've seen. The second thing and this is emerging data, but it doesn't look good, that kids using e-cigarettes do appear to be more likely than nonusers to eventually take up traditional cigarette smoking. I strongly urge you to keep e-cigarettes in this legislation. Thank you.

My name is Tim Smeiler, 122 East 3rd Street in Jamestown, New York. We've heard a lot of great arguments this evening in favor of the proposed law to increase the age to purchase tobacco

JOURNAL OF PROCEEDINGS

products to 21. I heard only two remotely good arguments against that idea. One of them is the idea that vaping is not targeting children and would not increase use among teens. I guess I would suggest that that is not only illogical but just patently false. I went to do a little research today because I'm not versed in the ways of the vape and I went to the web page of a local vape store and the first slide of marketing and it's a small visual representation, I apologize. This cute little guy in the corner here, maybe reminds you of a Disney character, he's hyping the vape fluid. There are some winning flavors of vape fluid known as Yum Yummy Berry, Swedish Fish, Custard Yogurt, cereal fruit, and cupcake. I don't know about you but I feel like that that is pretty clearly targeted at young people, not that we don't all love cupcakes. The other argument is that give a clear delineation and separate of these e-fluids and vaping and actual cigarettes. Again, I would suggest that as long as nicotine is present, these are one in the same and from the same local business web site, there is a warning which I think is an important piece of information, you can go on your smart (*inaudible*) phone and look at this page right now, the warning reads, "vape store (*inaudible*) makes no claims that the electronic cigarette will cure the smokers addiction to nicotine. The electronic cigarette itself serves the same purpose as a tobacco cigarette. It delivers it user nicotine". I seems pretty open and closed to me, open and shut if you will and I would urge you to approve the law as written. Thank you.

Larry Barmore, the Chautauqua County Clerk, 1 North Erie Street, Mayville, New York. I come to speak to you tonight on the Motion before you to increase the DMV revenue retention from New York State. A little history. We operate 3 DMV offices here in Chautauqua County and we have not yet had to come to this Legislature or to the taxpayer for money from the budget in order to run those offices. The money that we take in as a percentage of the fees that New York State charges for licenses, registrations, etc., is what we operate our Department of Motor Vehicle offices on. We currently get 12.7% of all the transactions that we handle in our offices. I tried to research how long it's been since it went to 12.7% and it's been so long nobody around the offices remembers when it went there. So, it's been 12.7% for a long time. Anyways, we not only bring in enough money that we can operate our offices as we need to, we often give quite a bit of money into the general fund to help lower property taxes for everybody in Chautauqua County. But, over the last few years, New York State has decided that they want to cut into the amount of business that we are doing on their behalf locally. Some of the things they have done is send out letters with renewals for vehicles registration and driver's license informing people that they must renew on line or by mail to Albany rather than go to the local DMV office. They also, on the DMV website for New York State, they have a spot on there that says find your local DMV office. So you click on it and up comes this thing that says why waste your time driving to the local DMV. Do it on line, it's easier and faster. They started a program where they send out email and text reminders to renew your driver's licenses, your vehicle registrations, and another chance to encourage you to do it on line to take the business away from our local offices. Another thing that they are coming out with now, New York State is starting to put satellite DMV's into the larger automobile dealerships. They are going to be able to do all the paperwork at the dealership. Issue the license plates, everything else, this is the major portion of the business that we do. In fact, we do it so well in Chautauqua County that we get many of the larger dealers from Erie County that comes over to the Dunkirk office because we are so much faster and efficient than they are in their own county. New York State is trying to take this business away from us. To top it all off, over the last couple of years the New York State computers have been a mess. Nobody seems to know why they don't work but they are constantly going down, shutting down the DMV across New York State. Last week alone, a better part of 3 days we were out of business. We are the face of the DMV. Understand it is not our fault, its New York State's fault but when people travel all the way to one of our offices and the computers are down and we can't do business, we are the ones that catch the blame. So that even more angers people so that they would rather not come to the local office. Our people, for their benefit, whenever anybody has brought in work that can be left and we can do it later when the computer comes back up, we can do that and then we mail it back to them to make it convenient but then that adds postage cost to our local offices that we wouldn't normally have. This morning computers went down again, Statewide. It's constantly happening and New York State is just doing one thing after another to try and take our revenue away from us. So, this is an issue that is

supported by County Clerk's across the State. It's in both the Assembly and the Senate right now, the bills, and I would appreciate the passing of this Motion tonight to encourage our State representatives to pass this legislation to give us a larger percentage of the amount of money that we take in our offices.

My name is Lisa Erickson. I would expect that most of you are kind of numb and a little bit bored but I intend to wake you up and let you know that I want to speak to the people that want to vote no today, directly, because 80% of the people up here are missing the point.

I live at 4231 Harris Hill, Falconer. I am a nurse practitioner in adult medicine at (*inaudible*) UPMC. I am an officer of the local nurse practitioner organization and I would like to thank you for the opportunity to speak to you. I want to get right to the point. The issue before you today is not about the harmful effects of nicotine and tobacco. It's about addiction. We are all aware of the harmful effects of nicotine and tobacco products. More importantly, for today's discussion we have to focus on the real problem, it's the addiction of the young adult brain. We have convincing medical research hence understand the science of addiction that confirms that the young brain is highly sensitive in an addictive manner to the effects of drugs including nicotine. Using euphuisms such as under aged smokers or youthful substance abusers, does not change the fact that about all chronic smokers are nicotine addicted and began at a young age. Even with casual use or repeated exposure, the young brain uses exactly the same (*inaudible*) mechanism that are used for learning and memory formation. A child or young adult is an imperative so called neuroplasticity during which the under developed neuro networks are being formulated and developed thus setting the stage for addiction potential. The issue in this conversation is not the health consequence associated with long term smoking or tobacco use or nicotine. It has to do with the science that we have come to know regarding the addiction mechanism of the brain and the impact on the young brain from the addictive standpoint where the early introduction of tobacco. These are the facts. We've already heard the statistics that 95% of people start smoking before 21. Well, turn it around. Only 4% of people start smoking after the age of 21. Sounds a little different. Number two; the ages between 18 and 21 years old is when people's transition from casual to addictive smokers. Number three; virtually all smokers start before the age of 26. It is the 18 to 21 year olds where sharing or purchasing tobacco products for the younger people. (*Inaudible*) younger brains are highly susceptible to addictive consequences at much lower exposure rates than adults. The bottom line is, regardless of what addiction it is, all addictions are acquired. This often occurs when we are young adults that will follow you the rest of your life. Addiction is now considered an acquired brain disease. I assume my colleagues from Roswell Park will defend me on that. We are asking you, the Chautauqua County Legislators to take on the front end of this problem. The problem with nicotine addiction at a young age. With our new level of knowledge, we have an obligation at the ground level to get to the cause of the issue, the root cause of the issues. As health care providers, we are attempting to treat the problems on the back end. Our jobs are to address their addiction with counseling, smoking cessation products and medications. We are going to diagnose and treat their asthma, their COPD, heart disease. We are going to diagnose and treat their cancers, their oral, larynx, stomach, bladder, and lung cancer. In other words, we are going to take care of the consequences of tobacco addiction. For those of you concerned with infringing on the rights of those individuals 18 to 21 years old, I would answer, yes, they are legal adults but they are also prohibited from purchasing alcohol, gambling, or purchasing a gun until they are over 21 years old. In summary, I am asking you to act on the science as we know it and take action to protect the younger members of our families here in Chautauqua County. Why should Chautauqua County be the first to change the minimum age to purchase tobacco to 21? Because science has helped us understand that the issues of nicotine addiction are serious. Obviously our County is located so that one can go to Catt. County, Pennsylvania, Ohio purchase tobacco. Experience in other communities have shown that this unlikely. Our world must adapt and change as scientific evidence presents new ways of understanding the issue effecting the health and wellbeing of all of us. Our world is right here, our world is Chautauqua County. We have the opportunity to create the new normal. We have one of the highest rates of smoking in the State and we are just taking care of our own. So, let's call it what it is. Let's call a spade a spade. The issue before you

JOURNAL OF PROCEEDINGS

today is not the consequence of tobacco. The issue is the addictive nature of tobacco and nicotine and the scientific evidence that our children and young adults are at the greatest risk of addiction. So, let's call a majority of smokers what they are. They are nicotine addicts. Take a major step and help prevent the addictive consequence of youthful nicotine addiction. The science tells you that this is so. I do have references for this if you want. I have copies of what I just read. There was a journal entry, neuro biological advances of the brain disease model of addiction. It was in the New England Journal of Medicine this January of 2016. My original draft of this, I did put a little note that back in 1982, I was 19 years old and that is when the law changed. All of a sudden, you couldn't drink until we were 21 so I got to drink for one year. So in the reality of what you – in the seriousness and reality of what is before you today, I think that it is time to sit outside and look at the real issue. The real issue is the addiction of the young brain. All the other stuff, we'll take care of later but you cannot go back in time and fix something like addiction. We're already overly addicted to opiates, narcotics and tobacco. I respectfully ask you to vote to please be the first County other than New York City to restrict the sale of tobacco and nicotine products to individuals that are less than 21 years old. Thank you.

Chairman Gould: Anyone else to speak to the first privilege of the floor? Seeing no one, we'll close the first privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 3/23/16

COMMUNICATIONS:

1. Letter – County Executive – Re: Apptmts to COI
2. Election Commissioner Certificate – B. Abram
3. Election Commissioner Certificate – N. Green
4. Finance Director – Investment Report – March/2016
5. Minutes – Chaut. Lake & Watershed Management Alliance
6. Minutes(2) – Chaut. Co. Soil & Water Conserv. Dist. – Feb./March 2016
7. Letter – Orrick – Bond Council Re: Ack. of NCCWD Documents for \$11,750,000 Bond
8. Letter – Ingram, LLP – Re: Level 4 Applications for Corrected Tax Rolls & Refund/Credit of Real Property Taxes
9. Letter – Associated Builders & Contractors, Inc. Re: Gov't. Mandated Apprenticeship Programs
10. Letter – NYSAC – Re: President Obama's POWER Plus Plan
11. Letter – NYSAC – Re: 2016-17 NYS Budget Financing Opportunities
12. 2015 Financial Statement – Chaut. County Industrial Development Agency

COMMUNICATIONS ADDENDUM – Communications received 4/26-27/2016

Letters received by email Re: Local Law Intro. 2-16 to raise the Legal Age for Purchase of Tobacco Products in Chautauqua County to 21

1. Julie I. Franco – HOPE Chautauqua – Chautauqua Alcoholism & Substance Abuse Council (CASAC) (in favor)
2. Dana Corwin – Chautauqua County Mayville New York resident (in favor)
3. Todd A. Crandall – Superintendent, Silver Creek Central School (in favor)
4. Michael Metzger – Strategic Advisor, BLACKSTONE (in favor)
5. Patricia Ballman – Administrator, Westfield Memorial Hospital (in favor)
6. James Kress – Strategic Account Manager, Independent Health (in favor)
7. Mark Eckendorf – CEO, YMCA (in favor)

REGULAR SESSIONS

8. Ann Morse Abdella – Executive Director, Chautauqua County Health Network (in favor)
9. Kathleen Whitmore – Teacher, Clymer Central School, Jamestown Community College (in favor)
10. Kaine M. Kelly – Superintendent, Sherman Central School (in favor)
11. Billie Jean Hubert – Executive Director, CASAC (in favor)
12. Gary J. Cerne – Superintendent, Dunkirk City School District (in favor)
13. Peter Morgante – Executive Director, Chautauqua Striders, Inc. (in favor)
14. Susan H. Murphy – concerned Chautauqua County resident, EAP Coordinator (in favor)
15. Thomas A. Briant – Executive Director and Legal Counsel, National Association of Tobacco Outlets, Inc. (opposed)
16. Gennaro Manocchio – Health Teacher, Jamestown Public Schools (in favor)
17. Michael C. Pease – CEO, The Chautauqua Center Family Medicine (in favor)
18. Lauren J. Ormsby – Superintendent, Ripley Central School District (in favor)
19. Stephen Penhollow – Superintendent, Falconer Central School District (in favor)
20. Robert Berke MD – Physician (in favor)
21. Jennifer Johnson – Nurse, Silver Creek Central School (in favor)
22. Jeffrey R. Smith – Executive Director, St. Susan Center (in favor)
23. Lisa A. Erickson – Office of John LaMancuso MD (in favor)
24. Betsy Wright – President/CEO, WCA Hospital (in favor)
25. Benjamin B. Spitzer – Superintendent, Chautauqua Lake Central School District (in favor)
26. Tim O. Mains – Superintendent, Jamestown Public Schools (in favor)
27. Ken Dahlgren – Resident – (in favor)

TABLED LOCAL LAW INTRO. 2-16 - A Local Law to Raise the Legal Age for Purchase of Tobacco Products in Chautauqua County to 21 (See text on page 98)

MOVED by Legislator Tarbrake, SECONDED by Legislator Wendel. – *Unanimously Carried*

TABLED LOCAL LAW INTRO 2-16 – R/C Vote: 13 Yes; 6 No (No's: Bankoski, Muldowney, Niebel, Scudder, Vanstrom, Wilfong) – ADOPTED

LAI D ON DESKS FOR ACTION AT THE MAY 25, 2016 LEGISLATURE:
Local Law Intro. 3-16 – A Local Law Amending the Chautauqua County Charter

Motions: (On file w/ 4/27/16 Legislature Data)

- 4-16 Calling on the State of New York to Fully Reimburse Counties for District Attorney Salary Increases Set by the State – Unanimously Adopted
- 5-16 Urging NYS to Increase the Share of Revenue Counties Retain for Providing State DMV Services – Unanimously Adopted

RES. NO. 108-16

Confirm Appointments - Chautauqua County 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 appointments for action by the Chautauqua County Legislature; therefore be it

JOURNAL OF PROCEEDINGS

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

Dr. John P. Hamels
5996 Welch Hill Rd.
Ripley, N.Y. 14775
Term Expires: 6/30/16

Filling Term of Janet Keefe

Willie Rosas
768 Central Ave.
Dunkirk, N.Y. 14048
Term Expires: 6/30/16

Filling Term of Susan Forrester Mackay

Signed: Tarbrake, Lemon, Wilfong, Whitford, Rankin

Unanimously Adopted – April 27, 2016

RES. NO. 109-16

Confirm Appointment – Brian C. Abram (R) Commissioner of Elections

By Administrative Services Committee:

At the Request of Chairman Jay Gould, Legislators Borrello, Chagnon, Lemon, Vanstrom, Rankin, Wilfong, Odell, Niebel, Muldowney, Hemmer, Himelein, Scudder, Tarbrake, and Wendel:

WHEREAS, the present term of the Republican Commissioner of Elections will expire December 31, 2016; and

WHEREAS, a Certificate of Appointment signed by the County Republican Chairman, Allen Henderson, duly filed with the Clerk of the County Legislature pursuant to the New York State Election Law, states that a majority of such party Committee recommends the appointment of Brian C. Abram for the ensuing four (4) year term beginning January 1, 2017; now therefore be it

RESOLVED, That Brian C. Abram be and hereby is appointed Republican Commissioner of Elections for the County of Chautauqua for a term of four (4) years commencing January 1, 2017, at the salary provided in Local Law 3-98 increased in conformity with the increases provided for County Managers under the Management Salary Plan.

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford

Unanimously Adopted – R/C Vote: 19 Yes - April 27, 2016

RES. NO. 110-16

Confirm Appointment – Norman P. Green (D) Commissioner of Elections

By Administrative Services Committee:

At the Request of Legislators Nazzaro, Bankoski, Starks, and Whitford:

WHEREAS, the present term of the Democratic Commissioner of Elections will expire December 31, 2016; and

REGULAR SESSIONS

WHEREAS, a Certificate of Appointment signed by the County Democratic Chairman, Norman P. Green, duly filed with the Clerk of the County Legislature pursuant to the New York State Election Law, states that a majority of such party Committee recommends the appointment of Norman P. Green for the ensuing four (4) year term beginning January 1, 2017; therefore be it

RESOLVED, That Norman P. Green be and hereby is appointed Democratic Commissioner of Elections for the County of Chautauqua for a term of four (4) years commencing January 1, 2017, at the salary provided in Local Law 3-98 increased in conformity with the increases provided for County Managers under the Management Salary Plan.

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford

Unanimously Adopted – R/C Vote: 19 Yes - April 27, 2016

RES. NO. 111-16

Authorize Director of Finance to Increase Appropriations for the South Main Street Bridge , PIN 5761.00 County Bridge 1085 Rehabilitation

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

WHEREAS, Resolution 204-14 approved a project for the Rehabilitation of the South Main Street Bridge over Chadakoin River, BIN 2258360 in the City of Jamestown, Chautauqua County, PIN 5761.00 (the "Project") and committed \$305,000 to cover 100% of the project's Preliminary Engineering Design I-VI phases; and

WHEREAS, the cost of the Project's Right of Way (ROW), Construction, and Construction Inspection Phases is currently estimated at \$2,385,000, 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 \$477,000 Non-Federal share for the project's Right of Way (ROW), Construction, and Construction Inspection Phases of the project PIN 5761.00; and

WHEREAS, it is anticipated that New York State will provide reimbursement to the County equal to 75% of the Non-Federal share;

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 advancement of the above-subject 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 Right of Way (ROW), Construction, and 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 and/or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of

JOURNAL OF PROCEEDINGS

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 this Resolution take effect immediately and that Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A-----878.0000 Fund Balance, Reserved Fund Balance –Rsrv. for Capital \$237,000

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.9901.9000.9 Interfund Transfers – Trans Co Road Suppl (A-D) \$ 237,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – County Bridge Program \$2,385,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002 Federal Aid: Surface Transp Program \$1,908,000

D.5112.390.R358.9003 New York State Aid: Marchiselli Program \$ 240,000

D.5112.390.R503.1000 Interfund Transfer: Interfund Transfers \$ 237,000

\$2,385,000

Signed: Hemmer, Wilfong, Scudder, Himelein, Nazzaro, Chagnon, Muldowney, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 112-16

Authorize Use of DPF Staff and Equipment to Assist the Robert H. Jackson Center

By Public Facilities Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Robert H. Jackson was raised in Chautauqua County in Frewsburg, and with only a modest education and no college degree, spent approximately 20 years as a successful attorney in Jamestown, before going to Washington, D.C. to serve in the Department of Justice as Solicitor General, Attorney General, and ultimately Associate Supreme Court Justice, and while on the Court, served as the Chief U.S. Prosecutor at the International Military Tribunal convened for the trials of the major Nazi war criminals in Germany; and

WHEREAS, the Robert H. Jackson Center is a museum located in Jamestown dedicated to advancing public awareness and appreciation of the principles of justice and the rule of law as embodied in the achievements and legacy of Robert H. Jackson; and

REGULAR SESSIONS

WHEREAS, a prominent statue of Robert H. Jackson was erected near Love Elementary School in Jamestown, and with the continued development of the Robert H. Jackson Center, it has been deemed appropriate to move the statue to the grounds of the Center to further promote its activities and public events for the benefit of the County and its visitors; and

WHEREAS, pursuant to New York County Law sections 224 and 225, the County is authorized to provide assistance for the maintenance and operation of public museums, and promote the advantages of the county or region; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the County Executive and Director of Public Facilities, within 2016 DPF budget appropriations, to provide DPF staff and equipment to assist the Robert H. Jackson Center in moving and placing the statue of Robert H. Jackson on the grounds of the Center.

Signed: Hemmer, Wilfong, Scudder, Himelein, Nazzaro

Unanimously Adopted – April 27, 2016

RES. NO. 113-16

Authorize Inter-Municipal Agreement for the Mayville Lakeside Pedestrian and Bike Path Project

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

WHEREAS, the Department of Public Facilities proposes to construct a trail to be called the Mayville Lakeside Pedestrian and Bike Path along the Chautauqua Rails-to-Trails Corridor, for residents and visitors of the Chautauqua Lake Area, in the Village of Mayville; and

WHEREAS, pursuant to Resolution No. 105-14, Chautauqua County entered into an agreement with the New York State Department of Transportation for the Preliminary Engineering (Design I-IV) phase for the Mayville Lakeside Pedestrian and Bike Path, PIN 5760.94, County Agreement number (14-25-16B); and

WHEREAS, pursuant to Resolution No. 258-15 the County issued a "Negative Declaration" meeting the requirements of 6 NYCRR Part 617 of the Environmental Conservation Law that implementation of the proposed trail will not result in any significant adverse environmental impacts; and

WHEREAS, the trail is to be constructed on lands owned and maintained by the Village of Mayville and upon completion of construction the Village will own the trail; and

WHEREAS, an inter-municipal agreement with the Village of Mayville is required prior to construction in accordance with Agreement number (14-25-16B) to allow the County and County contractors to construct the trail on Village owned property and designate maintenance responsibilities of the completed trail to the Village of Mayville; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute an Inter-Municipal Agreement with the Village of Mayville for the County to construct, and the Village to own and maintain, a Mayville Lakeside Pedestrian and Bike Path as described herein.

Signed: Hemmer, Wilfong, Scudder, Himelein, Nazzaro

JOURNAL OF PROCEEDINGS

Unanimously Adopted – April 27, 2016

RES. NO. 114-16

Confirming the County of Chautauqua as Lead Agency Responsible for SEQRA Review for the Proposed Construction of a County Public Facilities Maintenance Facility in the Town of Sherman

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

WHEREAS, the County Legislature has established a capital project account for the proposed construction of a replacement County DPF maintenance facility at DPF's current location on State Highway 430 in the Town of Sherman, and it would be beneficial for the County to act as Lead Agency for the SEQRA review of the project; and

WHEREAS, pursuant to SEQRA, all Involved Agencies would be advised of the County's intent to act as Lead Agency for the SEQRA process, and would have an opportunity to approve the designation of the County as Lead Agency; therefore be it

RESOLVED, That the County Legislature hereby confirms the designation of the County of Chautauqua as Lead Agency responsible for SEQRA review for the proposed construction of a County DPF public maintenance facility at DPF's current location on State Route 430 in the Town of Sherman, subject to approval of all other Involved Agencies as needed.

Signed: Hemmer, Wilfong, Scudder, Himelein, Nazzaro

Unanimously Adopted – April 27, 2016

RES. NO. 115-16

Authorize Public Hearing for Lease and Power Purchase Agreement for Solar Generating Facility at the Chautauqua County Dunkirk Airport

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

WHEREAS, the County issued a Request for Proposals (RFP) and has selected Solar Liberty for the installation and use of a solar photovoltaic power generating facility on property located at the Chautauqua County Dunkirk Airport for the purpose of selling the power produced by said facility to County; and

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

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

RESOLVED, That pursuant to Article 14 of the General Municipal Law, a public hearing shall be held on the proposed lease at the meeting of the County Legislature on May 25, 2016, at 6:30 pm at Legislative Chambers, Gerace Office Building, Mayville, New York 14757 upon substantially the following terms:

1. Premises. Approximately eight (8) acres within SLB 80.00-3-29 in the area west of Middle Road at the Chautauqua County Dunkirk Airport.

REGULAR SESSIONS

2. Rent. No monetary rent – Solar Liberty obligated to install, operate, and maintain a solar photovoltaic power generating facility on the leased premises at its own cost.
3. Power Purchase Agreement (PPA). County obligated to purchase 100% of the electric energy produced by the Solar Liberty facility at the scheduled rates in the PPA.
4. Term. Commencing on the day the parties duly execute the lease agreement and for twenty (20) years after the commercial operation date set forth in the PPA. The parties, upon mutual agreement, shall have the option to renew for up to three (3) additional terms of five (5) years to run continuous.
5. Utilities. Solar Liberty shall pay all utilities in conjunction with the solar photovoltaic power generating facility including any cost of bringing any necessary utilities onto the property.
6. Option to Purchase. On each five (5) year anniversary date of the lease and PPA, County may exercise an option to purchase the Solar Liberty facility for its fair market value, thereby terminating the lease and PPA.
7. Other: As negotiated by the County Executive; and be it further

RESOLVED, That the Clerk of the Legislature shall give at least ten (10) days' notice of said public hearing by publication in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Wilfong, Scudder, Himelein, Nazzaro

Unanimously Adopted – April 27, 2016

RES. NO. 116-16
Amend, Reconcile, and Close Capital Project Account H-1410-569

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

WHEREAS, Chautauqua County established Capital Project H-1410-569 "County Clerk – Archival Records Management System" in 1998 to initiate a process for the digital preservation of County records; and

WHEREAS, early phases of the Project required significant investment of local share by the County in addition to grant funding from New York State and it was appropriate to establish a Capital Project; and

WHEREAS, since 2008 the County Clerk and County Historian have been successful in securing annual grant funding for ongoing preservation efforts that did not require a local match; and

WHEREAS, further preservation grants can now be accounted for in the General Fund of the County Clerk's department and Capital Project H-1410.569 can now be closed; and

WHEREAS, two grants approved by the Legislature in RES 214-09 and RES 215-09 in November 2009 were subject to budget sequestration by New York State; and

WHEREAS, actual expenditures have not exceeded the budget for appropriations but are in excess of actual revenue; and

WHEREAS, an adjustment to the Reserve for Capital is necessary to offset the amount not covered by the grants; now therefore be it

RESOLVED, That the A Fund Balance is appropriated as follows:

JOURNAL OF PROCEEDINGS

INCREASE THE USE OF FUND BALANCE:

A.878.0000	Fund Balance – Reserve for Capital	\$5,949
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfer – Transfer to Capital	\$5,949
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; 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 REVENUE ACCOUNT:

H.1410.569.R306.0000	NYS Aid – Records Management Grant	\$5,949
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INCREASE CAPITAL REVENUE ACCOUNT:

H.1410.569.R503.1000	Interfund Transfer – Interfund Transfer	\$5,949
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; and be it further

RESOLVED, That the Director of Finance close account H-1410-569 precluding any further expenditure; reconcile the account; and post account adjustments.

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford, Chagnon, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 117-16
Amend Dollar Amounts Kept in DMV Petty Cash Fund

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

WHEREAS, the petty cash funds in county DMV offices are currently \$310 in the Mayville office and \$410 in the Dunkirk and Jamestown offices, and

WHEREAS, the amounts in these funds have not increased in many years, and

WHEREAS, DMV offices are forced to make change from the previous day's receivables in order to conduct business, and

WHEREAS, the practice of making change with the prior day's receivables is discouraged by the New York State DMV office, and

WHEREAS, local DMV offices have been criticized for this practice in past audits, therefore, be it

REGULAR SESSIONS

RESOLVED, That the Finance Department be directed to increase the petty cash fund in the Mayville DMV office to \$600 and the Dunkirk and Jamestown DMV offices to \$800.

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford, Chagnon, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 118-16
State Homeland Security Program for Fiscal Year 2016

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 FY2016 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 for law enforcement terrorism prevention activities; and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in the Chautauqua County area through 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, 2016 through August 31, 2019, and as may be extended; and

WHEREAS, upon acceptance of application and execution of contract, funds will be allocated to the proper accounts 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 and subsequent changes to work plans if necessary.

Signed: Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 119-16
Emergency Management Performance Grant for Fiscal Year 2016

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 New York State Division of Homeland Security and Emergency Services in the total amount of \$111,068.00 with a fifty percent (50%) in kind match from the County in the amount of \$55,534.00; 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

JOURNAL OF PROCEEDINGS

WHEREAS, the grant period runs from October 1, 2015 through September 30, 2017, or as may be amended; and

WHEREAS, the application documents need to be submitted to DHSES no later than May 6, 2016; and

WHEREAS, the expenses and revenues for the grant agreement are within the financial parameters of the adopted 2016 County budget; now therefore be it

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

Signed: Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 120-16

Establish Accounts for EMT Course Sponsorship

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

WHEREAS, Chautauqua County Emergency Services has been approved as the course sponsor of the Emergency Medical Technician (EMT) training by the New York State Department of Health Bureau of Emergency Medical Services (NYSDOH BEMS); and

WHEREAS, the 2016 budget includes \$25,000 for personnel and employee benefits costs and New York State Aid funding associated with the delivery of EMT training; and

WHEREAS, enrollees will purchase course materials from the County, and some students will pay the full tuition; and

WHEREAS, the total number of classes and students is greater than originally anticipated, and sponsorship guidelines state that unique accounts should be established for recording expenses and revenues associated with each training class, and

WHEREAS, the 2016 budget should be amended to move the expense and revenues associated with EMT training to the newly established accounts and to increase the budget for the additional number of classes to be conducted and to include revenue from private pay enrollees, and

WHEREAS, any surplus must be set aside as a designation of fund balance and be used solely for the purpose of offsetting future training expenses; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements for the Course Sponsorship; and be it further

RESOLVED, That the Director of Finance is authorized and directed to report any surplus as a designation of General Fund Balance, and is hereby authorized and directed to make the following changes to the 2016 budget:

REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNTS:

A.3989.----.1	Personal Services – EMS	\$16,000
A.3989.----.8	Employee Benefits – EMS	<u>\$ 9,000</u>
		\$25,000

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.3989.EMT.1	Personal Services – EMT Training	\$16,000
A.3989.EMT.4	Contractual – EMT Training	\$22,500
A.3989.EMT.8	Employee Benefits – EMT Training	<u>\$ 9,000</u>
		\$47,500

DECREASE REVENUE ACCOUNT:

A.3898.R340.1000	NYS Aid – Public Health – EMS	\$25,000
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.3989.EMT.R267.0000	Sale of Prop./Comp. - Sale of Instructional Supplies	\$ 7,500
A.3989.EMT.168.9	EMT Dept. Income: Oth PH Income-EMT Private Pay Tuition	\$ 2,000
A.3989.EMT.R340.1000	NYS Aid - Public Health – EMT Training	<u>\$38,000</u>
		\$47,500

Signed: Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 121-16

Authorize Acceptance and Expenditure of Forfeiture Funds Held by the District Attorney's Office

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the District Attorney's Office periodically receives a share of forfeited funds seized by police agencies within Chautauqua County which constitute the criminal proceeds of the crime; and

WHEREAS, the District Attorney's Office holds these funds in a Forfeiture Account designated for "law enforcement use" by the District Attorney's Office; and

WHEREAS, the District Attorney's Office periodically identifies permissible law enforcement expenditures that will enhance the District Attorney Office's prosecution function; and

WHEREAS, the District Attorney's Office is currently in need of office furniture and equipment to enhance the District Attorney Office's prosecution function; and

WHEREAS, the District Attorney's Office desires to have the County authorize the acceptance of \$13,270 from the Forfeiture Account for the expenditure of office furniture and equipment; now therefore be it

RESOLVED, That the County of Chautauqua authorizes the acceptance of \$13,270 from the District Attorney's Forfeiture Account for the expenditure of office furniture and equipment; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following budgetary adjustments to the 2016 Budget:

JOURNAL OF PROCEEDINGS

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.1165.----.2	Equipment – District Attorney	\$13,270
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1165.R262.5000	Fines & Forfeitures - Forfeiture Crime Proceeds	\$13,270
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Signed: Niebel, Tarbrake, Whitford, Chagnon, Muldowney Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 122-16

Authorize Agreement with Town of Hanover for Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Town of Hanover has requested the Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2016 summer season; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Hanover for additional patrols in the Sunset Bay area for the period of June 18, 2016 through September 6, 2016 for a cost not to exceed \$7,500.00, based on an hourly rate of \$37.28 for general patrols and a holiday rate of \$46.77; and

WHEREAS, the expenses and revenues for the agreement with the Town of Hanover are within the financial parameters of the adopted 2016 County budget; now therefore be it

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

Signed: Niebel, Tarbrake, Whitford, Chagnon, Muldowney, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 123-16

Mental Hygiene Phone System Upgrade Budget Adjustment

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 upgraded its phone system; and

WHEREAS, the 2016 budget appropriated funds for this project under the account classification for Contractual expenses; and

WHEREAS, the appropriate classification is Fixed Contractual; therefore be it

REGULAR SESSIONS

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4250.----.5	Fixed Contractual – Mental Hygiene	\$ 2,880
A.4320.----.5	Fixed Contractual – Mental Hygiene	\$19,440

DECREASE APPROPRIATION ACCOUNTS:

A.4250.----.4	Contractual – Mental Hygiene	\$ 2,880
A.4320.----.4	Contractual – Mental Hygiene	\$19,440

Signed: Tarbrake, Lemon, Wilfong, Whitford, Rankin, Chagnon, Muldowney, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 124-16

Amend Chautauqua County Health & Human Services 2016 Budget for Increased Medicaid Weekly Share Cap Payments

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

WHEREAS, the New York State Department of Health recalculates each local district's Medicaid local share cap on an annual basis; and

WHEREAS, the County was notified on March 24, 2016 that its State Fiscal Year 2016-17 Medicaid local share cap has been set at \$30,637,946 which will be paid over a period of 52 weeks, resulting in a weekly share of \$589,191 commencing with the first weekly charge of April 2016; and

WHEREAS, the County has budgeted local share dollars for these charges; and

WHEREAS, the 2016 expenditures are now projected to be in excess of the budgeted amount and the 2016 budget should be amended based upon current projections; now, therefore, be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.909.0000	Fund Balance, Unreserved Fund Balance	\$495,000
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and be it further

RESOLVED, That the Director of Finance is authorized and directed to amend the 2016 budget as follows:

INCREASE APPROPRIATION ACCOUNT:

A.6100.----.4	Contractual – Medicaid	\$495,000
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Signed: Tarbrake, Lemon, Wilfong, Whitford, Rankin (Unanimously Defeated in A.C.)

Unanimously Defeated – R/C Vote: 0 Yes; 19 No - April 27, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 125-16

Authorize Grant Application for a Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant Through the U.S. Department of Agriculture Food and Nutrition Service

By Audit & Control Committee:

At the Request of Legislator Tarbrake and County Executive Vincent W. Horrigan:

WHEREAS, the U.S. Department of Agriculture Food and Nutrition Service has issued a grant competition awarding up to \$5,000,000 of grant funding available through its Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grants program for projects aimed at simplifying the SNAP application and eligibility determination systems for improving access to SNAP benefits for eligible households; and

WHEREAS, the County is in the planning stages of setting up a central intake space in the South County Office Building that would include self-service kiosks and other technological components which are fundable under such a grant; and

WHEREAS, the County plans to propose funding of the USDA of \$43,247.25 for said equipment; and

WHEREAS, it has been determined that the aforementioned USDA grant application process requires the governing body of a municipality to authorize proceeding with the USDA grant applications; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for the Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant funding through the U.S. Department of Agriculture Food and Nutrition Service and to execute any agreements necessary to secure such funding.

Signed: Chagnon, Muldowney, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 126-16

Authorize Amendment to Lease Agreement with the Chautauqua Center, Inc. (TCC) for Article 28 Clinic Space in SCOB

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Resolution 126-15 authorized the County Executive to enter into a lease agreement with TCC including specified terms and conditions; and

WHEREAS, TCC is in need of additional space, requires equipment, and has requested additional lease time at the SCOB building due to an anticipated delay in availability of its permanent space; and

WHEREAS, the County has additional space available, has equipment needed by TCC, and is able to accommodate TCC's need to use the space for an additional time period; now therefore be it

REGULAR SESSIONS

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease amendment to the TCC lease agreement, to be effective May 1, 2016, on substantially the following terms and conditions:

1. Premises. Leased space increased from 3,688 square feet to approximately 4,558 square feet.
2. Term. Lease expiration extended from August 31, 2017 to December 31, 2017, as needed until TCC acquires permanent space.
3. Rent. Increased from \$6,000/month to \$7,000/month
4. Other. As negotiated by the County Executive.

and be it further

RESOLVED, That use of the A Fund Balance is decreased as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance	\$8,000
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and be it further

RESOLVED, That the Director of Finance is authorized and empowered to make the following changes to the 2016 budget:

INCREASE REVENUE ACCOUNT:

A.4010.R241.0000 Use of Money & Property-Rental: County Bldg. Space	\$8,000
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Signed: Chagnon, Muldowney, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 127-16

Authorize Lease Agreement for Department of Planning & Economic Development at the BWB Center

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

WHEREAS, the County of Chautauqua Industrial Development Agency's (CCIDA) Board has recommended for over ten years that the Agency relocate to a higher profile area within the City of Jamestown that portrays an improved business image to potential clients visiting the CCIDA Offices; and

WHEREAS, the current CCIDA offices at the Riverside Industrial Center are located along the Chadakoin River in the City of Jamestown in an area that has attracted a concentration of medical facility development and is well positioned to serve as a development site for such uses; and

WHEREAS, the CCIDA's goal is to no longer participate in the commercial real estate market in Chautauqua County through the ownership and renting of buildings and office space when adequate private sector realtors and commercial property exists for many uses; and

WHEREAS, pursuant to Sections 6.00 and 6.01(f) of the Chautauqua County Administrative Code, the Director of the Chautauqua County Department of Planning and Economic

JOURNAL OF PROCEEDINGS

Development (CCPED) serves as the chief administrative officer of CCIDA, and CCPED provides staff assistance for CCIDA; and

WHEREAS, for many years CCPED has leased office space at the Riverside Industrial Center owned by an affiliate of CCIDA, the Chautauqua Region Economic Development Corporation, with such space jointly occupied by CCIDA; and

WHEREAS, the County wishes to maintain the relationship that has been developed between CCPED and the CCIDA by moving CCPED's offices to CCIDA's new office location; and

WHEREAS, the monthly rent to be paid by the County shall be the same as in the current lease in the Riverside Industrial Center, and no additional costs will be incurred by the County; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to terminate the County's current lease with the Chautauqua Region Economic Development Corporation for the facilities at 200 Harrison Street, Jamestown, New York and execute a new lease agreement with CCIDA for office space in the BWB Center, 201 West Third Street, Jamestown, New York on substantially the following terms and conditions:

1. Premises: 1,500 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York
2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$9,867.96 to be paid monthly at the rate of \$822.33 per month beginning in July of 2016
3. Utilities: Landlord to pay utilities.
4. Term: Six month term commencing on July 1, 2016 and terminating December 31, 2016 subject to termination by prior notice.
5. Other: As negotiated by the County Executive.

Signed: Hemmer, Wilfong, Scudder, Himelein, Nazzaro, Borrello, Chagnon, Odell, Starks, Niebel, Muldowney

Unanimously Adopted – April 27, 2016

RES. NO. 128-16

Authorize Use of 3% Bed Tax Reserve for Roof Repair at the Dunkirk Historical Lighthouse and Veteran's Park Museum

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislator Scudder, Borrello, Muldowney, Starks, and Bankoski:

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 an unanticipated repair of the roof on the Coast Guard Museum building due to winter storm damage that threatened the preservation of historical artifacts; and

REGULAR SESSIONS

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 \$5,270; therefore be it

RESOLVED, That the County appropriates \$5,270 of the Reserve for Occupancy Tax revenue to be allocated to the Dunkirk Historical Lighthouse and Veteran's Park Museum for unanticipated roof repairs as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.----.----.883	Fund Balance, Reserved Fund Bal – Reserve for Occupancy Tax	\$5,270
	and be it further	

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4	Contractual – Promotion of Industry, Tourism	\$5,270
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Signed: Borrello, Chagnon, Odell, Starks, Niebel, Muldowney, Himelein, Nazzaro

Unanimously Adopted – April 27, 2016

RES. NO. 129-16

Authorize Allocation of 3% Occupancy Tax Funding from the 2016 Reserve Account for Chautauqua Lake Waterski Show Attraction

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

WHEREAS, Chautauqua County has established a 3% occupancy tax program for the purposes of promoting, developing, and protecting the area's tourism industry; and

WHEREAS, the Bemus Bay Pops has proposed developing the new "Chautauqua Lake Circus Themed Waterski Show" as an attraction which will promote Chautauqua Lake, the marina industry and local and cultural tourism; and

WHEREAS, as of March of 2016, the balance of the 3% Occupancy Tax Reserve Account was \$423,296.14; and

WHEREAS, the Bemus Bay Pops is requesting \$ 12,000 of the 3% Occupancy Tax Reserve funding to offset the \$41,300 in costs associated with developing this new tourism attraction; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into a contract with Bemus Bay Pops in the amount of \$12,000 of 3% Occupancy funding from the 2016 Reserve Account to offset the costs associated with developing the "Chautauqua Lake Circus Themed Waterski Show" as a tourism attraction; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

JOURNAL OF PROCEEDINGS

INCREASE THE USE OF FUND BALANCE:

A.----.----.883.0000 Fund Balance, Res Fund Bal – Res for Occupancy Tax \$12,000

;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$12,000

Signed: Borrello, Chagnon, Odell, Starks, Niebel, Muldowney, Himelein, Nazzaro

Unanimously Adopted – April 27, 2016

RES. NO. 130-16

Amend 2015 Budget for Year End Reconciliations – Final Adjustments

By Audit & Control Committee:

At the Request of County Executive 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 the Director of Finance is hereby authorized and directed to make the following changes to the 2015 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4322.----.4	Contractual - Mental Hygiene Law	\$14,713
A.6420.----.8	Employee Benefits - Promotion of Industry	\$7,873
A.7020.----.4	Contractual - Youth Bureau	\$5,413
D.5110.----.4	Contractual - Maintenance of Roads	\$42,323
EL.8160.1000.1	Personal Services - Environment Landfill	\$8,325
EL.8160.1000.4	Contractual - Environment Landfill	\$309,094
ESN.8110.8112.8	Employee Benefits - Administration	\$575
ESN.8120.8122.8	Employee Benefits - Sanitary Sewers	\$3,315
ESN.8130.8132.8	Employee Benefits - Sewage Treatment	\$6,870
ESS.8110.----.8	Employee Benefits - Administration	\$4,135
ESS.8120.----.8	Employee Benefits - Sanitary Sewers	\$7,328
ESS.8120.----.8	Employee Benefits - Sanitary Sewers	\$13,553
ESS.8130.----.8	Employee Benefits - Sewage Treatment	\$14,872
	Total	\$548,507

REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNTS:

A.6420.----1	Personal Services - Promotion of Industry	\$7,873
A.7020.----1	Personal Services - Youth Bureau	\$5,413
D.5110.33104	Contractual - Maintenance of Roads - Pavement Markings	\$42,323
ESN.8110.81121	Personal Services - Administration	\$575
ESN.8120.81224	Contractual - Sanitary Sewers	\$3,315
ESN.8130.81324	Contractual - Sewage Treatment	\$6,870
ESS.8110.----4	Contractual - Administration	\$4,135
ESS.8120.----3	Depreciable Equipment - Sanitary Sewers	\$20,881
ESS.8130.----4	Contractual - Sewage Treatment	\$14,872
	Total	\$106,257

INCREASE REVENUE ACCOUNTS:

A.1310.9999.R111.0000	Non Property Tax Items - Sales Tax	\$14,713
EL.8160.1000.R237.6005	Shared Services - CHRGS: OCC Soil Cotam	\$427,537
	Total	\$442,250

Signed: Chagnon, Muldowney, Himelein, Nazzaro, Borrello

Unanimously Adopted – April 27, 2016

RES. NO. 131-16

A Resolution Authorizing the Issuance of \$2,800,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of Improvements to the Treatment Plant of the North Chautauqua Lake Sewer District in and for Said County

By Public Facilities and 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. The design and construction of improvements for phosphorous removal in the treatment plant of the North Chautauqua Lake Sewer District to be located in the Village of Mayville, in and for the County of Chautauqua, New York, including installation of a pumping station, chemical storage building, existing structure upgrades and facilities, furnishings, equipment, machinery and

JOURNAL OF PROCEEDINGS

apparatus, as well as incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$2,800,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$2,800,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. 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 5. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 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 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, or
- 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: Hemmer, Wilfong, Scudder, Himelein, Nazzaro, Chagnon, Muldowney, Borrello

REGULAR SESSIONS

MOVED by Legislator Himelein , SECONDED by Legislator Nazzaro to amend by substitution.

Unanimously Carried

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. The design and construction of improvements for phosphorous removal in the treatment plant of the North Chautauqua Lake Sewer District to be located in the Village of Mayville, in and for the County of Chautauqua, New York, including installation of a pumping station, chemical storage building, existing structure upgrades and facilities, furnishings, equipment, machinery and apparatus, as well as incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$2,800,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$2,800,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. 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 5. The Director of Finance is hereby further authorized to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. 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

JOURNAL OF PROCEEDINGS

prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 9. 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 10. 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.

Unanimously Adopted – R/C Vote: 19 Yes - April 27, 2016

RES. NO. 132-16

Approving Labor Contract with CSEA Unit 6322 (Part-Time Deputy Sheriffs)

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

WHEREAS, the County of Chautauqua and CSEA Unit 6322 have reached a tentative agreement for the period January 1, 2013, through December 31, 2018; and

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

RESOLVED, That the Chautauqua County Legislature hereby approves the Tentative Agreement between the County and CSEA Unit 6322 to include no increase in wages for 2013, 2014 and 2015 and a wage increase of 6% for 2016, 2% for 2017, and 2% for 2018; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate the new labor agreement with CSEA Unit 6322.

Signed: Vanstrom, Muldowney, Starks, Whitford, Chagnon, Himelein, Nazzaro, Borrello (A.S. – Scudder voting “no”)

Unanimously Adopted – R/C Vote: 19 Yes - April 27, 2016

REGULAR SESSIONS

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Lemon, SECONDED by Legislator Bankoski and duly carried the meeting was adjourn. (8:24p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, May 25, 2016, 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:35 p.m.

Clerk Tampio called the roll and announce a quorum present. (Hemmer & Tarbrake absent)

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro, the minutes were approved. (4/27/16)

1st Privilege of the Floor

No one chose to speak at this time.

6:30 P.M.

PUBLIC HEARING
LEASE & POWER PURCHASE AGREEMENT
FOR SOLAR GENERATING FACILITY AT
THE CHAUTAUQUA COUNTY DUNKIRK AIRPORT

Chairman Gould: We will now open (6:37 p.m.) the public hearing. Is there anyone to speak at the public hearing? Anybody to speak at the public hearing? Seeing no one, we'll close (6:38 p.m.) the public hearing.

FISHING ESSAY AWARDS
BY
COUNTY EXECUTIVE HERRIGAN
&
CHAIRMAN GOULD

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 4/27/16

COMMUNICATIONS:

1. Report – Finance Director Marsh – April 2016 Investment Report
2. Minutes – Chaut. Lake & Watershed Mangmt. Alliance – April/2016
3. Minutes – South & Center Chaut. Lake Sewer Districts – May/2016
4. Letter – Erie 2 BOCES – Supports LL Raising Age to Purchase Tobacco Products
5. NYSAC – Launch of SolSmart Program – Solar Innovation
6. Letter – NYS Dept. of Public Service – Re: Clean Energy Standard Prgm.

RES. NO. 133-16
Authorize Federal and State Aid Applications for the Chautauqua County Dunkirk Airport Five Year
ACIP Plan (FY16-FY20)

REGULAR SESSIONS

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

WHEREAS, the Chautauqua County Dunkirk Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems (NPIAS); and

WHEREAS, inclusion in the NPIAS makes the Chautauqua County Dunkirk Airport eligible for Federal grant funding under the Airport Capital Improvement Program (ACIP), a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants when combined with New York State Department of Transportation (NYSDOT) matching funds provide ninety-five percent (95%) of the capital expense necessary to maintain the Chautauqua County Dunkirk Airport; and

WHEREAS, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects and will provide ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the Federal five-year ACIP plan and the six-year Chautauqua County Capital Project plan to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Capital Budget of Chautauqua County includes appropriations to supply the local share of such grants in the past and may do so in the future; and

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for Federal and State aid for the following projects at the Chautauqua County Dunkirk Airport which are included in the current five-year ACIP plan:

FY16	Replace Existing Bulk Hangar #3
FY16	Rehabilitate Taxiway B South (design)
FY17	Rehabilitate Taxiway B South (construction)
FY17	Environmental Assessment (obstruction removal)
FY17	Airport Pavement Major Crack Repair and Seal Coat
FY18	Construct Transient Bulk Hangar (100'x 100')
FY18	Land Acquisition (Runway 6 and 24 Runway Protective Zone) and Update Existing Runway 24 Avigation Easements
FY18	Airfield Lighting Improvements
FY19	Obstruction Removal (design and construction)
FY20	Acquire Snow Removal Equipment (Blower)

Signed: Nazzaro, Wilfong, Himelein (P.F. – Hemmer & Scudder voting “no”)

Adopted w/ Legislator Scudder voting “no” – May 25, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 134-16

Authorize Federal and State Aid Applications for the Greater Chautauqua-Jamestown Airport Five Year ACIP Plan (FY16-FY20)

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

WHEREAS, the Greater Chautauqua - Jamestown Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems (NPIAS); and

WHEREAS, inclusion in the NPIAS makes the Greater Chautauqua - Jamestown Airport eligible for Federal grant funding under the Airport Capital Improvement Program (ACIP) a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants when combined with New York State Department of Transportation (NYSDOT) matching funds provide ninety-seven point five percent (97.5%) of the capital expense necessary to maintain the Greater Chautauqua - Jamestown Airport; and

WHEREAS, the New York State Department of Transportation also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects and will provide ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the Federal five-year ACIP plan and the six-year Chautauqua County Capital Project plan to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Federal government and the State of New York have authorized grant-in-aid programs to assist local airport sponsors in improving aviation facilities, and the NYSDOT has requested an updated Five Year Capital Program; and

WHEREAS, the Capital Budget of Chautauqua County includes appropriations to supply the local share of such grants in the past and may do so in the future;

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for Federal and State aid for the following projects at the Greater Chautauqua - Jamestown Airport which are included in the current five-year ACIP plan:

FY16	Aircraft Rescue and Firefighting Equipment (protective suits)
FY16	Rehabilitate Taxiway F and Apron (design)
FY16	Rehabilitate Auto Parking Lot (construction)
FY17	Rehabilitate Taxiway F and Apron (construction)
FY17	On and Off Airport Obstruction Removal Study
FY18	Pavement Management System
FY18	Environmental Assessment for On and Off Airport Obstruction Removal
FY19	Runway 7/25 Rehabilitation (design)
FY19	Rehabilitate Airport Perimeter Fence (design)
FY19	On and Off Airport Obstruction Removal (design and construction)

REGULAR SESSIONS

FY20	Rehabilitate Airport Perimeter Fence (construction)
FY20	Runway 7/25 Rehabilitation (construction)

Signed: Nazzaro, Wilfong, Himelein (P.F. – Hemmer and Scudder voting “no”)

Adopted w/ Legislator Scudder voting “no” – May 25, 2016

RES. NO. 135-16
Amend Capital Budget for Fuel Storage System

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

WHEREAS, the 2009 Capital Budget appropriated \$220,000 to replace the fuel storage system at the Sheridan maintenance facility; and

WHEREAS, during an audit it was realized that a portion of funds spent for the Sheridan maintenance facility fuel replacement project were charged incorrectly to another capital project account and must be moved to the correct account; and

WHEREAS, this error had not yet been discovered at the time final expenditures related to the replacement of the fuel system were authorized, and upon correction of the error there will be a shortage of funds for this project; and

WHEREAS, it has been determined that funds allocated for carpet replacement at the Falconer office can be forgone at this time, and can be transferred to the Sherman fuel replacement project account to resolve the shortage of funds; and

WHEREAS, it is necessary to amend the budget to record the fuel storage system expenditure to the proper account and to transfer funds from the Falconer carpet project to the Sheridan fuel replacement project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.695.4	Contractual - Fuel Storage Del: Sheridan	\$12,442
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DECREASE APPROPRIATION ACCOUNT:

H.5130 .25874.4	Contractual – Admin Bldg Carpet Replacement	\$12,442
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INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.695.R503.1000	Interfund Transfer – Interfund Transfers	\$12,442
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DECREASE CAPITAL REVENUE ACCOUNT:

H.5130 .25874.R503.1000	Interfund Transfer – Interfund Transfers	\$12,442
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Signed: Hemmer, Nazzaro, Wilfong, Himelein, Scudder, Chagnon, Borrello, Muldowney

Unanimously Adopted – May 25, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 136-16
Adjust Real Property Tax Office Petty Cash Fund

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

WHEREAS, Resolution 197-15 authorized a petty cash fund for the County Treasurer in the amount of \$450.00, and

WHEREAS, the Real Property Tax Services Office has a need to accommodate more transactions which require the ability to have adequate change on hand, and

WHEREAS, the Real Property Tax Services Office determined the need to increase the change fund to \$775.00; now therefore be it

RESOLVED, That the Director of Finance is authorized to increase the petty cash fund used for the Real Property Tax Services Office to \$775.00.

Signed: Scudder, Vanstrom, Muldowney, Whitford, Chagnon, Borrello, Nazzaro, Himelein

Unanimously Adopted – May 25, 2016

RES. NO. 137-16
State Homeland Security Program FY 2014 & 2015 Appropriations to 2016 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 FY 2014 State Homeland Security Program (SHSP) in the amount of \$150,000 which runs from 9/1/14 through 8/31/16 and from the 2015 State Homeland Security Program (SHSP) in the amount of \$150,000 which runs from 9/1/15 through 8/31/17; and

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

WHEREAS, as of December 2015, Emergency Services had spent over \$53,000 of the SHSP FY 2014 funds and none of the SHSP FY 2015 funds; and

WHEREAS, the unspent funds from 2014 and the portion of the 2015 funds that will be spent in 2016 need to be appropriated to the proper 2016 expenditure accounts as stated in the work plans; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3989.----.2	Equipment – Emergency Medical	\$ 13,500
A.3010.----.2	Equipment – Emergency Services	\$ 2,500
A.3010.----.3	Depr. Equipment – Emergency Services	\$ 30,000
A.3010.----.4	Contractual – Emergency Services	\$ 45,861

REGULAR SESSIONS

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid – Homeland Security	\$ 91,861
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Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Borrello, Muldowney, Nazzaro, Himelein

Unanimously Adopted – May 25, 2016

RES. NO. 138-16

Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2016-2017

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 \$152,495.00 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 \$33,395.00 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 (\$79,878.00), the office of the Chautauqua County Sheriff (\$27,922.00) and the office of Probation (\$11,300.00) will share the balance of such funds; and

WHEREAS, the office of the District Attorney, Sheriff and Probation have included a portion of these grant funds in the 2016 budget with the balance to be included in the 2017 budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts the aforementioned 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 \$152,495.00 for the term of July 1, 2016 to June 30, 2017, and any other necessary agreements to implement the project.

Signed: Wendel, Niebel, Tarbrake, Whitford, Chagnon, Borrello, Muldowney, Nazzaro, Himelein

Unanimously Adopted – May 25, 2016

RES. NO. 139-16

Establish Capital Project for Department of Health and Human Services Central Intake Space at South County Office Building

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

JOURNAL OF PROCEEDINGS

WHEREAS, pursuant to Resolution No. 92-15, the Chautauqua County Legislature authorized the County's Department of Motor Vehicles (DMV) to vacate the South County Office Building and authorized the DMV space be taken over by the Department of Health and Human Services (DHHS) for use as a central intake space; and

WHEREAS, renovations are required to create the central intake space; and

WHEREAS, the cost of the renovations is estimated to be \$160,000; and

WHEREAS, New York State Aid is not available and the County must bear the full cost of these renovations; and

WHEREAS, there is sufficient balance in the capital reserve to cover the cost of these renovations; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000 Fund Bal., Resvd Fund Bal. – Reserve for Capital \$160,000

and be it 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	\$160,000
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6010.31969.4	Contractual – DHHS Central Intake Space	\$160,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6010.31969.R503.1000	Interfund Transfer – Interfund Transfers	\$160,000
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Signed: Tarbrake, Whitford, Rankin, Wilfong, Chagnon, Borrello, Muldowney, Nazzaro, Himelein
(H.S. – Lemon voting "no")

Unanimously Adopted – May 25, 2016

RES. NO. 140-16

Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased
Medicaid Weekly Shares Cap Payments and Family Planning Revenue

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

WHEREAS, Chautauqua County was notified on March 24, 2016 that its State Fiscal Year 2016-17 Medicaid local share cap has been set at \$30,637,946 and 2016 expenditures are now projected to be in excess of the budgeted amount; and

REGULAR SESSIONS

WHEREAS, Resolution 282-15 accepted Family Planning Grant funding for the period 1/1/16 to 12/31/16 and amended the 2016 Budget to include the grant revenue but did not include non-grant revenue; therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6100.----.4	Contractual – Medicaid	\$171,000
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INCREASE REVENUE ACCOUNTS:

A.4010.NURS.R168.9FPI	Depart. Income - Other PH Inc: FP- Insurance	\$ 15,000
A.4010.NURS.R345.0FPC	NYS Aid – Family Planning COLA	\$ 5,000
A.4010.NURS.R460.1FMC	Federal Aid - Family Planning Managed Care	\$ 1,000
A.4010.NURS.R460.1FPM	Federal Aid - Family Planning Medicaid	<u>\$150,000</u>
		\$171,000

Signed: Tarbrake, Rankin, Lemon, Wilfong, Whitford, Chagnon, Borrello, Muldowney, Nazzaro, Himelein

Unanimously Adopted – May 25, 2016

RES. NO. 141-16

Authorize Advance of Funds to Chautauqua County Soil & Water for Invasive Species Control and Dredging Projects on Bear Lake and Cassadaga Lake

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

WHEREAS, Chautauqua County Soil & Water (Soil & Water) is the recipient of \$200,000.00 from a New York State Local Assistance Award procured by Senator Cathy Young for invasive species control and dredging projects on Bear Lake and Cassadaga Lake; and

WHEREAS, Soil & Water has entered into a State Assistance Contract (SAC) with the New York State Department of Environmental Conservation (NYS DEC) in which Soil & Water will contract with outside contractors to create lake management plans, establish a boat stewardship program, and dredge the largest impacted sections of the lakes and stabilize the sediment sources over the next two years; and

WHEREAS, work under the SAC will commence during Spring/Summer 2016; and

WHEREAS, Soil & Water will not receive its Local Assistance Award funding prior to commencement of the SAC; and

WHEREAS, pursuant to Section 223 of the County Law, Chautauqua County desires to advance Soil & Water up to \$200,000.00 over the next two years to fund these projects under the SAC, and Soil & Water shall reimburse the County such funds upon receiving their Local Assistance Award ; and

WHEREAS, these funds are not allocated in the 2016 Budget; now therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the Chautauqua County Legislature authorizes the County to advance Chautauqua County Soil & Water up to \$200,000.00 over the next two years to fund those projects under the State Assistance Contract with the New York State Department of Environmental Conservation, and Soil & Water shall reimburse the County such funds upon receiving their New York State Local Assistance Award; and be it further

RESOLVED, That the that County Executive be and hereby is authorized to enter into any contracts with Chautauqua County Soil & Water to advance funds up to \$200,000.00 over the next two years for those projects under the State Assistance Contract; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual – Watershed Administration	\$200,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R238.9002	Other Home & Community Svcs – Other Govts	\$200,000
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Signed: Borrello, Chagnon, Odell, Starks, Himelein, Niebel, Muldowney, Nazzaro

Unanimously Adopted – May 25, 2016

RES. NO. 142-16

Authorize Allocation of 3% Occupancy Tax Funding from the 2016 Reserve Account for the LECOM Health Challenge

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

WHEREAS, Chautauqua County has established a 3% occupancy tax program for the purposes of promoting, developing, and protecting the area's tourism industry; and

WHEREAS, Peek 'n Peak Resort was identified by Destination Development Incorporated in a Chautauqua County Visitors Bureau study as one of only three "primary lures" existing in Chautauqua County as a local attraction which provides potential visitors a key reason to travel to the County as a destination and thereby as a single destination generates \$226,000 (15%) of the annual occupancy tax collected; and

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and Chautauqua Region Industrial Development Corporation (CRIDC) worked in conjunction with PGA Web.com to bring the LECOM Health Challenge to Peek 'n Peak Resort for the next four years; and

WHEREAS, the LECOM Health Challenge shall create a unique attraction event at Peek 'n Peak Resort; serve as a catalyst for attracting tourists to Chautauqua County; and bring national attention to the many tourism assets Chautauqua County has to offer; and

WHEREAS, funding for the first year of the LECOM Health Challenge fell short of its target goal; and

WHEREAS, as of April of 2016, the balance of the 3% Occupancy Tax Reserve Account was \$406,026; and

REGULAR SESSIONS

WHEREAS, the County of Chautauqua desires to appropriate \$150,000 of the 3% Occupancy Tax Reserve to offset expenses associated with developing the LECOM Health Challenge as a tourist attraction; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement in the amount of \$150,000 of 3% Occupancy Tax funding from the 2016 Reserve Account to offset expenses associated with developing the LECOM Health Challenge as a tourist attraction; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----883 Fund Balance, Reserved Fund Bal – Reserve for Occupancy Tax \$150,000

And be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$150,000

Signed: Borrello, Chagnon, Himelein, Odell, Starks, Muldowney, Nazzaro (P&E – Niebel voting “no”)

Unanimously Adopted – May 25, 2016

RES. NO. 143-16

Amend Resolution No. 180-14 Authorizing Acceptance of 2014-2017 Grant from NYS Office of Victim Services to District Attorney's Victim Assistance Center

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution No. 180-14, the County Legislature authorized the acceptance of a grant award in the amount of \$376,309.45 from the New York State Office of Victim Services to the Chautauqua County Office of the District Attorney 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 New York State Office of Victim Services has increased the award for grant fiscal year 2015-2016 by \$22,339.05 and for grant fiscal year 2016-2017 by \$22,880.70, therefore increasing the grant award by \$45,219.75 for a total of \$421,529.20; and

WHEREAS, the local match requirement will be provided by third party and in-kind services at 20%; and

WHEREAS, such funds will enable the District Attorney's Office to provide assistance to victims of crime in Chautauqua County and will be added to the budget by separate resolution; and

WHEREAS, the amended Crime Victim Assistance Grant agreement must be authorized by Chautauqua County by June 6, 2016; therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the County Executive is hereby authorized and empowered to execute an amended grant agreement with the New York State Office of Victim Services to accept an amended 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 and any other position created by these funds pursuant to this grant will not be continued should the grant not be refunded.

Signed: Gould

Unanimously Adopted – May 25, 2016

RES. NO. 144-16

Authorizing Sale of the Sheldon House Property at JCC

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

WHEREAS, pursuant to Article 126 of New York State Education Law, the County of Chautauqua is one of three municipal sponsors along with the City of Jamestown and County of Cattaraugus that constitute a "community college region" which acts as the local sponsor of Jamestown Community College (JCC); and

WHEREAS, Jamestown Community College (JCC) currently owns property located at 7 Falconer Street in the City of Jamestown known as the "Sheldon House," which was donated to JCC in 1977 and was utilized for programs and events of both the College and the community; and

WHEREAS, the Sheldon House property consists of a house, detached garage, and carriage house containing a total of approximately 9,461 square feet of space on 1.05 acres of land designated on the Chautauqua County Tax Map as Tax Parcel Numbers 370.19-8-37, 38 & 39; and

WHEREAS, due to the Sheldon House's isolated location a distance of 1.4 miles from the rest of the Jamestown campus of JCC, and due to the magnitude of the financial commitment for maintaining the Sheldon House, including imminent significant maintenance issues, the Sheldon House property is no longer useful or required for community college purposes by JCC, and no longer fits the mission of JCC; and

WHEREAS, the sale of the property provides the opportunity to reduce operating costs of the College; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby finds that the Sheldon House property is no longer useful or required for community college purposes by JCC; and be it further

RESOLVED, That pursuant to 8 NYCRR § 603.5(d), the Chautauqua County Legislature authorizes JCC to effectuate the sale of the Sheldon House property and a portion of its contents to Lynn Development, Inc., at a sales price of \$250,000.00, not including closing and other related costs, with the foregoing dependent on SUNY Board of Trustees approval.

Signed: Scudder, Vanstrom, Muldowney, Whitford, Chagnon, Borrello, Nazzaro, Himelein

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - May 25, 2016

REGULAR SESSIONS

LOCAL LAW
INTRODUCTORY NUMBER 3-16
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Amendments to County Charter.

- A. Section 2.05(c) of the Chautauqua County Charter regarding the policy-making powers of the County Legislature is hereby amended as follows:
- (c) To adopt general policy for County government including enacting, amending, or rescinding local laws, charter laws, legalizing acts or resolutions, except that local laws and resolutions may not supersede the enumerated powers of other County officials set forth in this Charter without a duly adopted Charter amendment. On at least an annual basis prior to the County Executive's preparation of the tentative budget, the County Legislature shall adopt by resolution a comprehensive financial management policy and an investment policy, and shall adopt by resolution goals and objectives, as well as specific performance measures for those goals and objectives, which shall be utilized in the formulation of the budget and in measuring the success of its implementation. In adopting annual goals and objectives, the County Legislature shall take into consideration the recommendations of the County's comprehensive plan. Resolutions adopting goals, objectives, and specific performance measures shall not be subject to veto by the County Executive.
- B. Section 2.05(d) of the Chautauqua County Charter regarding the County Legislature's fixing of compensation for all officers and employees is hereby amended to remove reference to the office of the Comptroller that was previously eliminated by Charter amendment commencing in 2008:
- (d) To fix the compensation of all officers and employees paid from county funds. With respect to employees not represented by a bargaining unit who are employed by the Sheriff, District Attorney, County Clerk, or in the executive branch, the County Legislature shall establish salary ranges and the appointing authority shall have discretion to set the actual salary within the range.
- C. Section 3.02(a) of the Chautauqua County Charter regarding the County Executive's role as head of the executive branch is hereby amended to remove reference to the office of the Comptroller that was previously eliminated by Charter amendment commencing in 2008:
- (a) Be the chief executive officer and administrative head of the executive branch of county government. The executive branch shall be responsible for the administration, organization, and implementation of all functions of County government, except: (1) those functions under the control and supervision of the Sheriff, District Attorney, County Clerk, and Board of Elections; (2) the internal functions of the County Legislature; and (3) the administration of the public defender and coroners, which shall be the responsibility of the County Legislature.
- D. Section 3.02(b)(i) of the Chautauqua County Charter regarding the County Executive's duty to promulgate an Administrative Code is hereby amended to read as follows:

JOURNAL OF PROCEEDINGS

(b) Promulgate an administrative code for the administration, organization, and implementation of all functions of County government, except those excluded in Section 3.02(a) above, to include:

(i) the details of the organizational structure of the executive branch of County government, to be grouped into four general areas:

- (1) Administrative Services;
- (2) Human Services;
- (3) Planning and Economic Development; and
- (4) Public Facilities;

E. Section 3.02 of the Chautauqua County Charter regarding the powers and duties of the County Executive is hereby amended to add a new enumerated power and duty of the County Executive as subparagraph (k), with the existing subparagraphs (k) through (n) to be re-lettered as (l) through (o):

(k) Be responsible for fostering and implementing intermunicipal agreements and cooperation with other governmental entities in order to create greater quality and efficiency in the delivery of services to the people of Chautauqua County;

F. Section 4.00 of the Chautauqua County Charter is hereby amended as follows:

Section 4.00 Other Elected Officers

There shall be other County officers elected to a specific term of office from the County at large as provided for in this Article. Said officials may at any time make transfers of up to \$4,000.00 of part or all of any unencumbered appropriation balance between three (3) classifications of expenditures within the same administrative unit if such transfer is necessary to carry out an adjustment of proposed expenditure in the adopted budget. Said classifications of expenditure shall be Personnel Expense, Equipment, and Contractual Expense. Written notification of the amount and purpose of the transfer shall be presented by the elected official to the County Legislature at its next regularly scheduled meeting following the effective date of the transfer.

G. Section 4.04 of the Chautauqua County Charter is hereby amended as follows:

Section 4.04 Internal and External Audit Functions

1. The County shall establish an internal audit function that shall include:

(a) bank account reconciliation, credit card use analysis, and other appropriate internal controls that are in addition to or supplement the internal controls implemented by the chief fiscal officer of the County;

(b) development of a risk assessment of County operations, including but not limited to, a review of financial policies and procedures and the testing and evaluation of County internal controls;

(c) an annual review and update of such risk assessment; and

REGULAR SESSIONS

(d) preparation of reports, at least annually or more frequently as the County Legislature or County Executive may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

The County may utilize County personnel to fulfill the internal audit function. The County may also utilize intermunicipal cooperation agreements or independent contractors to fulfill this function as long as personnel or entities performing the internal audit function meet professional auditing standards for independence between the auditor and the County.

Personnel or entities performing the internal audit function shall report directly to the Audit and Control Committee of the County Legislature and the chief fiscal officer of the County. The Audit and Control Committee shall have oversight of the internal audit function required by this Section, including, but not limited to, providing recommendations regarding the selection of the internal auditor(s) for the County, the review of significant findings and recommendations of the internal auditor(s), monitoring the County's implementation of such recommendations, and the evaluation of the performance of the internal audit function.

2. The Audit and Control Committee of the County Legislature shall select the County's independent external auditors, subject to confirmation by the County Legislature, and approve and oversee their contract for services and each proposed audit plan developed by management and the external auditors. No individual firm shall provide audit services for more than six (6) consecutive years. A request for proposals (RFP) for external audit services shall be issued by the Audit and Control Committee no less than every three (3) years. The external auditors shall report directly to the Audit and Control Committee.

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.

Adopted by Legislature: 5/25/16
Public Hearing by County Executive: 6/8/16
Adopted as LL 4-16

R/C Vote: 17 Yes; 2 Absent
60 Day Permissive Referendum
Date State Filed: 8/12/16

LOCAL LAW
INTRODUCTORY NO. 4-16 (Print 2)
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE SALE AND USE OF SPARKLING DEVICES AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(5)(b)

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

Section 1. Legislative Findings and Intent.

- A. On November 21, 2014, Governor Cuomo signed into law Chapter 477 of the Laws of 2014.

JOURNAL OF PROCEEDINGS

- B. The aforementioned Chapter law amended the New York State Penal Law, Executive Law and General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public.
- C. The Governor signed this law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
- D. It is the intent of this Local Law to allow the sale and use of "sparkling devices" in Chautauqua County which will benefit local residents and local businesses.

Section 2. Definitions.

"Sparkling Devices" are defined as follows:

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

1. cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.
2. cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.
3. wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.
4. novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:
 - (a) party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon

REGULAR SESSIONS

activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

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

Section 3. Authorized Sale and Use of Sparkling Devices

- A. Pursuant to Penal Law § 270(3)(b)(v) and Penal Law § 405(5)(b), "sparkling devices" shall be excluded from the definition of "fireworks" and "dangerous fireworks" as those terms are defined by Penal Law § 270(1)(a) and Penal Law § 270(1)(b), respectively.
- B. The sale and use of "sparkling devices," as defined in Penal Law § 270(1)(a)(vi) which is incorporated hereunder, shall be lawful in Chautauqua County provided such sale and use are not in violation of Penal Law § 270 or any rules and regulations thereunder.
- C. The sale and use of sparking devices is permitted subject to the following restrictions:
 - 1. The sale of sparking devices will only be permitted on and between June 1st and July 5th, and December 26th and January 2nd of each calendar year.
 - 2. All distributors, manufacturers and retailers of sparking devices must be licensed through the New York State Department of State.
 - 3. Only persons 18 years of age or older may purchase sparking devices.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its specific application.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Adopted by Legislature: 5/25/16

Public Hearing by County Executive: 6/8/16

Adopted as LL 3-16

R/C Vote: 17 Yes; 2 Absent

Date State Filed: 6/14/16

2nd Privilege of the Floor

Thank you Mr. Chairman and thank you members of the Legislature. I'm Cory Duckworth, President of the Jamestown Community College. My address is 2110 (*inaudible*) in Lakewood. I just want to take the opportunity as I don't get here very often and so first of all, I want to say thank you for the support of the resolution that was before you this evening. I appreciate the opportunity to move this forward and I just wanted to assure you that, I feel like the Board of Trustees at Jamestown Community College has really put a lot of energy into trying to make this transition as smooth as possible and to preserve what we consider to be a very precious asset and I think the sale that you approved this evening will really help that happen. It was a little unfortunate that it caused some stir in the neighborhood but I think there are different viewpoints on that issue and we are grateful to all of the neighbors and think the new owner will be very a great neighbor as well. But the real reason I stood up here because I don't have the opportunity to get here very often. I think I was here probably about 2 1/2 years ago just getting introduced to the Legislature. It's hard to imagine that 3 academic years have transpired since then, but I did want to take the opportunity to express my appreciation on behalf of the Board of Trustees at JCC and all of the administration, and really all of the faculty and students as well, for the partnership that we have with the County. As you know you are one of three sponsors that keep the community college going and we definitely depend on you, generally it's a quiet dependent so you don't have to see us very often but occasionally something like this comes up and we appreciate you looking after the good interest of JCC as well as looking out for the interest as a community as a whole. We appreciate our relationship with you. I want you to know that in the last three years, it has been a tremendous honor to serve as the President of the Jamestown Community College. It is truly a fine institution and I say that after 30 year career of higher education, having worked at 6 different institution of higher education in 5 different states. I can tell you when I say this that there is no better beginning college experience than what you have at Jamestown Community College. The quality of instruction is still very high and the employees and faculty dedicate themselves completely to the (*inaudible*). So, it has been a great honor for me to do that, to be a part of it. I also want to mention to you that, you probably have heard it through different media reports that JCC is going through some challenging times. That's true, we are meaning to downsize a little because the size of the County and those we serve are getting smaller. But, I want you to know that we are very responsibly approaching that and Jamestown Community College is in a very strong financial position even though we're having to shrink our budget and we'll be very careful about that and doing it in a way that would be very responsible and making sure that we preserve the quality of the institution and the ability to accomplish our mission in terms of educating those that are here. I would just conclude on this note that of all the places that I have worked, there is only one place that I would either begin to offer this as a description. I have truly come to see that the people of this County and of Cattaraugus County consider Jamestown Community College to be a beloved institution and I think that is really saying a lot. I get to hear stories of how JCC has made a difference in their life or the lives of their families significantly. I hear that almost every single day wherever I go and I just have come to the conclusion that this institution is truly part of the fabric of the counties that we serve and we're just really grateful to be able to do that and proud to be part of that endeavor.

Chairman Gould: Anyone else to speak to the second privilege of the floor? Seeing no one, we'll close the privilege of the floor.

MOVED by Legislator Wendel, SECONDED by Legislator Himelein and duly carried the meeting was adjourned. (7:08 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, June 22, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Himelein, the minutes were approved. (5/25/16)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 5/25/16

PRESENTATIONS:

SALUTATORIAN & VALEDICTORIAN
AWARDS
BY
COUNTY EXECUTIVE HERRIGAN
&
CHAIRMAN JAY GOULD

CAPITAL PROJECTS
BY
DOUG BOWEN

(Presentation on File in Legislative Office)

Legislator Chagnon: I would like to thank Mr. Bowen for his excellent work at preparing the 2017 capital project and the work of this Planning Board. They truly provide very valuable service to Chautauqua County government and I think that they do a terrific job. This is excellent reading for those of you who haven't looked through this.

COMMUNICATIONS:

1. Letter – County Executive – Re-Appts. – Chautauqua Opportunities Bd.
2. Report – Finance Director Marsh – Investment – May/2016
3. Letter – City of Dnk. Mayor Rosas – Re: Support Bed Tax Grant Award-Dunkirk Air Show
4. Minutes – Chaut. Lake and Watershed Management Alliance – May/2016
5. Letter – Orrick/Bond Council – Re: Ack. Receipt of NCL Water Dist. Bond
6. Letter – NYS Dept. of State – Ack. Receipt of LL 2-16
7. Letter – NYS Comptroller – Ack. Receipt of Res. No. 39-16 – Estbmt. of North Chautauqua County Water District

JOURNAL OF PROCEEDINGS

8. Letter – NYSAC – Re: Ack. Receipt of Motions 4 & 5-16
9. Letter – NYS Dept. of Public Service – Re: Public Statement Hearing Regarding Increases for National Fuel Gas Distribution Corp.
10. Report – Planning & Econ. Development - 2017-2022 Capital Budget Prgm.
11. Funding Request – Chautauqua County Visitors Bureau – 2017 Request
12. Letter – NYS Dept. of State – Ack. Receipt of LL 3-16 – Sparkler Law
13. Letter – Senator Young – Re: Secured Funding for Profession Golf Tourmnt.
14. Qrtly. Report – Small Business Development Center (1/1-3/31/16)
15. Minutes – Chaut. Co. Soil & Water Conservation District 5/2016

RENEW & AMEND RES. NO. 130-16 – Amend 2015 Budget for Year End Reconciliations – Final Adjustments (See page 131 for text)

MOVED by Legislator Borrello, SECONDED by Legislator Wendel to move it to the floor. –
Unanimously Carried

MOVED by Legislator Wendel, SECONDED by Legislator Chagnon to amend. –
Unanimously Carried

Chairman Gould: Any discussion on the amended resolution?

RENEW & AMEND RES. NO. 130-16 – Unanimously Adopted

RES. NO. 145-16
Amend Budget for Purchase of Utility Truck

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

WHEREAS, the South & Center Chautauqua Lake Sewer Districts (Sewer Districts) desires to purchase a new cab & chassis truck with a service body and crane (Utility Truck) to replace the existing utility truck purchased in 2008; and

WHEREAS, the 2016 budget includes \$45,000 for the purchase of a Utility Truck; and

WHEREAS, the Sewer Districts have determined, for reasons of safety and efficiency, that a larger Utility Truck with higher towing capacity and crane rating would be a more suitable replacement for the existing utility truck; and

WHEREAS, the Sewer Districts have advertised for bids and determined the price of the larger Utility Truck to be \$92,308.24; and

WHEREAS, the North Chautauqua Lake Sewer District desires to purchase the Sewer Districts' existing 2008 Utility Truck for \$16,000.00, and the proceeds from this sale can be used to offset the cost of the larger Utility Truck; and

WHEREAS, the existing Sewer Districts' budget includes approximately \$215,000.00 in a contingency account; and

WHEREAS, the Sewer Districts desires to use a portion of the contingency funds for the balance needed to purchase the larger Utility Truck; now therefore be it

REGULAR SESSIONS

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

ESS.8120.----.3	Depreciable Equipment – Motor Vehicles	\$47,309
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DECREASE APPROPRIATION ACCOUNT:

ESS.9089.----.4	Contractual – Undistributed Benefits	\$31,309
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

ESS.8120.R266.5000	Sale of Property/Compens. – Sale of Equip.	\$16,000
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Signed: Hemmer, Nazzaro, Scudder, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted– June 22, 2016

RES. NO. 146-16

Authorizing Standardization of Hercules Drive Units for Settling Tanks at the South & Center Chautauqua Lake Sewer Districts

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

WHEREAS, the South & Center Chautauqua Lake Sewer Districts use electric motor drive units for each of seven settling tanks at their wastewater treatment plant facility; and

WHEREAS, engineering services were procured to produce bid specifications to determine a suitable replacement drive in 2011; and

WHEREAS, three of the seven drive units were replaced with Hercules drive units manufactured by Envirodyne Systems, Inc. in 2011; and

WHEREAS, South & Center Chautauqua Lake Sewer Districts plans to replace the remaining drive units over the next several years; and

WHEREAS, using Hercules drive units will be efficient for the County since County personnel are already familiar with the units, and will be most cost effective because additional engineering services will not be necessary and parts and maintenance of the units will be simplified; and

WHEREAS, there is no substantial equivalent to a Hercules drive unit; now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua finds that for reasons of efficiency and economy, standardization of the settling tank drive units at the South & Center Chautauqua Lake Sewer Districts is in the best interests of the County; and be it further

RESOLVED, That Hercules drive units, manufactured by Envirodyne Systems, Inc., 75 Zimmerman Drive, Camp Hill, PA 17011, or its successor, be the standardized drive units for settling tanks at the South & Center Chautauqua Lake Sewer Districts.

Signed: Hemmer, Nazzaro, Scudder, Himelein

JOURNAL OF PROCEEDINGS

Unanimously Adopted– June 22, 2016

RES. NO. 147-16

Approve SEQRA Findings in Relation to Proposed Sewer Extension for West Side of Chautauqua Lake

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

WHEREAS, Chautauqua Lake experiences nuisance algal blooms and excessive weed growth as a direct result of excessive phosphorus inputs; and

WHEREAS, in 2004, Chautauqua Lake was officially designated as an impaired water body by the NYS DEC pursuant to Section 303(d) of the federal Clean Water Act due to phosphorus loadings; and

WHEREAS, a Total Maximum Daily Load (TMDL) phosphorus allocation for Chautauqua Lake was completed in 2012, which provides an official regulatory plan for reducing phosphorus inputs and restoring the impaired water body, and requires substantial reductions in phosphorus inputs to Chautauqua Lake by 2018; and

WHEREAS, approximately 1,200 septic systems still exist surrounding Chautauqua Lake, and along with publically-owned treatment works (POTWs), have been identified as two of the primary point sources of phosphorus inputs to Chautauqua Lake; and

WHEREAS, recognizing the need to reduce wastewater phosphorus from entering Chautauqua Lake, the County, the North Chautauqua Lake Sewer District (NCLSD), the South and Center Chautauqua Lake Sewer Districts (SCCLSD), and other stakeholders worked collaboratively and contracted with O'Brien and Gere Engineers to develop the "Chautauqua Lake Integrated Sewage Management Plan" (CLISMP), which was completed in October 2014; and

WHEREAS, a portion of the CLISMP recommendations include the upgrade, extension, and development of sewer infrastructure to replace existing septic systems on the west side of Chautauqua Lake; and

WHEREAS, the County has determined that the proposed modification of the existing Goose Creek pumping station and the extension of public sewers to approximately 770 parcels (residential and commercial) along the west side of Chautauqua Lake is a Type 1 action as defined by 6 NYCRR 617.4, such that the significance of the environmental impact of the project must be determined in accordance with 6 NYCRR 617.7; and

WHEREAS, pursuant to 6 NYCRR Part 617, adopted pursuant to sections 3-0301 (1)(b), (2)(m) and 8-0113 of the Environmental Conservation Law, the County, as lead agency, must evaluate the environmental impact of this action; and

WHEREAS, the County caused to be prepared a Full Environmental Assessment Form ("FEAF"), as is required for projects classified as Type 1 actions, and found there to be no or very low probability of any adverse impact; and

WHEREAS, this County Legislature has reviewed the FEAF and supporting documentation, copies of which are on file with the Clerk of the County Legislature; therefore be it

REGULAR SESSIONS

RESOLVED, in consideration of the FEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized on behalf of the County to execute a "Negative Declaration" for the proposed action.

Signed: Hemmer, Himelein, Nazzaro, Scudder

Unanimously Adopted– June 22, 2016

RES. NO. 148-16
Amend 2016 DPF Administration Budget

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

WHEREAS, the 2016 Budget reflected the elimination of one clerical position within the DPF Administration Department; and

WHEREAS, the administrative work load in the Engineering division and Purchasing has increased and is unable to be maintained with the current staffing; therefore be it

RESOLVED, That D Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

D.-----915.0000 Assigned Fund Bal. – Assigned/Unappropriated Fund Bal. \$32,115;

and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNTS:

D.5010.----.1	Personnel Services – Public Facilities Administration	\$19,725
D.5010.----.8	Employee Benefits – Public Facilities Administration	\$12,390
		\$32,115

Signed: Hemmer, Nazzaro, Scudder, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted– June 22, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 149-16
Investment Policy for the County of Chautauqua

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

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, it is desirable that the County's current policy be amended to modify the lists of depositories, financial institutions, dealers, and custodians; and

WHEREAS, with the potential merger of Key Bank and First Niagara Bank, it is desirable that the County's current policy be amended to modify the maximum amount permitted with each institution; therefore be it

RESOLVED, That the County Investment Policy is hereby amended to read 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.

REGULAR SESSIONS

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~~ \$40,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Jamestown Savings Bank	<u>Bank of America</u>
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

JOURNAL OF PROCEEDINGS

interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- *Special time deposit accounts;
- *Certificates of deposit;
- *Obligations of the United States of America;
- *Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- *Obligations of the State of New York;
- *Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;
- *Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorize such investments;
- *Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;
- *Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

REGULAR SESSIONS

Prudential Securities
 Merrill Lynch
 Bank of New York
 First Empire Securities
 Morgan Stanley
 McDonald Investments
 Wachovia Securities
 Edward Jones

Crew & Associates
 Mischler Financial Group
 Federal Reserve Bank –Treasury Direct
 Manufacturer's & Traders Trust Co.
 Finacorp Securities
 JP Morgan Chase, N.A.
 RBS Greenwich Capital
 Duncan-Williams Inc

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RBS Greenwich Capital
Federal Reserve Bank	Manufacturer's & Traders Trust Co.
Wachovia Securities	<u>Wilmington Trust</u>
Edward Jones	First Niagara Bank
Morgan Stanley	JP Morgan Chase, N.A

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, Muldowney, Starks, Whitford, Chagnon, Himelein, Borrello

JOURNAL OF PROCEEDINGS

Unanimously Adopted– June 22, 2016

RES. NO. 150-16

Authorizing Contract for 2017 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 2017, and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Fifty-One Thousand Twenty Eight Dollars (\$151,028) for the 2017 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, Vanstrom, Muldowney, Starks, Whitford, Himelein, Borrello, Chagnon

Unanimously Adopted– June 22, 2016

RES. NO. 151-16

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, 2015 through March 31,
2016**

	TOWNS		CITIES
Arkwright	2,871.93	Dunkirk	19,621.61
Busti	49,234.60	Jamestown	63,791.65
Carroll	15,706.31		
Charlotte	4,480.66	TOTAL	\$83,413.26

REGULAR SESSIONS

Chautauqua	38,478.20		
Cherry Creek	2,839.73		
Clymer	8,874.84		VILLAGES
Dunkirk	19,487.20		
Ellery	47,286.01	Bemus Point	3,125.14
Ellicott	61,475.55	Brocton	1,117.62
Ellington	3,217.09	Cassadaga	1,168.47
French Creek	4,882.38	Celoron	3,631.59
Gerry	5,926.39	Cherry Creek	322.19
Hanover	24,436.59	Falconer	7,293.90
Harmony	8,743.72	Forestville	856.20
Kiantone	10,811.82	Fredonia	20,064.25
Mina	23,983.57	Lakewood	15,117.69
North Harmony	19,159.83	Mayville	3,063.16
Poland	10,725.19	Panama	1,072.01
Pomfret	38,503.54	Sherman	942.91
Portland	12,428.95	Silver Creek	2,959.71
Ripley	8,237.84	Sinclairville	824.39
Sheridan	14,918.67	Westfield	6,081.95
Sherman	4,799.98		
Stockton	6,276.11	TOTAL	\$67,641.18
Villanova	5,490.87		
Westfield	16,559.16		
TOTAL	\$469,836.73		
GRAND TOTAL		\$620,891.17	

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford, Himelein, Chagnon, Borrello

JOURNAL OF PROCEEDINGS

Unanimously Adopted– June 22, 2016

RES. NO. 152-16

Authorize Execution for LiveScan Equipment Grant from New York State Division of Criminal Justice Service FY 2017

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan and Legislator Wendel:

WHEREAS, the Chautauqua County Sheriff received notice the New York State Division of Criminal Justice Service approved the application for a FY 2017 LiveScan Equipment Grant for the contract period from July 1, 2016 to June 30, 2017; and

WHEREAS, the grant funds will be used to replace LiveScan workstations and printers for the Chautauqua County Office of the Sheriff and four local police departments; and

WHEREAS, the New York State Division of Criminal Justice Service will provide funding for in the amount of \$23,400, matched by local funds of \$23,400, \$15,600 of which will be provided by the four local police departments; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Division of Criminal Justice Service in the amount of \$46,800.

WHEREAS, the 2016 Chautauqua County Budget does not include any funding for these expenditures since the grant funds became available after the budget was released; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.3	Depreciable Equipment – Sheriff	\$15,600
A.3110.----.4	Contractual – Sheriff	\$31,200

INCREASE REVENUE ACCOUNTS:

A.3110.R338.9LVS	New York State Aid—Other Public Safety	\$23,400
A.3110.R226.0000	Chrgs: Other Gov—Public Safety	\$23,400

Signed: Wendel, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted– June 22, 2016

RES. NO. 153-16

Amend 2016 Budget for Department of Health & Human Services Payroll Allocation to Safe Havens Grant Administered through the U.S. Department of Justice

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

REGULAR SESSIONS

WHEREAS, the Chautauqua County Legislature has allocated certain monies for payroll and fringe benefits in the 2016 Budget; and

WHEREAS, a percentage of the payroll and fringe benefits of the Safe Havens Program Coordinator are allocable to the Safe Havens grant administered through the U.S. Department of Justice; and

WHEREAS, Payroll funds for this grant were budgeted under account A-6010 but should have been budgeted in account A-6010-SHVN; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.6010.SHVN.1	Personal Services – Safe Havens	\$ 5,100
A.6010.SHVN.8	Employee Benefits – Safe Havens	\$ 600

DECREASE APPROPRIATION ACCOUNTS:

A.6010.1	Personal Services – Social Services Admin	\$ 5,100
A.6010.8	Employee Benefits – Social Services Admin	\$ 600

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted– June 22, 2016

RES. NO. 154-16

Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased Medicaid Weekly Shares Cap Payments, State Training Charges and Juvenile Delinquent Care

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

WHEREAS, Chautauqua County was notified on March 24, 2016 that its State Fiscal Year 2016-2017 Medicaid local share cap has been set at \$30,637,946 and 2016 expenditures are now projected to be in excess of the budgeted amount; and

WHEREAS, final per diem chargeback rates for New York State Office of Children and Family Services (OCFS) Operated Facilities and Programs for calendar years 2013 and 2014 were published on March 22, 2016, and 2016 expenditures are now projected to be lower than the budgeted amount; and

WHEREAS, juvenile delinquent care charges for 2016 are now projected to be in excess of the budgeted amount due to a particular case that has required long term housing, therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6100.----.4	Contractual – Medicaid	\$230,000
A.6123.----.4	Contractual – Juvenile Delinquent Care	<u>\$123,000</u>
		\$353,000

JOURNAL OF PROCEEDINGS

DECREASE APPROPRIATION ACCOUNT:

A.6129.----.4	Contractual – State Training School	\$353,000
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted– June 22, 2016

RES. NO. 155-16

Accept NYSDOH Childhood Lead Poisoning Prevention Grant Funding

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

WHEREAS, the New York State Health Department has awarded a new five-year block grant to the Chautauqua County Health and Human Services Department for the Childhood Lead Poisoning Prevention Program (10/1/15-9/30/20); and

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

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

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

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4189.LEAD.1	Personal Services – Lead Testing	\$3,484
A.4189.LEAD.8	Employee Benefits – Lead Testing	<u>\$2,153</u>
		<u>\$5,637</u>

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R445.0000	Department Income - Other PH Income	\$5,637
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted– June 22, 2016

REGULAR SESSIONS

RES. NO. 156-16

Acceptance of New York State Funds for the LECOM Health Challenge

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

WHEREAS, New York State has awarded Chautauqua County \$150,000 to assist with the County's promotion of the LECOM Health Challenge, a new PGA Web.com event which will be held July 4 through July 10, 2016; and

WHEREAS, such funds shall be used towards planning, marketing and branding efforts to increase tourism and attendance and to raise the international profile of attractions located in western New York State; and

WHEREAS, the Chautauqua Region Economic Development Corporation (CREDC) is the host organization and is responsible for coordinating marketing for the LECOM Health Challenge event; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts \$150,000 from New York State to assist with the promotion of the LECOM Health Challenge; and further be it

RESOLVED, That the County Executive be and hereby is authorized and empowered to execute any and all necessary agreements with New York State to obtain these funds; and further be it

RESOLVED, That the County Executive be and hereby is authorized and empowered to enter into a contract with CREDC to conduct the planning, marketing and branding efforts associated with the LECOM Health Challenge; and further be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.6420.----4	Contractual – PGA Web.Com Funding	\$150,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.6420.R371.5	PGA NYS Aid: Tourism Promotion PGA Initiative Funding	\$150,000
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Signed: Borrello, Odell, Starks, Niebel, Chagnon, Muldowney, Himelein

Unanimously Adopted– June 22, 2016

RES. NO. 157-16

Authorize Use of 3% Bed Tax Reserve for the Dunkirk Air Show

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislators Muldowney, Bankoski, and Niebel:

WHEREAS, Chautauqua County has established a 3% occupancy tax program for the purposes of promoting, developing, and protecting the area's tourism industry; and

JOURNAL OF PROCEEDINGS

WHEREAS, the City of Dunkirk will be holding their first Air Show since 1971 on July 2nd and 3rd, 2016 at the Dunkirk Harbor on Lake Erie; and

WHEREAS, the City of Dunkirk has received funding commitments for the event that include donations from Lake Shore Savings & Loan, Best Western Hotel and others; and

WHEREAS, the City of Dunkirk estimates that the additional costs to the city for several expenses including sound engineering, aviation fuel and marketing & promotion will exceed \$20,000; and

WHEREAS, as of May of 2016, the balance of the 3% Occupancy Tax Reserve Account was \$256,026; and

WHEREAS, the County of Chautauqua desires to appropriate \$10,000 of the 3% Occupancy Tax Reserve to offset expenses associated with the Dunkirk Air Show as a tourist attraction; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement with the City of Dunkirk in the amount of \$10,000 of 3% Occupancy Tax funding from the 2016 Reserve Account to offset expenses associated with the Dunkirk Air Show as a tourist attraction; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----883	Fund Balance, Reserved Fund Bal – Reserve for Occupancy Tax	\$10,000
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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 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4	Contractual – Promotion of Industry, Tourism	\$10,000
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Signed: Borrello, Odell, Starks, Niebel, Chagnon, Muldowney, Himelein

Unanimously Adopted– June 22, 2016

RES. NO. 158-16

Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

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 current Financial Management Policy was adopted in 2015 pursuant to Resolution 147-15 with substantial amendments; and

REGULAR SESSIONS

WHEREAS, there are no additional amendments to the existing policy proposed at this time; therefore be it

RESOLVED, That the existing Financial Management Policy is hereby reconfirmed.

Signed: Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted– June 22, 2016

RES. NO. 159-16

Authorize Transfer of Tax Foreclosure Property to Adjoining Landowner

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

WHEREAS, pursuant to the "side lot" program promoted by the Chautauqua County Land Bank Corporation (CCLBC), vacant properties acquired through tax foreclosure are conveyed to neighboring property owners when possible; therefore be it

RESOLVED, that the County Executive is authorized and empowered to execute all necessary documents to transfer for the purchase price of \$50.00 a vacant tax foreclosure "side lot" property at 11 Crossman Street in the City of Jamestown (370.19-3-66) to the neighboring property owner, CODE, Inc., contingent upon the closing costs being paid by the Chautauqua County Land Bank Corporation and such other terms and conditions negotiated by the County Executive.

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford, Chagnon, Himelein, Borrello

Unanimously Adopted – R/C Vote: 19 Yes – June 22, 2016

RES. NO. 160-16

Quit Claim Deeds

By Administrative Services Committee:
At the Request of Legislator Scudder:

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

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 Owing
QC-5-2016	C/Dnk.	060300-79.11-6-33	Barbara Boettcher	3057.01	3057.01
QC-10-2016	C/Dnk.	060300-79.14-3-49	Darius Buchanan	1301.40	1301.40
QC-16-2016	C/Dnk.	060300-79.16-3-52	Estate of John B. & Nancy C Jagoda	4463.93	4463.93
QC-23-2016	C/Dnk.	060300-79.19-1-21	Vieon T Santos	350.04	350.04
QC-29-2016	C/Dnk.	060300-96.06-3-7	Douglas Lockett	4805.66	4805.66
QC-35-2016	C/Jmstn.	060800-370.15-2-39	Kurt & Norma Dinkelmeyer	12333.14	12333.14
QC-36-2016	C/Jmstn.	060800-370.15-5-53	Marjorie Conklin	5018.47	5018.47
QC-42-2016	C/Jmstn.	060800-370.18-3-52	Bernado D. & Charles Jones	7098.88	7098.88
QC-44-2016	C/Jmstn.	060800-370.18-4-43	Bernard Jones	4399.18	4399.18
QC-51-2016	C/Jmstn.	060800-370.20-7-46	Amanda J. Skinner AKA Amanda Larson	1932.19	1932.19
QC-59-2016	C/Jmstn.	060800-387.08-8-11	Robert Apperson	2956.54	2956.54
QC-61-2016	C/Jmstn.	060800-387.08-8-48	Mary Joyce	2755.16	2755.16
QC-79-2016	C/Jmstn.	060800-387.12-3-16	Bernard D. Jones	5170.58	5170.58
QC-127-2016	C/Jmstn.	060800-387.26-1-21	Ronald & Genevieve Payne	7665.71	7665.71
QC-129-2016	C/Jmstn.	060800-387.26-3-24	Connie Boisvert	1385.06	1385.06
QC-155-2016	C/Jmstn.	060800-404.06-6-35	Matthew W. Anderson	5702.58	5702.58
QC-157-2016	C/Jmstn.	060800-404.07-3-33	Maria Herndon AKA Maria Jones	8064.01	8064.01
QC-162-2016	Busti	062201-385.06-3-10	David L. Anderson	505.29	505.29
QC-163-2016	Busti	062201-385.06-3-12	David L. Anderson	579.91	579.91
QC-164-2016	Busti	062201-385.07-4-45	Michelle L. Stevenson	5731.17	5731.17
QC-167-2016	Busti	062201-385.11-1-74	Leroy & Armella Svensson	7450.31	7450.31
QC-168-	Busti	062201-	Scott Wiedrich	7359.92	7359.92

REGULAR SESSIONS

2016		385.12-3-12			
QC-170-2016	Busti	062201-385.12-3-16	Scott Wiedrich	960.92	960.92
QC-172-2016	Busti	062289-367.19-1-13	Richard P. Ulrich	3490.18	3490.18
QC-196-2016	Chautauqua	062889-297.23-2-2	Ann T. Keck AKA Ann Childs	50837.86	50837.86
QC-197-2016	Cherry Creek	063001-237.08-1-29	William R. Bishop	4052.53	4052.53
QC-203-2016	Ellery	063689-333.14-2-23	Todd E. & Kathy A. Brisky	132.48	132.48
QC-206-2016	Ellicott	063801-369.15-1-16	H. Todd Rosendahl	2423.95	2423.95
QC-211-2016	Ellicott	063889-319.00-1-10	Kevin R. Jensen	2357.92	2357.92
QC-215-2016	Ellington	064000-270.00-3-21	Denise Arnold	1670.01	1670.01
QC-216-2016	Ellington	064000-272.04-1-33	Clinton & Sharon Krivulka	7289.72	7289.72
QC-217-2016	Gerry	064489-267.00-2-9	Duncan & Lori A. Wilson	7254.74	7254.74
QC-222-2016	Gerry	064489-319.00-2-35.2	William T. Best Jr.	5392.87	5392.87
QC-229-2016	Hanover	064603-32.14-3-18	Gayle & Kim Ramsdell	15516.37	15516.37
QC-230-2016	Hanover	064603-32.14-3-19	Gayle & Kim Ramsdell	422.09	422.09
QC-232-2016	Hanover	064603-32.17-2-10	Daniel Smith	5956.99	5956.99
QC-233-2016	Hanover	064603-32.17-2-11	Daniel Smith	921.95	921.95
QC-235-2016	Hanover	064603-32.17-5-23	The Secret Garden Floral & Gift Shop	7636.40	7636.40
QC-242-2016	Hanover	064603-49.06-1-41	David Sodaro	6567.10	6567.10
QC-244-2016	Hanover	064689-101.00-1-5	Karen A. & Gary C. Pinzel	6716.73	6716.73
QC-251-2016	Kiantone	065000-456.00-1-21	Ronald Toby Nelson	7023.72	7023.72
QC-254-2016	Mina	065200-359.06-3-10	Russell A. Weise Jr. & Kay N. Weise	1034.59	1034.59
QC-255-2016	Mina	065200-359.06-3-9	Russell A. Weise Jr. & Kay N. Weise	3324.70	3324.70
QC-256-2016	N. Harmony	065400-332.06-1-24	Estate of Kenneth Buchanan	4530.26	4530.26
QC-259-2016	Poland	065600-373.00-1-11	Greater Chautauqua Federal Credit Union	8706.34	8706.34
QC-265-2016	Pomfret	065801-113.19-4-39	Larry R. Bell	363.70	363.70

JOURNAL OF PROCEEDINGS

QC-271-2016	Portland	066001-144.20-2-8	Rosemary Powless	5849.11	5849.11
QC-272-2016	Portland	066089-111.15-3-41	Keybank NA	311.33	311.33
QC-273-2016	Portland	066089-111.15-3-42	Keybank NA	337.36	337.36
QC-274-2016	Portland	066089-111.15-3-43	Keybank NA	24731.22	24731.22
QC-280-2016	Portland	066089-145.00-1-34	Seymours Dream Inc.	10396.69	10396.69
QC-287-2016	Ripley	066200-240.08-1-2	Denise Gross	7137.81	7137.81
QC-294-2016	Ripley	066200-274.00-1-21	Nathan I. Hopkins	5064.00	5064.00
QC-296-2016	Ripley	066200-290.00-1-10	Nathan I. Hopkins	540.59	540.59
QC-328-2016	Ripley	066200-290.00-1-12.1	Nathan I. Hopkins	6241.67	6241.67
QC-327-2016	Ripley	066200-290.00-1-12.2	Brett A Heinert	465.62	465.62
QC-300-2016	Sheridan	066400-48.00-1-58	Daniel Smith	7928.64	7928.64
QC-303-2016	Sheridan	066400-81.15-1-1	Louis Delmonte	7252.51	7252.51
QC-304-2016	Sheridan	066400-98.00-4-20	Janice Waterman	1774.35	1774.35
QC-305-2016	Sherman	066601-328.11-2-10	Russell A. Weise Jr. & Kay N. Weise	356.65	356.65
QC-306-2016	Sherman	066601-328.11-2-8	Russell A. Weise Jr. & Kay N. Weise	11132.52	11132.52
QC-307-2016	Sherman	066601-328.11-2-9	Russell A. Weise Jr. & Kay N. Weise	5222.42	5222.42
QC-309-2016	Stockton	066889-214.12-1-20	Thomas C. Edington & Tracy L. Beckwith	2045.19	2045.19
QC-310-2016	Stockton	066889-215.00-2-12	Jeffrey Lent	3209.37	3209.37
QC-319-2016	Westfield	067289-176.00-2-43.2	Walter L. Houser Jr., & Cheryl A. Houser	2132.57	2132.57
QC-323-2016	Westfield	067289-193.00-2-3	Northwest Savings Bank	19356.41	19356.41
QC-325-2016	Westfield	067289-260.00-2-36	Joseph A. Semanovich	12797.82	12797.82
				388954.11	388954.11

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford

Unanimously Adopted – R/C Vote: 19 Yes – June 22, 2016

REGULAR SESSIONS

EMERG. RES. NO. 161-16
Authorize Payment of \$100,000 for Settlement of Claim of Eric Dahlgren

WHEREAS, payment for the settlement of claims for amounts equal to or greater than \$25,000.00 require approval of the County Legislature pursuant to General Municipal Law § 6-n and Local Law 4-86 of the County of Chautauqua, as amended; and

WHEREAS, the County's insurance carrier and the County's Law Department have recommended settlement of the claim of Eric Dahlgren for the sum of \$100,000.00, of which the County will be responsible for the entire amount as the deductible under the insurance policy; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the payment of \$100,000.00 to be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claim of Eric Dahlgren.

Unanimously Adopted– June 22, 2016

2nd Privilege of the Floor

No one chose to speak at this time.

Chairman Gould: I would ask for permission to go into executive session.

Legislator Nazzaro: I move that we go into executive session to discuss pending litigation.

Legislator Tarbrake: Second

Unanimously Carried (6:22 p.m.)

MOVED by Legislator Nazzaro, SECONDED by Legislator Whitford, to come out of executive session. *Unanimously Carried (8:03 p.m.)*

Legislator Whitford stated he was in favor of this resolution.

MOVED by Legislator Bankoski, SECONDED by Legislator Lemon and duly carried the meeting was adjourned. (8:07 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, July 27, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Tarbrake, Wendel)

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

MOVED by Legislator Himelein, SECONDED by Legislator Bankoski, the minutes were approved. (6/22/16)

1st Privilege of the Floor

My name is Ed Mulkearn, I am President of the Findley Lake Watershed Foundation. I live in Findley Lake, New York. I would just like to take a moment to thank the Legislature for all the support that we have gotten since I have been President. Hardly back 10 years, we bought our harvester with a grant from the County approved by the Legislature and now we have a resolution tonight in front of you to help us restore our dam. I appreciate the committees good questions and their support and I would like to thank you again.

Chairman Gould: Anyone else to the 1st privilege of the floor?

Mr. Toda: Yes, it is my understanding that I can speak on personal issues also today. At the first privilege of the floor or should I wait?

Chairman Gould: That is the second privilege of the floor.

Mr. Toda: O.k., then I will wait for that. Thanks.

Chairman Gould: Anybody else to the privilege of the floor? You can speak about anything on the agenda. Seeing no one, I will close the first privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 6/22/16

COMMUNICATIONS:

1. Letters (3) – County Executive – Apptmts. to Various Boards
2. Report – Fn. Director Marsh – Investment Report – June/2016
3. Email – Clerk Tampio to Members of P&E – Re: Association of Great Lakes Outdoor Writers Coming to Chautauqua County
4. Letter of Thanks - Scandinavian Folk Festival – Re: Occupancy Tax Award
5. Letter – United Arts Council – Re: Re: Occupancy Tax Award
6. Letter – NYSAC – RE: “Think Differently” Initiative
7. Letter – VMC Group, Buffalo – Re: Transportation Cost Control – Preschool Children w/ Special Needs
8. Letter – NYS Public Service Commission – Re: Soliciting Comments regarding use of Negative Revenue Adjustments w/ Electric Safety Standards

REGULAR SESSIONS

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9. Letter – NYS Public Service Commission – Re: Update and Clarify Wireless Pole Attachment Protections
 10. Drescher & Malecki LL – Financial Audit Findings for Year Ending 12/31/15
-

RES. NO. 162-16
Confirm Re-Appointment – JCC Board of Trustees

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

WHEREAS, Resolution 129-95 authorized regional sponsorship of JCC; and

WHEREAS, Resolution 129-95 created a community college region by the City of Jamestown, County of Chautauqua and County of Cattaraugus, with two appointments to the Board of Trustees to be made by the County Executive; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the re-appointment to the Jamestown Community College Region Board of Trustees as follows:

Dale Robbins
15 East Fifth Street
Jamestown, N.Y. 14702-3090
Term Expires: 6/30/23

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford

Unanimously Adopted – July 27, 2016

RES. NO. 163-16
Confirm Re-Appointments - Chautauqua County Traffic Safety 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 Chautauqua County Traffic Safety Board.

Tim Card
5282 Washington St.
Ashville, N.Y. 14710
Term Expires: 7/31/19

Patrick J. Flanders I
PO Box 528
Bemus Point, N.Y. 14712
Term Expires: 7/31/19

Joseph Gerace
235 Hunt Rd.
Jamestown, N.Y. 14701
Term Expires: 7/31/19

Chief Bradley Meyers
9-11 Church St.
Fredonia, N.Y. 14063
Term Expires: 7/31/19

JOURNAL OF PROCEEDINGS

Chief David Ortolano
342 Central Ave.
Dunkirk, N.Y. 14048
Term Expires: 7/31/19

Patricia A. Fincher
2862 Donelson Rd.
Jamestown, N.Y. 14701
Term Expires: 7/31/19

Michael Formanowicz
415 E. Main St.
Fredonia, N.Y. 14063
Term Expires: 7/31/19

Chief Harry Snellings
2 City View Ave.
Jamestown, N.Y. 14701
Term Expires: 7/31/19

Ronald Trippy
6755 South Portage Rd.
Westfield, N.Y. 14787
Term Expires: 7/31/19

Captain Eric Balon
3081 N. Main St.
Jamestown, N.Y. 14701
Term Expires: 7/31/19

Fred Croscut
7804 Freeman Rd.
Sherman, N.Y. 14781
Term Expires: 7/31/19

K.H. Pete James
PO Box 1100
Chautauqua, N.Y. 14722
Term Expires: 7/31/19

Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski

Unanimously Adopted – July 27, 2016

RES. NO. 164-16
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:

Sara DeMink
317 S. Frontage St.
Bemus Point, N.Y. 14712
Term Expires: 7/31/18

Benjamin C. Webb
158 W. Lake Rd.
Mayville, N.Y. 14757
Term Expires: 7/31/18

Patrick Flanders
PO Box 528
Bemus Point, N.Y. 14712
Term Expires: 7/31/19

K.H. Pete James
PO Box 1100
Chautauqua, N.Y. 14722
Term Expires: 7/31/19

Ron Trippy
6755 S. Portage St.
Westfield, N.Y. 14787
Term Expires: 7/31/19

Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski

Unanimously Adopted – July 27, 2016

REGULAR SESSIONS

RES. NO. 165-16
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.

Joseph A. Gerace
234 Hunt Rd. We
Jamestown, N.Y. 14701
Term Expires: 6/30/17

Dr. John P. Hamels
5996 Welch Hill Rd.
Ripley, N.Y. 14775
Term Expires: 6/30/17

Willie Rosas
768 Central Ave.
Dunkirk, N.Y. 14048
Term Expires: 6/30/17

Benjamin Spitzer
5841 Snug Harbor Dr.
Mayville, N.Y. 14757
Term Expires: 6/30/17

Paul Whitford
55 Harris Avenue
Jamestown, N.Y. 14701
Term Expires: 6/30/17

Signed: Tarbrake, Lemon, Whitford, Wilfong

Unanimously Adopted – July 27, 2016

RES. NO. 166-16
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:

Richard Ketcham
22 Bernett Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/16

Filling Term of Dr. John P. Hamels

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – July 27, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 167-16

Authorize Public Hearing on Proposed Lease of Office Space at the Chautauqua County Jamestown Airport by the General Services Administration for the Transportation Security Administration

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

WHEREAS, the County Legislature by Resolution No. 76-11 authorized the lease of office space to the Transportation Security Administration (TSA) at the Chautauqua County Jamestown Airport; and

WHEREAS, the Government of the United States acting through the General Services Administration has requested a three year supplemental term and extension; and

WHEREAS, it is appropriate for the smooth and efficient operation of the Chautauqua County Jamestown Airport to renew such lease with the County; and

WHEREAS, the Chautauqua County Airport Commission has approved and recommended renewal of the agreement; and

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

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held on the proposed lease of office space at the County Airport at Jamestown at the meeting of the County Legislature on August 24, 2016 at 6:30p.m.in Legislative Chambers, Gerace Office Building, Mayville, New York 14757 upon substantially the following proposed terms and conditions:

- 1) Premises: Room 46 (383 rentable square feet) and Room 47 (108 rentable square feet) for a total of 491 rentable square feet in the building known as the Chautauqua County Jamestown Airport Terminal located in Jamestown, New York.
- 2) Rent: Government Services Administration shall pay the County annual rental in the amount of \$6,401.50 or \$553.46 per month or pro-rated portion thereof, with no annual increase.
- 3) Term: Three years commencing on March 15, 2016 and terminating March 14, 2019, with option to terminate the lease during the third year of the term upon 90 days written notice.
- 4) Utilities and facility requirements: As described in County Contract 02-45-15/GSA Form 3626 dated April 17, 2003, titled "U.S. Government Lease for Real Property."
- 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 hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Wilfong, Nazzaro, Scudder, Himelein

Unanimously Adopted – July 27, 2016

REGULAR SESSIONS

RES. NO. 168-16

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project PIN 5760.01

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

WHEREAS, Chautauqua County Bridge 887 in the Town of Ellery, Rehabilitation Project PIN 5760.01 (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 \$465,000 to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, NYS will fund 80% \$60,000 of the Non-Federal share and the remaining 20% \$33,000 of the Non-Federal will be paid from the existing budget in account D.5112.390; 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 5760.01; 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 Commissioner 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	\$432,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program	\$372,000
D.5112.390.R358.9003	NY State Aid – Marchiselli Funds	\$ 60,000

JOURNAL OF PROCEEDINGS

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted – July 27, 2016

RES. NO. 169-16

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project PIN 5760.94

By Public Facilities and Audit & Control Committees:
At the Request of 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"); 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, Resolution No. 105-14 approved funding for the Preliminary Engineering (Design I-IV) phase of the project PIN 5760.94; 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) and Construction/Construction Inspection phases of the project PIN 5760.94; and

WHEREAS, the Preliminary Engineering (Design I-IV) and Construction/Construction Inspection phases of the project PIN 5760.94 are estimated to cost \$764,000 and are included in the existing capital budget, account H.8020.37893; 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) 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 (Design I-IV) 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 costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not eligible; and it is further

REGULAR SESSIONS

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 this Resolution shall take effect immediately.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted – July 27, 2016

RES. NO. 170-16

Authorize Agreement with New York 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 Celoron 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, Resolution No. 103-14 approved funding for the Preliminary Engineering (Design I-IV) phase of the project PIN 5760.95; 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) and Construction/Construction Inspection phases of the project PIN 5760.95; and

WHEREAS, the Preliminary Engineering (Design I-IV) and Construction/Construction Inspection phases of the project PIN 5760.95 are estimated to be \$1,207,000 and are included in the existing capital budget, account H.7110.25953; 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) 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 (Design I-IV) 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

JOURNAL OF PROCEEDINGS

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 costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not 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 this Resolution shall take effect immediately.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted – July 27, 2016

RES. NO. 171-16
Adjust and Establish CHIPS and PAVE NY Accounts

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

WHEREAS, Chautauqua County's transportation system, which includes roads and bridges, is essential to everyone and it contributes to economic development, job creation and to quality of life; and

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, the Chautauqua County capital budget includes \$3,741,811 in CHIPS funding for capital improvement; and

WHEREAS, New York State has adjusted the 2016-2017 CHIPS appropriations for Chautauqua County to \$3,738,194.64; and

WHEREAS, New York State has recognized the need for additional funds for paving purposes and has appropriated additional funds under the PAVE NY program in the amount of \$853,280.81; and

WHEREAS, CHIPS funds can be used for the purchase of equipment; and

WHEREAS, the Department of Public Facilities' Division of Transportation desires to use a portion of the CHIPS funds toward the purchase of an additional snow plow truck to effectively perform snow plowing and de-icing operations; and

WHEREAS, the budget should be amended to conform to these adjustments to funding; now 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 this funding; and be it further

REGULAR SESSIONS

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

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

D.5112.391.4	Contractual – Highway Improvements	\$659,258
H.5130.626.4	DPF Large Equipment	<u>\$190,406</u>
	Total	\$849,664

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.R350.PAVE NYS Aid – PAVE NY	\$853,281
H.5130.626R503.1000 Interfund Transfer	<u>\$190,406</u>

DECREASE CAPITAL REVENUE ACCOUNT:

D.5112.R350.1000 NYS Aid - CHIPS	\$ 3,617
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INCREASE APPROPRIATION ACCOUNT:

D9950.9 Interfund Transfer	<u>\$190,406</u>
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted – July 27, 2016

On September 28, 2016 resolution was Renewed & Amended – Unanimously Adopted (Bold indicates amendment)

RES. NO. 172-16

Acceptance of CARTS Section 5311 2015-2016 Consolidated 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>Cost</u>	<u>Estimated Project</u>
1) 2015 Operating Assistance	\$706,000
2) 2016 Operating Assistance	\$717,000
3) Expanded service from Clymer/Panama to Jamestown	\$139,004
4) Mobility Management	\$ 87,619
5) Purchase-Replacement OGS III or similar buses	\$900,000
6) Purchase of two-way radios for buses	\$111,292

; and

WHEREAS, funding for the total Operating Assistance is shared at a rate of 50% Federal and 50% from local funds and was included in the 2015 and 2016 operating budgets; and

WHEREAS, funding for the Expanded Service is 50% Federal and 50% from local funds;
and

JOURNAL OF PROCEEDINGS

WHEREAS, TEAM Services Inc. will provide 100% of the local costs for the Expanded Service from Clymer/Panama to Jamestown; and

WHEREAS, the 2016 Budget must be amended to include the Federal share for Expanded Service; and

WHEREAS, funding for Mobility Management is shared at a rate of 80% Federal, 10% State and 10% local dollars; and

WHEREAS, the local share for the Mobility Management will be paid from the existing budget; and

WHEREAS, the 2016 Budget must be amended to include the Federal and State share for Mobility Management; and

WHEREAS, funding for the capital bus replacement is shared at a rate of 80% Federal, 10% State and 10% local dollars and is included in the existing capital account H.5630.25886; and

WHEREAS, funding for the radio purchase is shared at a rate of 80% Federal, 10% State and 10% 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; therefore be it

RESOLVED, That the County Executive be and hereby is authorized and empowered 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 A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Bal., Reserved Fund Bal. – Res. for Capital	\$11,129
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RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.5630.5625.4 Contractual – Bus Operations	\$148,359
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INCREASE REVENUE ACCOUNTS:

A.5630.5625.R358.9000 NYS Aid – Transportation	\$ 8,762
A.5630.5625.R458.9000 Federal Aid – Transportation	<u>\$139,597</u>
	\$148,359

INCREASE CAPITAL APPROPRIATIONS ACCOUNT:

H.5630.25883.4 Contractual – Base Station & Repeater Upgrade	\$111,292
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5630.25883.R358.9000 NYS Aid – Transportation	\$ 11,129
H.5630.25883.R358.9000 Federal Aid – Transportation	\$ 89,034
H.5630.25883.R503.1000 Interfund Transfer – Interfund Transfer	<u>\$ 11,129</u>
	\$111,292

REGULAR SESSIONS

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted – July 27, 2016

RES. NO. 173-16

Jurisdictional Transfer of a Segment of Central Avenue from the Village of Fredonia and the City of Dunkirk to the County of Chautauqua

By Public Facilities and Audit & Control Committees:
At the Request of Legislators Robert Scudder and Christine Starks:

WHEREAS, by resolution 89-01 the County established a program to take over from local municipalities certain roads, streets, and sections thereof which provide major connections to County and State highways and roads (the Program); and

WHEREAS, upon taking over a road, street or section thereof pursuant to the Program, the County assumes responsibility for maintenance and repair of road surfaces, and the local municipality retains responsibility for snow removal, curbs, sidewalks and utilities; and

WHEREAS, pursuant to the County's Highway Policy for jurisdictional exchanges (the Policy), signage, road striping and other responsibilities also remain the obligation of the local municipality; and

WHEREAS, as part of the Program Chautauqua County took over a 1.98 mile section of Central Avenue beginning at Lake Shore Drive (New York State Route 5) and ending at Millard Fillmore Drive; and

WHEREAS, the County's Director of Public Facilities, in his capacity as county superintendent of highways, recommends that the County take over an additional segment of Central Avenue, currently under the care of the Village of Fredonia and the City of Dunkirk, starting at Millard Fillmore Drive on the north and extending south to the road's conclusion at the intersection of Central Avenue and Temple Street; and

WHEREAS, in accordance with Highway Law §115, the County Director of Public Facilities, in his capacity as superintendent of highways, proposes to amend the map of the County Road System to include this section of Central Avenue; and

WHEREAS, the Village of Fredonia and the City of Dunkirk have agreed to cooperate with the County in the capital improvement of the section of the road to be transferred; now therefore be it

RESOLVED, That the highway map of the Chautauqua County road system is hereby amended by the addition of the section of Central Avenue specified above and shown on the attached highway map, with responsibilities for this segment of road allocated between the County, the Village, and the City in accordance with the County's Program and Policy as defined herein; and be it further

RESOLVED, That the revised map be filed in the offices of the county clerk and the highway superintendent; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary agreements with the Village of Fredonia and the City of Dunkirk for the capital improvement of the road to be transferred, with costs allocated in accordance with responsibilities established in the Program and the Policy, as defined herein.

JOURNAL OF PROCEEDINGS

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Muldowney, Borrello (PF – Himelein voting “no” and AC – Chagnon voting “no”)

Defeated – R/C Vote: 5 Yes; 12 No; 2 Absent – (No’s: Bankoski, Chagnon, Hemmer, Lemon, Nazzaro, Niebel, Odell, Rankin, Vanstrom, Whitford, Wilfong, Gould) – July 27, 2016

RES. NO. 174-16
Amend Budget for Bond Refunding

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

WHEREAS, resolution 82-16 authorized, pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Chautauqua, New York, to refund all or a portion of the outstanding callable principal balance of the \$16,950,000 Public Improvement 2010 (Serial) Bonds; and

WHEREAS, on June 1, 2016 the aforementioned bonds were refunded; and

WHEREAS, the refunding was not budgeted in the 2016 budget; and

WHEREAS, the refunded bonds affect both the Energy Fund (an enterprise fund) and the General Fund; and

WHEREAS, enterprise funds are recorded on a full accrual basis which requires premiums from bond refunding to be amortized over the life of the bonds, and in addition, GASB 65 requires the difference between the principal amount refunded and amount paid to escrow agent to be considered a deferred charge which is also recognized over the life of the bonds; and

WHEREAS, as a result of the refunding, there will be a net decrease in total appropriations for the Energy Fund for 2016; and

WHEREAS, the 2016 revenues in the Energy fund are falling short of budget; now therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.9991.----.9	Interfund Transfers - Oth Fin Use- Pymt to Refund	\$3,833,266
A.1310.----.4	Contractual – Department of Finance	\$ 62,545
EE.8410.----.4	Contractual – Electric Generation	\$ 86,578

DECREASE REVENUE ACCOUNT:

EE.8410.R251.0001	Departmental Income: NYISO	\$ 34,498
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DECREASE APPROPRIATION ACCOUNT:

EE 9710.----.7	Interest – Debt Services/Serial Bonds	\$ 121,076
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.9991.R579.1000	Proceeds L/T Obligation: Advance Refunding Bonds	\$3,895,811
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REGULAR SESSIONS

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted – July 27, 2016

RES. NO. 175-16

Approval of Interim Funding and Establishment of Capital Accounts for North Chautauqua County Water District

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

WHEREAS, pursuant to Resolutions 39-16 and 81-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, the District Board has selected an engineer to undertake the design, bid process, and construction administration for the District's initial capital improvements, and it is appropriate that the County assist the new District with initial cash flow needs prior to the issuance of bond anticipation notes and final bonding for the improvements; therefore be it

RESOLVED, That the County Executive is authorized and empowered to advance on an "as needed" basis up to \$1million to the District to be repaid to the County on or before December 31, 2016, at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earnings rate during the term of the advances; and be it further

RESOLVED, That the Director of Finance is authorized and directed to establish accounts for the District's initial capital improvements, as follows:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

EWN.8397.----.4	Contractual – Equipment and Capital Outlay	\$11,750,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

EWN.8397.R571.0000	Proceeds L/T Obligations – Serial Bonds	\$11,750,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Borrello, Chagnon, Odell, Starks, Niebel, Muldowney

Unanimously Adopted – July 27, 2016

RES. NO. 176-16

Amend Capital Project Budget, Millennium Parkway

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

WHEREAS, construction of Millennium Parkway, project account H.6420.579, has been completed with the exception of the removal of stockpile soil; and

JOURNAL OF PROCEEDINGS

WHEREAS, Resolution 175-12 authorized agreement between the County and NYSDOT for ROW but did not include necessary amendments to the capital budget; and

WHEREAS, initial project costs prior to 2006 totaling \$122,196 and property acquisition costs of \$4,850 were to be funded 100% by the County; and

WHEREAS, the cost of the federally funded agreement are shared 80% Federal and 20% local; and

WHEREAS, NYSDOT has agreed to fund 75% of the non-federal share of the federally funded project; and

WHEREAS, the existing budget includes a disproportionate share of Federal, State and County funds; and

WHEREAS, the capital budget should be amended so that funds are in place and properly proportioned prior to entering into an agreement with a vendor for the removal of the stockpile soil; therefore be it

RESOLVED, That D Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

D.-----915.0000	Assigned Fund Bal.--Assigned/Unappropriated Fund Bal.	\$41,704
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and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the budget"

INCREASE APPROPRIATION ACCOUNT:

D.9950.----9	Interfund Transfer -- Transfer to Capital	\$41,704
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420.579.4	Contractual -- Millennium Parkway	\$227,046
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.6420.579.458.9002	Federal Aid -- Surface Transportation Program	\$481,000
H6420.579.503.1000	Interfund Transfer -- Interfund Transfers	\$ 41,704

DECREASE CAPITAL REVENUE ACCOUNT:

H.6420.579.358.9003	NYS Aid: Marchiselli Funds	\$295,657
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Chagnon, Muldowney, Borrello

Unanimously Adopted -- July 27, 2016

RES. NO. 177-16

Participant's Share of 2017 Chautauqua County Self-Insurance Plan Costs

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

REGULAR SESSIONS

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 2017 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 2017.

Towns			
Arkwright	\$37,015.13	Harmony	\$50,160.02
Busti	\$58,256.56	Kiantone	\$12,587.20
Carroll	\$25,482.12	Mina	\$32,475.48
Charlotte	\$17,748.57	N Harmony	\$76,362.86
Chautauqua	\$138,272.55	Poland	\$64,855.56
Cherry Creek	\$11,134.20	Pomfret	\$72,378.57
Clymer	\$11,419.16	Portland	\$45,675.90
Dunkirk	\$23,944.03	Ripley	\$20,685.71
Ellery	\$83,953.15	Sheridan	\$76,056.37
Ellicott	\$144,474.45	Sherman	\$9,185.52
Ellington	\$11,654.31	Stockton	\$17,805.66
French Creek	\$18,959.05	Villanova	\$17,676.91
Gerry	\$16,088.01	Westfield	\$39,675.55
Hanover	\$70,985.88		
Villages / Cities			
Bemus Point	\$10,086.40	Mayville	\$15,929.17
Brocton	\$13,021.54	Panama	\$2,123.46
Cassadaga	\$5,670.58	Sherman	\$2,955.52
Celoron	\$6,889.62	Silver Creek	\$43,959.98
Cherry Creek	\$1,810.67	Sinclairville	\$2,512.23
Falconer	\$15,032.28	Westfield	\$75,350.55
Forestville	\$3,406.21		
Fredonia	\$205,442.07	Dunkirk (City)	\$307,041.97
Lakewood	\$37,400.96	Jamestown (City)	\$867,216.78
Chautauqua County	\$2,379,181.54		

JOURNAL OF PROCEEDINGS

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford, Nazzaro, Himelein, Chagnon, Borrello

Unanimously Adopted – July 27, 2016

RES. NO. 178-16
Standard Workday and Reporting Resolution

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

BE IT RESOLVED, That the County of Chautauqua hereby establishes the following standard work days for these titles, as set forth in the attached schedule, and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)		Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy - mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
ELECTED OFFICIALS							
Legislator	6.00	RONALD A	LEMON		01/01/16 - 12/31/17	2.20	
Legislator	6.00	CHARLES C	NAZZARO		01/01/16 - 12/31/17	5.00	
Legislator	6.00	MARK	ODELL		01/01/16 - 12/31/17	6.20	
Legislator	6.00	ELISABETH T	RANKIN		01/01/15 - 12/31/17	4.28	
Legislator	6.00	ROBERT M	SCUDDER		01/01/16 - 12/31/17	6.90	
Legislator	6.00	MARK J	TARBRAKE		01/01/16 - 12/31/17	2.00	
Legislator	6.00	LISA A	VANSTROM		01/01/16 - 12/31/17	4.80	
Legislator	6.00	PAUL M JR	WENDEL		01/01/16 - 12/31/17	2.30	
District Attorney	7.00	PATRICK E	SWANSON		01/01/16 - 12/31/16	23.36	
APPOINTED OFFICIALS							

REGULAR SESSIONS

Public Defender	7.00	NATHANIEL L II	BARONE		01/01/16 - 12/31/17	26.50	
Coroner	6.00	CASSANDRA M	BRIGHAM		01/06/15 - 12/31/16		X
Assistant Public Defender	7.00	KATIE L	BUCKLEY		06/22/15 - 12/31/17	21.67	
Assistant Public Defender	7.00	PHILIP A	CALA		01/01/16 - 12/31/17	25.70	
Assistant District Attorney	7.00	JOSEPH M	CALIMERI		01/01/16 - 12/31/16	19.60	
Assistant Public Defender	7.00	MICHAEL R	CERRIE		01/01/16 - 12/31/17	16.30	
Assistant District Attorney	7.00	GREGORY D	DRAB		01/01/16 - 12/31/16	18.90	
Assistant Public Defender	7.00	MARK J	DUNCANSON		01/01/16 - 12/31/17	17.43	
Assistant Public Defender	7.00	WILLIAM F	DUNCANSON		01/01/16 - 12/31/17	20.95	
First Assistant District Attorney	7.00	DEREK V	GREGORY		01/01/16 - 12/31/16	26.20	
Assistant Public Defender	7.00	JOHN P II	GULLO		01/01/16 - 12/31/17	7.73	
Deputy County Fire Coordinator	6.00	NOEL M	GUTTMAN		07/03/13 - 12/31/17		X
Assistant Public Defender	7.00	SHEILA M	HYDE		01/01/16 - 12/31/17	21.91	
Assistant District Attorney	7.00	BRIDGET A	KLEINFELDER		10/21/14 - 12/31/16	26.40	
Assistant District Attorney	7.00	ANDREW M	MOLITOR		01/01/16 - 12/31/16	24.50	
Assistant Public Defender	7.00	REXFORD H	MORGAN		06/11/15 - 12/31/17	25.48	
First Assistant Public Defender	7.00	JAMES J	PELLETTER		01/01/16 - 12/31/17	25.35	

JOURNAL OF PROCEEDINGS

Assistant Public Defender	7.00	JOSEPH A	PRICE		01/01/16 - 12/31/17	19.94	
Second Assistant Public Defender	7.00	JOHN P III	RICE		01/01/16 - 12/31/17	22.54	
Second Assistant District Attorney	7.00	LYNN S	SCHAFFER		01/04/16 - 12/31/16	21.73	
Assistant Public Defender	7.00	MICHAEL P	SMITH		02/13/14 - 12/31/17		X
Assistant District Attorney	7.00	EMILY A	SOBILO		01/26/15 - 12/31/16	19.57	
Coroner	6.00	LAWRENCE J	WILCOX		01/22/14 - 12/31/16		X
First Assistant District Attorney	7.00	JOHN C	ZUROSKI		01/01/16 - 12/31/16	21.90	

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

Unanimously Adopted – July 27, 2016

RES. NO. 179-16

2014 Tech Rescue/USAR Grant Program 2016 Appropriations

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

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; and

WHEREAS, Resolution 239-14 authorized the County Executive to sign and accept the Homeland Security Tech Rescue Grant Program; and

WHEREAS, the majority of the grant funding (\$79,116.79) was expended in the 2015 budget year, the remaining \$20,405 should be placed in 2016 Budget, now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNT:

A.3625.----.4	Contractual – Technical Rescue Team	\$20,405
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INCREASE REVENUE ACCOUNT:

A.3625.----.R430.5004	Federal Aid – Homeland Security	\$20,405
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Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 180-16

Fiscal Year 2016 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

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

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$15,516.00 under the FY 2016 Hazardous Material Emergency Preparedness (HMEP) Grant Program, with funding provided by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the HMEP planning grants are used to develop, improve, and implement emergency plans; determine flow patterns of hazardous materials within a state and between states; and determine the need within a state for regional hazardous materials emergency response teams; and

WHEREAS, the grant period runs from September 30, 2016 through September 30, 2017, and as may be extended; and

WHEREAS, most grant funding will be expended in the 2017 budget year, now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award and subsequent changes to work plans if necessary.

Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 181-16

Authorize Agreement with Chautauqua-Cattaraugus Erie II 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

JOURNAL OF PROCEEDINGS

WHEREAS, Chautauqua-Cattaraugus Erie II 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, 2016 through July 31, 2017, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$35,972; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for a culinary arts instruction program.

Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 182-16

Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for School Resource Officers

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 Chautauqua-Cattaraugus Erie II BOCES and determined that the County and BOCES schools in the region and would benefit by the continuation of the School Resource Officer program; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has agreed to compensate the County of Chautauqua for the cost of providing two (2) Deputy Sheriffs for the period of July 1, 2016 through June 30, 2017, the deputies to be shared between three facilities at a total sum not to exceed \$186,433, 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 positions; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for the School Resource Officer program.

Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 183-16

Increase Revenue & Appropriation Accounts for Wireless 911 Equipment

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

WHEREAS, the total cost of the county-wide radio project will exceed available grant funds;
and

REGULAR SESSIONS

WHEREAS, the County Sheriff's Office has sufficient funds in a reserve account that can be used to purchase equipment for operation of the 911 emergency system; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.891.0000 Fund Bal., Reserved Fund Bal. – Misc. Reserve: W-911 \$35,737

; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3020.W911.3700 Depreciable Equipment—Sheriff \$35,737

Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 184-16

Modify Budget Due to Revised Agreements with Village of Silver Creek and Town of Hanover for Enhanced Police Services

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

WHEREAS, the Village of Silver Creek and the Town of Hanover requested the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village of Silver Creek and the Town of Hanover for the 2016 calendar year; and

WHEREAS, the Chautauqua County Sheriff negotiated agreements with the Village of Silver Creek and the Town of Hanover for the period from January 1, 2016 through December 31, 2016 for an estimated cost not to exceed \$546,745.00; and

WHEREAS, the 2016 budget for the Chautauqua County Office of the Sheriff projected revenue of \$729,687 for enhanced police services within the Village of Silver Creek and the Town of Hanover; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized to make the following 2016 budgetary changes:

DECREASE APPROPRIATION ACCOUNTS:

A.3110.---1	Personal Services—Sheriff	\$128,059
A.3110.---8	Employee Benefits—Sheriff	\$ 54,883
		\$182,942

DECREASE REVENUE ACCOUNT:

A.3110.R226.0000 Chrgs: Oth Gov—Pub Safety \$182,942

Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

JOURNAL OF PROCEEDINGS

Unanimously Adopted – July 27, 2016

RES. NO. 185-16

Authorize Memorandum of Agreement with City of Jamestown for Acceptance of Justice Assistance Grant Funds

By Public Safety and Audit & Control Committees:
At the Request of Legislator Paul (PJ) Wendel:

WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance, is administering the 2015 and 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Programs, and

WHEREAS, the City of Jamestown and County of Chautauqua are eligible to receive funding under the 2015 and 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Programs through a joint application process; now therefore be it

RESOLVED, That the County of Chautauqua is authorized to receive grant funds to be utilized by the Jamestown Police Department and the Chautauqua County Office of the Sheriff in the amount of \$29,950.00. The Chautauqua County Office of the Sheriff will receive \$14,975.00 of these funds. These proceeds will be used to fund the purchase of Body Worn Cameras; now therefore be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3110.---4	Contractual Services--Sheriff	\$14,975
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INCREASE REVENUE ACCOUNT:

A.3110.R438.9000	Federal Aid—Other Public Safety Aid	\$14,975
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Signed: Wendel, Niebel, Whitford, Tarbrake, Bankoski, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 186-16

Abolish and Relocate Department of Health and Human Services Clinic Petty Cash Accounts

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

WHEREAS, Chautauqua County Resolution 312-82 established a revolving petty cash fund in the amount of \$25, subsequently increased to \$75 by Chautauqua County Resolution 213-97, to be used by the Dunkirk Clinic of the Health and Human Services Department as incidental funds; and

WHEREAS, the DHHS- Dunkirk Clinic petty cash fund established by Chautauqua County resolution 312-82 and increased by Chautauqua County resolution 213-97 is no longer necessary nor used by the Department of Health and Human Services; and

REGULAR SESSIONS

WHEREAS, Chautauqua County Resolution 312-82 established a revolving petty cash fund in the amount of \$25, subsequently increased to \$75 by Chautauqua County Resolution 213-97, further increased to \$125 by Chautauqua County Resolution 175-99, to be used by the Jamestown Clinic of the Health and Human Services Department as incidental funds; and

WHEREAS, the DHHS- Jamestown Clinic petty cash fund established by Chautauqua - County resolution 312-82 and increased by Chautauqua County resolutions 213-97 and 175-99 has been physically relocated to the Mayville Clinic of the Department of Health and Human Services under the control of the same Petty Cashier; now therefore be it

RESOLVED, That the DHHS- Dunkirk Clinic petty cash fund established by Chautauqua County resolution 312-82 and increased by Chautauqua County resolution 213-97 as incidental funds is hereby abolished; and be it further

RESOLVED, That the DHHS-Jamestown Clinic petty cash fund established by Chautauqua County resolution 312-82 and increased by Chautauqua County resolutions 213-97 and 175-99 as incidental funds is hereby relocated to Mayville; 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, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 187-16

Amend Budget to Include Additional Excellus Health Plan, Inc., d/b/a/ Univera Healthcare Grant Funding

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

WHEREAS, in 2014 Chautauqua County was awarded grant funds from Excellus Health Plan, Inc., d/b/a Univera Healthcare (Excellus), to increase community supports for breastfeeding within hospitals, primary care practices, workplaces, and at home; and

WHEREAS, Excellus recently notified the County that the County has been awarded a grant increase of Twelve Thousand Five Hundred Dollars (\$12,500.00) to continue grant services through 2016; and

WHEREAS, the 2016 County budget must be adjusted to include these additional grant funds; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1	Personal Services – Public Health Nursing	\$ 1,392
A.4010.NURS.8	Employee Benefits – Public Health Nursing	\$ 877
A.4010.NURS.4	Contractual - Public Health Nursing	<u>\$10,231</u>
		\$12,500

JOURNAL OF PROCEEDINGS

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4010.NURS. R168.9CSB Other Health Department Income \$12,500

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 188-16

Authorize County Executive to Execute the Amended Resource Allocation Plan

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, Resolution 94-16 authorized the County Executive to execute the Chautauqua County Youth Board's 2016 RAP reflecting a total allocation of \$187,596; and

WHEREAS, the Chautauqua County Youth Board has been awarded an additional New York State OCFS Youth Development allocation of \$16,934 as well as additional Runaway and Homeless Youth (RHYA) I and RHYA II allocations of \$43,841, which necessitate an amendment to the Chautauqua County Youth Board's 2016 RAP; and

WHEREAS, the amended total amount approved for allocation to the County is \$258,371; and

WHEREAS, OCFS will reimburse the County for expenditures made in accordance with the approved Program Allocations 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 through the State of New York for a Local Assistance program, therefore be it

RESOLVED, That the amended Resource Allocation Plan reflecting an amended total allocation of \$258,371 is approved to be executed by the County Executive; and it is 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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the follow adjustments to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.7310.----.4 Contractual – Youth Programs \$60,775

INCREASE REVENUE ACCOUNT:

A.7310.R382.0000 NYS Aid – Youth Programs \$60,775

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

REGULAR SESSIONS

Unanimously Adopted – July 27, 2016

RES. NO. 189-16

Authorize Lease Agreement with Town of Chautauqua for Office Space Mental Hygiene Department

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

WHEREAS, pursuant to County Resolution 140-09 the County has been leasing office space from the Town of Chautauqua for the County Department of Mental Hygiene's SPOA, CCSI, SCM/ICM, and Tapestry programs; and

WHEREAS, upon expiration of the current lease at the end of July, the County would like to enter into a new lease agreement with the Town of Chautauqua so the County may continue using this space; and

WHEREAS, it is appropriate for the County to lease such space from the Town of Chautauqua in order to continue enhanced mental health services in Chautauqua County with the Tapestry 2.0 program, and to centralize Tapestry 2.0 with existing services; and

WHEREAS, the Town of Chautauqua is willing to continue to lease to County the currently occupied space in its Municipal Building; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Town of Chautauqua, 2 Academy Street, Mayville, substantially in accordance with the following:

1. Premises: Approximately 2,068 square feet (room 200 – 946 sq. ft. and Room 202 – 1,122 sq. ft.) at 2 Academy Street, Mayville, New York.
2. Term: One three-year term, with the ability to terminate on at least thirty (30) days' notice.
3. Rent: \$990.00 (\$.479 per sq ft) per month.
4. Utilities: \$100.00 per month.
5. Other: As negotiated by the County Executive.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 190-16

Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by New York State 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

JOURNAL OF PROCEEDINGS

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 as the local tourist promotion agency for the Matching Funds Program sponsored by the New York State Division of Tourism; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates the Chautauqua County Visitors Bureau as the local tourist promotion agency for the Matching Funds Program sponsored by the New York State Division of Tourism and authorizes the Chautauqua County Visitors Bureau 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. Chautauqua County Visitors Bureau will maintain a dedicated bank account for purposes of matching and disbursing Matching Funds provided by the New York State Division of Tourism and the corresponding local share, in accordance with the Matching Fund program guidelines provided by the Division of Tourism; and
2. 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
3. All discounts and refunds be maintained in the Matching Fund Program account and be expended for generic County advertising according to New York State guidelines for the Program; and
4. Account(s) be reconciled monthly and at the end of the program, and the required quarterly and annual reports be provided to the New York State Division of Tourism in accordance with Matching Fund Program guidelines; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$250,000.00 for the state fiscal year from April 1, 2016 through March 31, 2017.

Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Muldowney, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 191-16

Designating Chautauqua County as a Purple Heart County

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

REGULAR SESSIONS

WHEREAS, the residents of Chautauqua County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women from Chautauqua County that served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, the Chautauqua County Legislature seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, on August 7, 1782, General George Washington issued an order establishing the Badge of Military Merit to honor merit, particularly among the enlisted soldiers; and

WHEREAS, on February 22, 1932, the Badge of Military Merit was renamed the Purple Heart, which is awarded to any member of the United States Armed Forces wounded or killed in combat by a declared enemy of the United States; and

WHEREAS, many citizens of Chautauqua County are recipients of the Purple Heart medal as a result of being wounded or killed while engaged in combat with an enemy force, construed as a singular meritorious act of essential service; and

WHEREAS, the Chautauqua County Legislature appreciates the sacrifices our Purple Heart recipients made while defending freedom and believes specific recognition be accorded them in appreciation of their courage and to demonstrate the honor and support they have earned; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby declares Chautauqua County as a Purple Heart County, honoring the service and sacrifice of our men and women in uniform wounded or killed by the enemy while serving to protect the freedoms of all Americans; and be it further

RESOLVED, That a copy of this Resolution shall be forwarded to the Military Order of the Purple Heart.

Signed: Borrello, Chagnon, Niebel, Odell, Starks

Unanimously Adopted – July 27, 2016

RES. NO. 192-16

Authorize Use of Funds from 2% Occupancy Tax for Rehabilitation of the Findley Lake Dam

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

WHEREAS, the Findley Lake Watershed Foundation owns and operates the Findley Lake Dam, which is failing and poses an imminent threat to important municipal infrastructure and property values, and will require significant rehabilitation to maintain compliance with the New York State Dam Safety regulations; and

JOURNAL OF PROCEEDINGS

WHEREAS, in 2013, Chautauqua County partnered with the Findley Lake Watershed and provided \$5,000 from the 2% Occupancy Tax Program for a feasibility study to support grant applications to fund the Findley Lake Dam Rehabilitation Project; and

WHEREAS, in 2014, the Findley Lake Watershed Foundation provided \$60,000, and Chautauqua County awarded a competitive \$40,000 grant from the 2% Occupancy Tax, to co-fund the required geotechnical investigation, final design and permitting for the Findley Lake Dam Rehabilitation Project at a cost of approximately \$100,000; and

WHEREAS, in 2014, the New York State Office of Community Renewal granted \$190,000 for the construction of the Findley Lake Dam Rehabilitation Project; and

WHEREAS, in 2014, the United States Department of Agriculture's Rural Development Program granted \$50,000 for the construction of the Findley Lake Dam Rehabilitation Project; and

WHEREAS, in 2015, the Town of Mina committed \$20,000 and the Findley Lake Community Foundation granted \$10,000 for the construction of the Findley Lake Dam Rehabilitation Project; and

WHEREAS, in 2015, the Findley Lake Watershed Foundation publicly bid the dam rehabilitation project and the lowest responsible bid received was \$460,000, which exceeded the available funding by approximately \$190,000; and

WHEREAS, the Findley Lake Watershed Foundation has worked diligently to overcome the funding gap for the dam rehabilitation project and has an additional \$49,000 grant pending from the United States Department of Agriculture's Rural Development Program; and

WHEREAS, the New York State Office of Community Renewal grant funds in the amount of \$190,000 which are allocated for the project will be withdrawn if construction of the project is not initiated in 2016; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$371,485, and pursuant to Resolution 65-13, the Chautauqua County Legislature authorized the use of funds in the 2% Occupancy Tax Lakes and Waterways Reserve Fund for lakes and waterways projects meeting specific criteria; and

WHEREAS, Chautauqua County desires to pledge \$141,000 from the 2% Occupancy Tax Lakes and Waterways Reserve Fund in support of the rehabilitation of the Findley Lake Dam; therefore be it

RESOLVED, That the Chautauqua County Legislature pledges \$141,000 from the 2% Occupancy Tax Lakes and Waterways Reserve Fund in support of the rehabilitation of the Findley Lake Dam; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Resvd Fund Bal - MISC RES – Lakes & Waterways	\$141,000
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;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to 2016 Budget:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual – Watershed Administration	\$141,000
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Signed: Borrello, Chagnon, Odell, Himelein, Starks, Niebel, Nazzaro, Muldowney

Unanimously Adopted – July 27, 2016

RES. NO. 193-16

Commitment of Matching Funds for New York State Department of Environment Conservation/New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant Program for the Lakewood-Busti Stormwater Management Engineering Study
aBy Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Vincent W. Horigan:

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development (PED), the Chautauqua Lake and Watershed Management Alliance (Alliance), the Village of Lakewood, and the Town of Busti have partnered to provide grant writing, local match commitment, grant administration services, and technical services to procure funding to deliver an engineering study to improve water quality and stormwater management, which will inventory current stormwater infrastructure and identify stormwater projects that can be pursued in the future that will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, New York State Consolidated Funding Application (CFA) offers state-wide grant funding programs that provide an opportunity to significantly leverage local resources; however, these grant programs are fiercely competitive and require a local match in cash and/or in-kind services; and

WHEREAS, the 2016 CFAs include Round 6 of the New York State Department of Environmental Conservation / New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant (EPG) program, which offers grant funding to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects; and

WHEREAS, the goal of the EPG program is to advance water quality projects to construction, and successful applicants can use the engineering report funded by the grant to seek financing through the CWSRF program or other funding entities to further pursue the identified solutions; and

WHEREAS, the PED, Alliance, Village of Lakewood, and Town of Busti have identified the Lakewood – Busti Stormwater Management Engineering Study for application to the EPG grant program, which provides reimbursement for up to 80% of the cost of water quality improvement projects with a maximum award of \$100,000, with applicants providing the remaining local match contribution of at least 20% of the total project costs; and

WHEREAS, the Village of Lakewood will be the grant applicant, partnering with the County and the Town of Busti for match funding, and the Alliance for grant writing, grant administration and project implementation oversight; and

JOURNAL OF PROCEEDINGS

WHEREAS, the total study costs have been identified at \$136,500 resulting in EPG requested funding of \$100,000 and local match needs of \$36,500; and

WHEREAS, the Village of Lakewood and the Town of Busti have resolved to provide \$5,000 each toward the local grant match, leaving \$26,500 in needed additional local funding; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of \$371,485; and

WHEREAS, by Resolution 131-15 the County reallocated capital project program dollars to specifically provide matching funding for grants to undertake Alliance member capital projects to help Chautauqua Lake and its watershed and has \$ 71,053 still available; and

WHEREAS, the County desires to match \$26,500 in local funding to the EPG grant program for the Lakewood – Busti Stormwater Management Engineering Study with \$13,250 from the 2% Occupancy Tax Reserve fund and \$13,250 from the reallocated Alliance capital projects program funds established under Resolution 131-15; therefore, be it,

RESOLVED, That the County shall match \$26,500 in local funding towards the EPG grant program for the Lakewood – Busti Stormwater Management Engineering Study with \$13,250 from the 2% Occupancy Tax Reserve fund and \$13,250 from the reallocated Alliance capital projects program funds established under Resolution 131-15.

Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Muldowney, Himelein

Unanimously Adopted – July 27, 2016

RES. NO. 194-16

Authorize Acceptance of \$200,000 Incentive Grant from Empire State Development for Joseph Mason Industrial Park Projects

At the Request of County Executive Vincent W. Horrigan and Legislator George Borrello:

WHEREAS, pursuant to Resolution 128-15, the Chautauqua County Legislature approved additional capital appropriations for the continued development of the Joseph Mason Industrial Park, including, but not limited to, environmental studies, utility infrastructure, land acquisition, general site development, and transportation access improvements; and

WHEREAS, Empire State Development has awarded the County a state incentive grant in the amount of \$200,000 to constitute a portion of an estimated \$1,000,000 in planned expenditures for the Joseph Mason Industrial Park, including acquisition of 66+ acres and infrastructure improvements to generate additional shovel-ready sites; and

WHEREAS, the existing capital appropriations for the Joseph Mason Industrial Park, including the funds authorized pursuant to Resolution 128-15, are sufficient to fund the County's estimated \$800,000 share of the investment in the projects; therefore be it

RESOLVED, That the County Executive is authorized and empowered to accept the Empire State Development state incentive award described herein, and execute all documents necessary to secure the grant funds; and be it further

RESOLVED, That the Director of Finance is authorized to make the following changes to the Capital Budget:

REGULAR SESSIONS

INCREASE CAPITAL APPROPRIATION:

H.6420.530.4	Contractual – Promotion of Ind., South County Industrial Park	\$200,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6420.530.R308.9003	NYS Aid: ESD State Incentive Grant	\$200,000
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Signed: Borrello

Unanimously Adopted – July 27, 2016

RES. NO. 195-16

Authorize Transfer of Tax Foreclosure Properties to Chautauqua County Land Bank Corporation
(CCLBC)

By Administrative Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 65-12, Chautauqua County created one of the first five (5) authorized land bank corporations in New York State that was incorporated as the Chautauqua County Land Bank Corporation ("CCLBC"); and

WHEREAS, the mission of CCLBC is to "control and manage strategically selected dilapidated and abandoned residential and commercial properties acquired through the County tax foreclosure process, bank foreclosures and/or donations, and facilitate solutions aimed at stabilizing neighborhoods, encouraging private investment, and improving the quality of life throughout Chautauqua County;" and

WHEREAS, in 2014 and 2015, CCLBC secured \$2.8 million in grant funding through the NYS Office of Attorney General, primarily designated for demolition activities, side lot disposition, and the purchase of bank foreclosed properties; and

WHEREAS, to date CCLBC has successfully returned 16 vacant lots and 42 residential structures to productive use, has leveraged approximately \$1,500,000 in private investment related to renovation activities, and has worked with the municipalities to demolish more than 45 residential and mixed-use properties county-wide at a cost to the Land Bank of nearly \$1,000,000; and

WHEREAS, the County Legislature has transferred distressed tax foreclosure properties to CCLBC at no cost, but CCLBC expends between \$2,000 and \$6,000 for each acquired property as it pays the first year's taxes, cleans the interior and exterior of the properties, secures the properties, has them appraised, and lists them through the Multiple Listing Service (MLS) so that they can be made available to the public for negotiated sale; and

WHEREAS, CCLBC has all properties appraised as-is and lists them for sale at 60% of the appraised value in order to incentivize and maximize investment by the purchasers for the require renovation work; and

WHEREAS, based on historical sales, CCLBC has sold properties for approximately \$10,000 per property on average, and any "profits" realized by CCLBC are being reinvested directly back into improving the County's housing stock through a range of activities including renovation, side lot disposition, and demolition projects; and

JOURNAL OF PROCEEDINGS

WHEREAS, CCLBC aspires to become self-sustaining as it builds its capacity over time; 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 at no cost, and upon such other terms and conditions negotiated by the County Executive:

AUCTION NO	CITY/TOWN	VILLAGE	PID	PROPERTY LOCATION	PROPERTY TYPE
PA-35-2014	C/Dnk.		060300-79.19-5-25	Grant Street	Residential Vac Land
PA-1-2016	C/Dnk.		060300-79.08-5-18	318 Lake Shore Dr E	Part Residential Use Single Family Residence
PA-3-2016	C/Dnk.		060300-79.11-4-21	12 Genet St	Single Family Residence
PA-6-2016	C/Dnk.		060300-79.11-6-73	109 E Second S	Two Family Residence
PA-18-2016	C/Dnk.		060300-79.18-1-41	123 W Fifth St	Single Family Residence
PA-21-2016	C/Dnk.		060300-79.18-5-24	617 Eagle St	Single Family Residence
PA-22-2016	C/Dnk.		060300-79.18-6-74	132 W Sixth St	Single Family Residence
PA-25-2016	C/Dnk.		060300-79.19-6-14	613 Main St.	Single Family Residence
PA-27-2016	C/Dnk.		060300-79.20-5-89	406 Bucknor St	Single Family Residence
PA-39-2016	C/Jmstn.		060800-370.18-2-60	W. 16th St.	Residential Vac Land
PA-40-2016	C/Jmstn.		060800-370.18-2-65	W. 16th St.	Residential Vac Land
PA-41-2016	C/Jmstn.		060800-370.18-3-15	9 W. 15th St.	Residential Vac Land
PA-48-2016	C/Jmstn.		060800-370.19-4-43	115 Price St.	Single Family Residence
PA-69-2016	C/Jmstn.		060800-387.09-7-11	322 Steele St.	Residential Vac Land
PA-108-2016	C/Jmstn.		060800-387.15-8-39	Hazzard St.	Residential Vac Land
PA-115-2016	C/Jmstn.		060800-387.17-7-12	320 Delaware Ave	Single Family Residence
PA-124-2016	C/Jmstn.		060800-387.25-1-39	866.5 Spring St.	Single Family Residence
PA-131-2016	C/Jmstn.		060800-387.32-2-11	707-709 N. Main St.	Row Building
PA-154-2016	C/Jmstn.		060800-404.06-1-1	339 Delaware Av	Single Family Residence
PA-158-2016	C/Jmstn.		060800-404.07-3-39	431 Broadhead Ave.	Single Family Residence
PA-228-2016	Hanover	Slv Ck.	064603-32.13-1-18	42 Lake Ave	Restaurant
PA-240-2016	Hanover	Slv Ck.	064603-49.06-1-17	21 Christy St	Single Family Residence

REGULAR SESSIONS

PA-241-2016	Hanover	Slv Ck.	064603-49.06-1-18	0 Christy St	Residential Vac Land
PA-263-2016	Pomfret		065801-113.09-2-13	28 University Park	Single Family Residence
PA-264-2016	Pomfret		065801-113.19-1-63	40 Spring St	Single Family Residence
PA-39-2016	Westfield	Westfield	067201-193.13-1-62	12 Clark St.	Single Family Residence
PA-318-2016	Westfield	Westfield	067201-193.17-4-23	35 Backman Ave.	Single Family Residence

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford

Unanimously Adopted - R/C Vote: 17 Yes; 2 Absent – July 27, 2016

RES. NO. 196-16

A Resolution Authorizing Issuance of \$4,172,256 Bonds of the County of Chautauqua, New York, to Pay Part of the Cost of Various Capital Improvements for the Jamestown Community College and for Various Capital Improvements in and for the County of Chautauqua, New York as Approved in the 2014, 2015, and 2016 Capital Budgets

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

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing and undertaking of such capital projects; 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 at the Jamestown Community College Campus, including (i) Renovations to existing facilities at a maximum estimated cost of \$7,573,500; (ii) and the demolition of the Community Service Center at a maximum estimated cost of \$350,000 are hereby authorized. It is hereby determined that the plan of financing of such objects or purposes shall consist of the issuance of \$1,980,875 bonds hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, the expenditure of \$1,980,875 Jamestown Community College monies, and the expenditure of \$3,961,750 to be provided by New York State, allocated among such projects on a pro-rata basis. It is hereby determined that the period of probable usefulness of the renovation projects, being a class of objects or purposes, is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. The period of probable usefulness for the demolition project, being a specific object or purpose, is ten years, pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. Various capital improvements in and for the County of Chautauqua County, including (i) SCOB Cooling Tower at a maximum estimated cost of \$385,000; (ii) replacement of roofs at a maximum estimated cost of \$720,000; (iii) Property and Evidence Room/ Processing Lab project at a maximum estimated cost of \$168,181; (iv) Sheridan Shop Masonry Restoration at a maximum estimated cost of \$40,000; and (v) construction of new buildings at a maximum estimated cost of

JOURNAL OF PROCEEDINGS

\$878,200. It is hereby determined that the plan of financing of such objects or purposes shall consist of the issuance of \$2,191,381 bonds hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law. It is hereby determined that the period of probable usefulness of the SCOB Cooling Tower project, being a specific object or purpose, is ten years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby determined that the period of probable usefulness of the roof replacement projects, being a class of objects or purposes, is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby determined that the period of probable usefulness for the masonry restoration project and the Property and Evidence Room/Processing Lab project, being specific objects or purposes, is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. The period of probable usefulness for new buildings, being a class of objects or purposes, is thirty years, pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 3. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 4. 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 5. 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 6. 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 7. 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

REGULAR SESSIONS

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 8. 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: Scudder, Vanstrom, Muldowney, Starks, Whitford, Chagnon, Nazzaro, Borrello, Himelein

Unanimously Adopted - R/C Vote: 17 Yes; 2 Absent – July 27, 2016

On September 28, 2016 resolution was Renewed – Unanimously Adopted

RES. NO. 197-16
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	Municipality	S/B/L	Purchaser	Offer Amount	
					Taxes Owning
PA-4-2016	C/Dnk	060300-79.11-5-50	Tara Buchanan	\$ 15,500.00	\$ 1,881.49
PA-7-2016	C/Dnk	060300-79.11-7-43	Tara Buchanan	\$ 14,000.00	\$ 2,824.11
PA-8-2016	C/Dnk	060300-79.12-3-6	Peggy S Briggs	\$ 100.00	\$ 443.13
PA-9-2016	C/Dnk	060300-79.12-4-84	Adam Cross	\$ 19,000.00	\$ 3,299.79
PA-11-2016	C/Dnk	060300-79.14-5-44	Deon E Stanford	\$ 10,000.00	\$ 4,802.34
PA-12-2016	C/Dnk	060300-79.14-6-62	Jose Morales	\$ 19,000.00	\$ 8,283.06
PA-13-2016	C/Dnk	060300-79.14-9-8	Tara Buchanan	\$ 6,500.00	\$ 59,015.12
PA-19-	C/Dnk	060300-79.18-2-36	Lindsay A Hiller	\$ 15,500.00	\$ 5,940.78

JOURNAL OF PROCEEDINGS

2016					
PA-20-2016	C/Dnk	060300-79.18-2-41	Daniel T Ohara	\$ 41,000.00	\$ 6,404.47
PA-24-2016	C/Dnk	060300-79.19-5-16	Ana Maria Rosas	\$ 18,000.00	\$ 5,943.16
PA-28-2016	C/Dnk	060300-79.20-5-93	Debra A Mancuso	\$ 25,000.00	\$ 4,314.16
PA-30-2016	C/Dnk	060300-96.07-4-55	Chautauqua Rentals LLC	\$ 6,500.00	\$ 3,126.04
PA-33-2016	C/Dnk	060300-96.15-2-47	Dominic Bellanti	\$ 4,500.00	\$ 1,557.39
PA-34-2016	C/Jmstn.	060800-370.03-1-39	Douglas A Barmore	\$ 25.00	\$ 1,031.37
PA-31-2015	C/Jmstn.	060800-370.11-1-50	Douglas Nelson	\$ 600.00	\$ 2,226.78
PA-35-2015	C/Jmstn.	060800-370.16-7-32	Michael Brezner	\$ 25.00	\$ 3,146.51
PA-45-2016	C/Jmstn.	060800-370.18-4-52	Shawn Darlene Maria Price	\$ 10.00	\$ 1,271.69
PA-46-2016	C/Jmstn.	060800-370.19-10-47	Steven D Shelters	\$ 17,500.00	\$ 5,869.55
PA-42-2015	C/Jmstn.	060800-370.20-3-49	Royal Housing LLC	\$ 10.00	\$ 10,129.35
PA-50-2016	C/Jmstn.	060800-370.20-4-55	John Carpenter	\$ 10.00	\$ 2,134.91
PA-53-2016	C/Jmstn.	060800-387.06-4-30	Clevon L Wofford	\$ 3,250.00	\$ 5,605.31
PA-54-2016	C/Jmstn.	060800-387.06-5-37	Juan Pacheco Jr	\$ 5,500.00	\$ 5,313.39
PA-55-2016	C/Jmstn.	060800-387.08-2-46	Enrique Melendez Ramos	\$ 10.00	\$ 9,547.20
PA-102-2014	C/Jmstn.	060800-387.08-5-38	Eric Anderson	\$ 130.00	\$ 3,079.10
PA-112-2014	C/Jmstn.	060800-387.08-5-58	Don Anderson	\$ 90.00	\$ 776.85
PA-57-2016	C/Jmstn.	060800-387.08-7-16	Scott Davis	\$ 7,500.00	\$ 4,243.24
PA-58-2016	C/Jmstn.	060800-387.08-7-23	Don Anderson	\$ 10.00	\$ 235.00
PA-62-2016	C/Jmstn.	060800-387.08-9-11	Juan Pacheco Jr	\$ 8,500.00	\$ 4,563.52
PA-63-2016	C/Jmstn.	060800-387.08-9-15	Anthony Raymond	\$ 7,500.00	\$ 4,701.00
PA-55-2015	C/Jmstn.	060800-387.08-9-27	Clevon L Wofford	\$ 10.00	\$ 8,014.33
PA-64-2016	C/Jmstn.	060800-387.08-9-40	Vincent J Gerace	\$ 2,000.00	\$ 3,728.95
PA-66-2016	C/Jmstn.	060800-387.08-9-68	Shane A Saxton	\$ 10.00	\$ 235.00
PA-68-2016	C/Jmstn.	060800-387.09-6-19	Benjamin J Osman	\$ 6,000.00	\$ 6,967.07

REGULAR SESSIONS

PA-70-2016	C/Jmstn.	060800-387.09-8-37	Jay Holmquist	\$ 48,000.00	\$ 11,836.68
PA-71-2016	C/Jmstn.	060800-387.12-1-12	Daniel J Lloyd	\$ 2,910.00	\$ 3,024.64
PA-58-2015	C/Jmstn.	060800-387.12-1-13	Daniel Lloyd	\$ 90.00	\$ 268.90
PA-72-2016	C/Jmstn.	060800-387.12-1-4	Shawn Darlene Price	\$ 4,000.00	\$ 62,913.56
PA-73-2016	C/Jmstn.	060800-387.12-2-10	Rick A Martin	\$ 10.00	\$ 817.53
PA-74-2016	C/Jmstn.	060800-387.12-2-14	John Carpenter	\$ 10.00	\$ 1,011.20
PA-75-2016	C/Jmstn.	060800-387.12-2-21	Jennifer Swartz	\$ 4,000.00	\$ 2,354.84
PA-76-2016	C/Jmstn.	060800-387.12-2-24	Felix L Cintron	\$ 6,500.00	\$ 2,351.01
PA-77-2016	C/Jmstn.	060800-387.12-2-34	Samuel L Arrington	\$ 3,000.00	\$ 2,099.23
PA-78-2016	C/Jmstn.	060800-387.12-2-65	Juan Pacheco Jr	\$ 4,000.00	\$ 4,827.03
PA-135-2014	C/Jmstn.	060800-387.12-3-54	Gregory Lennon	\$ 10.00	\$ 1,204.85
PA-82-2016	C/Jmstn.	060800-387.12-4-65	Enrique Melendez Ramos	\$ 500.00	\$ 273.92
PA-84-2016	C/Jmstn.	060800-387.12-5-9	Charles Washington	\$ 3,500.00	\$ 12,286.06
PA-87-2016	C/Jmstn.	060800-387.14-3-55	Edward Schaneberger	\$ 1,000.00	\$ 3,876.99
PA-88-2016	C/Jmstn.	060800-387.14-4-18	Jennifer L Dawson	\$ 210.00	\$ 2,169.93
PA-89-2016	C/Jmstn.	060800-387.14-5-1	Kristie Zavala	\$ 250.00	\$ 215.66
PA-116-2009	C/Jmstn.	060800-387.14-5-48	Craig L Robbins	\$ 10.00	\$ 1,832.85
PA-91-2016	C/Jmstn.	060800-387.14-5-82	Geraldine P Panicali	\$ 2,137.50	\$ 6,861.69
PA-92-2016	C/Jmstn.	060800-387.14-5-83	Geraldine P Panicali	\$ 112.50	\$ 5,574.76
PA-93-2016	C/Jmstn.	060800-387.14-6-52	Randall R Arthur	\$ 2,000.00	\$ 6,772.60
PA-94-2016	C/Jmstn.	060800-387.14-6-68	Joseph Miller	\$ 50.00	\$ 4,048.72
PA-95-2016	C/Jmstn.	060800-387.14-7-24	ASMR Enterprises LLC	\$ 795.00	\$ 972.79
PA-96-2016	C/Jmstn.	060800-387.14-7-25	ASMR Enterprises LLC	\$ 705.00	\$ 875.80
PA-97-2016	C/Jmstn.	060800-387.14-7-30	Anthonie Robles	\$ 2,100.00	\$ 3,659.50
PA-98-2016	C/Jmstn.	060800-387.14-7-4	Clean and Green CNG	\$ 1,900.00	\$ 1,341.91
PA-99-2016	C/Jmstn.	060800-387.14-8-17	Scott Davis	\$ 6,000.00	\$ 3,270.39

JOURNAL OF PROCEEDINGS

PA-100-2016	C/Jmstn.	060800-387.14-9-38	Charles Washington	\$ 2,500.00	\$ 4,437.68
PA-101-2016	C/Jmstn.	060800-387.15-3-47	Anthony Raymond	\$ 3,250.00	\$ 2,487.55
PA-109-2016	C/Jmstn.	060800-387.15-8-41	Craig L Robbins	\$ 10.00	\$ 3,270.39
PA-113-2016	C/Jmstn.	060800-387.16-1-63	Scott Davis	\$ 11,000.00	\$ 4,933.80
PA-74-2015	C/Jmstn.	060800-387.16-6-45	Citizens Bank	\$ 400.00	\$ 350.50
PA-114-2016	C/Jmstn.	060800-387.17-2-27	Charles Haluska	\$ 11,000.00	\$ 9,470.21
PA-116-2016	C/Jmstn.	060800-387.17-7-38	Daniel Scapelite	\$ 22,000.00	\$ 7,198.07
PA-117-2016	C/Jmstn.	060800-387.18-5-57	Craig L Robbins	\$ 10.00	\$ 293.31
PA-118-2016	C/Jmstn.	060800-387.18-5-7	Gary N Bergman	\$ 18,000.00	\$ 7,940.02
PA-119-2016	C/Jmstn.	060800-387.18-5-73	Juan Pacheco Jr	\$ 2,750.00	\$ 9,329.09
PA-120-2016	C/Jmstn.	060800-387.18-5-75	Gilberto Peguero	\$ 13,000.00	\$ 9,107.30
PA-121-2016	C/Jmstn.	060800-387.18-9-54	Sydney Pellerito	\$ 17,000.00	\$ 8,971.24
PA-122-2016	C/Jmstn.	060800-387.19-5-24	Juan Pacheco Jr	\$ 4,500.00	\$ 7,973.47
PA-125-2016	C/Jmstn.	060800-387.25-3-34	Gary D Carlson	\$ 2,681.74	\$ 2,681.74
PA-137-2013	C/Jmstn.	060800-387.25-4-49	Craig L Robbins	\$ 10.00	\$ 5,334.77
PA-167-2014	C/Jmstn.	060800-387.26-2-10.1	Craig L Robbins	\$ 10.00	\$ 194.61
PA-168-2014	C/Jmstn.	060800-387.26-2-9.2	Craig L Robbins	\$ 10.00	\$ 194.61
PA-128-2016	C/Jmstn.	060800-387.26-3-12	Brent Fray	\$ 500.00	\$ 1,235.80
PA-244-2011	C/Jmstn.	060800-387.26-4-67	Craig L Robbins	\$ 5.00	\$ 4,495.24
PA-174-2014	C/Jmstn.	060800-387.31-1-4	Enrique Melendez Ramos	\$ 10.00	\$ 2,044.75
PA-132-2016	C/Jmstn.	060800-387.32-2-26	Heather L Fields	\$ 1,000.00	\$ 2,574.75
PA-133-2016	C/Jmstn.	060800-387.33-2-15	Silas A Basdeo	\$ 9,500.00	\$ 9,887.45
PA-135-2016	C/Jmstn.	060800-387.42-1-11	Juan Pacheco Jr	\$ 70.00	\$ 176.69
PA-136-2016	C/Jmstn.	060800-387.42-1-12	Juan Pacheco Jr	\$ 6,930.00	\$ 8,912.80
PA-137-2016	C/Jmstn.	060800-387.48-1-18	Prideful Property Group	\$ 1,200.00	\$ 2,487.55
PA-138-2016	C/Jmstn.	060800-387.48-1-20	Prideful Property Group	\$ 3,250.00	\$ 4,827.03

REGULAR SESSIONS

PA-146-2016	C/Jmstn.	060800-388.05-1-24	Thomas C Flagella	\$ 10.00	\$ 540.58
PA-149-2016	C/Jmstn.	060800-388.05-1-43	Thomas C Flagella	\$ 30.00	\$ 540.58
PA-150-2016	C/Jmstn.	060800-388.05-2-37	Craig L Robbins	\$ 10.00	\$ 235.00
PA-151-2016	C/Jmstn.	060800-388.05-3-36.1	Anthony Raymond	\$ 1,900.00	\$ 5,611.97
PA-152-2016	C/Jmstn.	060800-388.05-4-30	Francisco Javier Soto Olivo	\$ 170.00	\$ 223.78
PA-153-2016	C/Jmstn.	060800-388.05-4-31	FranciscoJavier Soto Olivo	\$ 16,830.00	\$ 5,101.49
PA-156-2016	C/Jmstn.	060800-404.06-6-36	Matthew Anderson	\$ 1,400.23	\$ 1,400.23
PA-159-2016	C/Jmstn.	060800-404.08-1-12	Linda Troutman	\$ 19,000.00	\$ 2,910.02
PA-160-2016	C/Jmstn.	060800-404.08-1-35	Jay E Holmquist	\$ 10,500.00	\$ 5,659.53
PA-106-2015	C/Jmstn.	060800-404.08-6-2	Don Anderson	\$ 10.00	\$ 459.18
PA-198-2014	C/Jmstn.	060800-404.08-6-8	Lindsay Hiller	\$ 10.00	\$ 8,388.57
PA-161-2016	C/Jmstn.	060800-404.08-7-20	John R Swanson	\$ 10.00	\$ 351.64
PA-113-2015	Arkwright	062000-5-1-23.1.A	WCA Services Corporation	\$ 10.00	\$ 25,685.49
PA-165-2016	V/Lakewood	062201-385.10-2-6	Jacqueline A Benson	\$ 700.00	\$ 720.32
PA-166-2016	V/Lakewood	062201-385.10-3-39	Linda A Eckman	\$ 200.00	\$ 648.04
PA-173-2016	Busti	062289-367.20-5-30	Linda A Eckman	\$ 1,500.00	\$ 239.39
PA-174-2016	Busti	062289-367.20-5-31	Linda A Eckman	\$ 1,500.00	\$ 239.39
PA-175-2016	Busti	062289-367.20-5-32	Linda A Eckman	\$ 750.00	\$ 198.39
PA-184-2016	Busti	062289-404.01-2-2	Jamie Lynn Warner	\$ 50.00	\$ 3,670.64
PA-185-2016	Busti	062289-436.00-1-38	Laurie J Mahoney	\$ 1,890.00	\$ 471.52
PA-186-2016	Busti	062289-436.00-1-39	Laurie J Mahoney	\$ 11,610.00	\$ 1,984.57
PA-187-2016	Busti	062289-455.00-1-2	Anna Maria Eggleston	\$ 20,000.00	\$ 9,860.97
PA-188-2016	Carroll	062400-407.00-2-14	Clevon L Wofford	\$ 8,750.00	\$ 2,282.33
PA-189-2016	Carroll	062400-423.09-1-36	Claudia J Nelson	\$ 30,000.00	\$ 11,108.59
PA-190-2016	Carroll	062400-423.09-2-17.1	Jamie Lynn Warner	\$ 25.00	\$ 274.07
PA-191-	Charlotte	062689-251.00-1-36	Ditech Financial LLC	\$ 20,000.00	\$ 6,630.43

JOURNAL OF PROCEEDINGS

2016					
PA-192-2016	V/Mayville	062801-262.11-3-28	Stefan Navarro Parkhurst	\$ 31,000.00	\$ 6,449.52
PA-193-2016	V/Mayville	062801-262.12-1-60	Connie McQuestion-Burg	\$ 350.00	\$ 260.27
PA-194-2016	V/Mayville	062801-262.12-1-61	Connie McQuestion-Burg	\$ 16,800.00	\$ 7,906.80
PA-195-2016	V/Mayville	062801-262.12-1-62	Connie McQuestion-Burg	\$ 350.00	\$ 282.46
PA-198-2016	V/Cherry Creek	063001-237.08-1-41	Jason Syracuse	\$ 200.00	\$ 2,027.95
PA-199-2016	V/Cherry Creek	063001-237.11-1-13	Odessin McBride	\$ 7,000.00	\$ 8,314.98
PA-200-2016	Cherry Creek	063089-204.00-1-27	Eli Miller	\$ 30,000.00	\$ 3,056.35
PA-141-2015	Cherry Creek	063089-221.00-1-10	Andrew Zybert	\$ 200.00	\$ 262.47
PA-201-2016	Cherry Creek	063089-255.00-1-11	James M Schimek	\$ 3,000.00	\$ 2,794.81
PA-204-2016	Ellery	063689-335.00-1-3	Tyler Michael Sweet	\$ 29,000.00	\$ 2,615.37
PA-207-2016	V/Celoron	063801-369.15-2-12	Odessin McBride	\$ 12,500.00	\$ 2,389.55
PA-208-2016	V/Celoron	063801-386.07-2-61	Jamie Lynn Warner	\$ 10.00	\$ 352.85
PA-209-2016	V/Celoron	063801-386.07-4-43	US Bank NA Trustee Sasco	\$ 500.00	\$ 178.05
PA-210-2016	V/Falconer	063803-371.11-3-13.2	Marucci Property Management	\$ 10.00	\$ 501.88
PA-171-2015	Ellicott	063889-386.15-3-2.1	Jamie Lynn Warner	\$ 10.00	\$ 659.95
PA-218-2016	Gerry	064489-302.18-1-26	David Snyder	\$ 4,750.00	\$ 1,616.69
PA-223-2016	Gerry	064489-319.00-2-42	Michelle Hawkins	\$ 5,500.00	\$ 2,377.25
PA-227-2016	V/Forestville	064601-100.09-1-40	Stephanie Accardo	\$ 10,000.00	\$ 7,997.17
PA-231-2016	V/Silver Creek	064603-32.17-1-17.1	Paul Crino	\$ 30,000.00	\$ 14,315.73
PA-234-2016	V/Silver Creek	064603-32.17-3-4	Carmen Rosa Maria Lara Santiag	\$ 8,500.00	\$ 16,679.04
PA-236-2016	V/Silver Creek	064603-32.18-1-51	Jeremy D Klepfer	\$ 48,000.00	\$ 13,189.04
PA-270-2015	V/Silver Creek	064603-32.18-4-1	Heitenrater Homes LLC	\$ 47,000.00	\$ 103,481.92
PA-238-2016	V/Silver Creek	064603-32.18-6-19	Carrie Lynn Newman	\$ 26,000.00	\$ 14,472.30
PA-243-2016	Hanover	064689-101.00-1-24	Debbie Taylor	\$ 46,000.00	\$ 9,395.68
PA-269-	Hanover	064689-32.00-1-34	Rom Real Estate	\$ 145,000.00	\$ 375,303.51

REGULAR SESSIONS

2015			Holdings		
PA-245-2016	Hanover	064689-32.00-2-28	Michael L Baker	\$ 30,000.00	\$ 5,165.83
PA-247-2016	V/Panama	064801-398.02-1-19	William A Graves	\$ 1,300.00	\$ 375.88
PA-248-2016	V/Panama	064801-398.04-1-6.1	Maria C Delahoy	\$ 10.00	\$ 244.86
PA-249-2016	Harmony	064889-417.04-1-25	Joshua R Walker	\$ 6,750.00	\$ 2,489.07
PA-250-2016	Harmony	064889-449.00-1-5	Enos D Miller	\$ 44,000.00	\$ 4,316.19
PA-252-2016	Mina	065200-342.00-1-51	David K Jones	\$ 16,000.00	\$ 4,441.33
PA-253-2016	Mina	065200-342.18-1-10	Adam J Chambers	\$ 10.00	\$ 159.72
PA-257-2016	North Harmony	065400-384.07-1-16	Lindsay Wolbert	\$ 6,200.00	\$ 1,253.25
PA-258-2016	Poland	065600-339.11-1-55	Steven D Shelters	\$ 4,000.00	\$ 7,104.61
PA-260-2016	Poland	065600-373.00-2-35.5	John R & Penny S Best	\$ 18,000.00	\$ 11,412.15
PA-326-2016	Poland	065600-391.00-1-16	Mahendra Basdeo	\$ 105,000.00	\$ 24,171.03
PA-261-2016	V/Fredonia	065801-113.07-2-44	Nathan Steiger	\$ 29,000.00	\$ 29,946.46
PA-262-2016	V/Fredonia	065801-113.07-3-39	Bradley Mason	\$ 6,250.00	\$ 2,168.27
PA-266-2016	V/Fredonia	065801-130.11-1-23	Rom Real Estate Holdings	\$ 1,200.00	\$ 2,213.54
PA-267-2016	Pomfret	065889-112.00-1-36	Fred A Santiago	\$ 190.00	\$ 220.16
PA-268-2016	Pomfret	065889-112.00-1-37	Fred A Santiago	\$ 9,310.00	\$ 3,607.80
PA-269-2016	Pomfret	065889-148.00-1-52	Sheri Shealy	\$ 7,750.00	\$ 8,418.17
PA-270-2016	Pomfret	065889-164.00-2-33	Andrew R Zybert	\$ 10.00	\$ 294.00
PA-520-2011	V/Brocton	066001-145.13-1-10	Germitus Saint-Hilaire	\$ 10.00	\$ 971.19
PA-275-2016	Portland	066089-111.15-3-52	Susan Linton	\$ 220.00	\$ 1,247.66
PA-276-2016	Portland	066089-111.15-3-53	Susan Linton	\$ 30.00	\$ 311.30
PA-277-2016	Portland	066089-145.00-1-20	Clinton James Kuczkowski	\$ 5,220.00	\$ 2,144.42
PA-278-2016	Portland	066089-145.00-1-21	Clinton James Kuczkowski	\$ 12,780.00	\$ 4,934.78
PA-279-2016	Portland	066089-145.00-1-22	Heitenrater Homes LLC	\$ 17,000.00	\$ 15,578.36
PA-283-2016	Portland	066089-177.00-1-26	Solitaire M Saint-Hilaire	\$ 10,000.00	\$ 4,680.41

JOURNAL OF PROCEEDINGS

PA-285-2016	Ripley	066200-208.10-3-57	Adam J Chambers	\$ 25.00	\$ 269.68
PA-286-2016	Ripley	066200-208.10-3-58	Adam J Chambers	\$ 25.00	\$ 269.68
PA-288-2016	Ripley	066200-240.15-2-6	William T McGraw	\$ 3,750.00	\$ 6,343.67
PA-242-2015	Ripley	066200-240.16-3-40	David Blackman	\$ 80.00	\$ 1,122.02
PA-290-2016	Ripley	066200-241.00-1-41	Donna M Blackman	\$ 16,500.00	\$ 4,221.62
PA-291-2016	Ripley	066200-241.00-1-44	Joseph Bittinger	\$ 20,800.00	\$ 3,256.69
PA-292-2016	Ripley	066200-241.00-1-46	Joseph Bittinger	\$ 19,200.00	\$ 3,576.90
PA-293-2016	Ripley	066200-258.00-2-7	Jean A Whiteneck	\$ 17,500.00	\$ 8,742.24
PA-295-2016	Ripley	066200-276.00-1-25	Shiann VF Mason	\$ 3,100.00	\$ 1,380.81
PA-298-2016	Ripley	066200-293.00-1-16	Donna M Blackman	\$ 7,500.00	\$ 2,624.80
PA-299-2016	Ripley	066200-307.00-2-20	Eric Anderson	\$ 25,000.00	\$ 8,670.98
PA-301-2016	Sheridan	066400-81.00-2-6	Chautauqua Rentals LLC	\$ 10.00	\$ 191.89
PA-302-2016	Sheridan	066400-81.11-1-29	John Davis Jr	\$ 20,000.00	\$ 10,952.33
PA-308-2016	V/Cassadaga	066801-198.08-1-46	Kirk R Tyler	\$ 3,500.00	\$ 1,867.69
PA-311-2016	Villanova	067000-152.00-2-11	Catherine Woleben	\$ 1,400.00	\$ 550.65
PA-312-2016	Villanova	067000-168.20-1-21	Jamie Lynn Warner	\$ 3,000.00	\$ 1,746.20
PA-315-2016	V/Westfield	067201-192.19-1-36	Betts Apartments LLC	\$ 25,000.00	\$ 7,079.70
PA-316-2016	V/Westfield	067201-193.13-1-18	Raymond W Gorski	\$ 50.00	\$ 3,684.98
PA-371-2014	V/Westfield	067201-193.13-2-11	Daniel Lloyd	\$ 10.00	\$ 203.18
PA-320-2016	Westfield	067289-192.15-1-17	Bentley Tree Care LLC	\$ 2,550.00	\$ 1,414.65
PA-321-2016	Westfield	067289-192.15-1-20	Bentley Tree Care LLC	\$ 3,230.00	\$ 1,805.43
PA-322-2016	Westfield	067289-192.15-1-21	Bentley Tree Care LLC	\$ 11,220.00	\$ 5,861.79
PA-324-2016	Westfield	067289-209.00-1-4	Adam J Chambers	\$ 325.00	\$ 317.97
QC-36-2015	Jamestown	060800-370.18-3-55	Estates of Benjamin & Elizabeth Herndon	\$ 9,376.22	\$ 9,376.22
QC-86-2016	Jamestown	060800-387.14-1-61	David L Micek	\$ 6,578.15	\$ 6,578.15

REGULAR SESSIONS

QC-205-2016	Ellery	063689-368.07-1-21.2	Christopher J & Karen Creighton	\$ 44,142.52	\$ 44,142.52
QC-219-2016	Gerry	064489-318.00-3-23	R Kenneth Asel II	\$ 3,857.09	\$ 3,857.09
QC-220-2016	Gerry	064489-319.00-2-26	R Kenneth Asel II	\$ 4,190.07	\$ 4,190.07
QC-221-2016	Gerry	064489-319.00-2-28	R Kenneth Asel II	\$ 6,323.57	\$ 6,323.57
QC-224-2016	Gerry	064489-319.17-2-14	R Kenneth Asel II	\$ 1,698.90	\$ 1,698.90
QC-225-2016	Gerry	064489-319.17-2-20	R Kenneth Asel II	\$ 1,945.61	\$ 1,945.61
QC-226-2016	Gerry	064489-320.00-2-48	R Kenneth Asel II	\$ 2,719.63	\$ 2,719.63
QC-246-2016	Hanover	064689-84.00-1-46	Gregory P Grzeskowiak	\$ 2,187.26	\$ 2,187.26
QC-284-2016	Portland	066089-179.00-1-32	Jason & Terri Selig	\$ 11,186.93	\$ 11,186.93
TOTALS:				\$1,705,452.92	\$1,458,758.86

Signed: Scudder, Vanstrom, Muldowney, Starks, Whitford (Amended in AS to remove PA204-2016 w/ Muldowney voting "no")

Unanimously Adopted - R/C Vote: 17 Yes; 2 Absent – July 27, 2016

LOCAL LAW
INTRODUCTORY NUMBER 5-16
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Amendment to County Charter.

Section 2.05(b) of the Chautauqua County Charter regarding the budget adoption powers of the County Legislature is hereby amended as follows:

(b) To make appropriations, incur indebtedness, adopt the budget, and six (6) year capital plan, levy taxes. The adoption of an annual budget that includes the use of general unobligated fund balance which is projected by the County's chief fiscal officer to cause the general unobligated fund balance to drop below 5% of gross revenues shall require a favorable vote of at least 60% of the whole number of the Legislature's members. For purposes of this subsection, the projection of the County's year-end general unobligated fund balance by the County's chief fiscal officer shall be made as of October 1 each year. In the event the Legislature fails to finally adopt a budget for an ensuing fiscal year on or before December 1, the tentative budget shall constitute the budget for such ensuing fiscal year. The appropriation resolution and the resolution authorizing the levy of taxes shall be deemed to have been passed by the Legislature as of such date.

JOURNAL OF PROCEEDINGS

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.

(New Language Underlined)

Adopted by Legislature: 7/27/16	R/C Vote: 17 Yes; 2 Absent
Public Hearing by County Executive: 10/10/16	60 day permissive referendum
Adopted as LL 5-16 (Effective: 10/10/16)	Date State Filed: 10/18/16

LOCAL LAW
INTRODUCTORY NUMBER 6-16
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Amendment to County Charter.

Section 2.02 of the Chautauqua County Charter is hereby amended as follows:

The terms of office of County Legislators shall be four (4) two (2) years and shall begin on the first day of January following their election. Each member of the County Legislature shall, at the time of the Legislator's nomination and election and throughout the Legislator's term of office, be and remain a qualified elector of the district from which the Legislator is elected. No County Legislator shall hold at the same time any other elective public office.

Section II. Commencement of Four (4) Year Terms.

The first four (4) year term for County Legislators shall commence January 1, 2018.

Section III. Effective Date.

This Local Law shall become effective upon approval by the affirmative vote of a majority of the qualified electors of County government voting upon the proposition at the next general election held not less than sixty (60) days after the adoption hereof, and upon filing with the Secretary of State.

Adopted by Legislature: 7/27/16	R/C Vote: 16 Yes; 1 No; 2 Absent(No: Niebel)
Public Hearing by County Executive: 8/9/16	Effective: After vote of qualified electors of Chaut. County @ Novembers' election
Defeated in General Election: 11/8/16	

Vote Results: Yes: 17,944 No: 28,966 Blank/Void 7,754 = Total: 54,664

REGULAR SESSIONS

LOCAL LAW
INTRODUCTORY NUMBER 7-16
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Amendments to County Charter.

H. The title of Article 4 of the Chautauqua County Charter is hereby amended as follows:

Article 4
Other Elected Officials, Internal Audit Function, Elected Official Salaries,
and Salary Commission

I. Section 4.05 of the Chautauqua County Charter is hereby amended as follows:

Section 4.05 Salary Commission

There shall be appointed a bi-partisan County Salary Commission to review and recommend the salaries of all elected officials except those whose salaries are established, directly or indirectly, by State Law. The salary of all officers elected for a fixed term shall not be increased or diminished between the date of such election and the expiration of such term except (1) in accordance with a schedule adopted prior to the time such officer was elected to office which provides higher or lower rates of compensation during said term, or (2) as otherwise mandated by the County Charter, state or federal laws, rules or regulations. Said Commission shall be composed of seven (7) citizens appointed by the County Legislature.

The Commission shall recommend to the County Executive and County Legislature salary adjustments for elected offices at least one (1) year prior to the general election in which that office is scheduled to be filled.

J. A new Section 4.06 of the Chautauqua County Charter is hereby added as follows:

Section 4.06 Salaries of the County Executive, County Sheriff, and County Clerk

The annual salaries of the County Executive, County Sheriff, and County Clerk shall be as follows commencing on the date indicated:

County Executive: January 1, 2018: \$92,500.00

County Sheriff: January 1, 2019: \$85,000.00

County Clerk: January 1, 2018: \$55,500.00

K. A new Section 4.07 of the Chautauqua County Charter is hereby added as follows:

Section 4.07 Annual Cost of Living Adjustment to the Salaries of the County Executive, County Sheriff, and County Clerk

In the absence of a local law or charter law in effect on or before July 1 that specifically designates the salary of the County Executive, County Sheriff, or County Clerk

JOURNAL OF PROCEEDINGS

for the following calendar year commencing in 2019, the existing annual salary of the County Executive, County Sheriff, or County Clerk (as the case may be) shall be increased in the following calendar year by a percentage equal to any percentage increase in the United States Department of Labor CPI-U for the prior calendar year.

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.

(new language underlined)

Adopted by Legislature: 7/27/16

R/C Vote: 15 Yes; 2 No; 2 Absent
(No's: Lemon, Scudder)

Public Hearing by County Executive: 8/9/16

60 day permissive referendum

Adopted as LL 6-16 Effective: October 10, 2016

Date State Filed: 10/18/16

2nd Privilege of the Floor

I'm Emily Reynolds, Executive Director of Cornell Cooperative Extension. I live at 2644 Wait Corners Road in Sherman, New York. I just want invite you all to the County Fair. It is in full swing, It's 135th Annual County Fair. I know that some of you have already made it but if you haven't had a chance, we would love to have you there. The weather has been wonderful so far, knock on wood. We have some exciting stuff coming up towards the end of the week. We're winding down on some of our animal shows for 4-H but we do have our market sale on Friday, so if you have never been to the market sale, I really encourage you to come. You don't have to commit to buying but we like back bidders too but, I do encourage you to come and see it though. It's a great opportunity to see the kids and interact with them and have a really good time. If anybody needs passes to get in, I would be more than happy to get you passes to that market sale so you can come in and experience that. If you happen to come on the weekend, we do have some events happening on Saturday. We have a fun show in the arena. It starts at 3:00, it's a really fun opportunity to see the kids, bring their animals out and have fun with them and not be as competitive and then we have our awards ceremony that starts at 4:30 p.m.. So, we encourage you to come and see us award the kids for all of their hard work. So, if you haven't had a chance to make it out there, I look forward to see you in the next few days. Thank you.

Anthony Toda, I live at 48 Sherman Street, Jamestown, New York. Some of you may recognize me from the last time I was here. I produced a tape. There are continuing problems I am having with law enforcement in the City of Jamestown and the dispatchers in the Sheriff's office in trying to quell traffic problems in the City of Jamestown. So what I am going to do is play for you this tape and explain the significance of what is happened here in recent months. When I call the Sheriff's Department which is part of the response for calls to the Jamestown Police. This is the first tape. *(He then started the tape)*. "Hello, you have reached the Jamestown Police Department (inaudible)- (busy signal). That is the first tape. "Hello, you have reached the Jamestown Police Department (inaudible) please hold while I transfer your call. (music playing) call transfer failed. Number is busy. Hello, you have reached – And the tape loops after that. Now, I am not sure who's hearing – if I am the only one

REGULAR SESSIONS

that is getting these types of responses but the significant thing that I would like to make the Chautauqua County Legislature aware of is on the night of 5/12, I was at my girlfriend's house on Maple Street, there was a vehicle about 1:00 in the morning that was making a lot of noise and noise is a big issue with me because it's all around me and there is no enforcement by the Jamestown Police of virtually any vehicle or traffic problems I have in the City. I called the police and I got the response where the line was busy, call back later. That response resulted in a taxi cab who happened to be across the street that unbeknownst to me, failing to look out the window, I heard the noise, I reported it, the cab driver was assaulted by a person who was in the cab, took the cab, and that person was found and charged with second degree robbery, second degree reckless endangerment, criminal obstruction of breathing or blood circulation. Third degree of unauthorized use of a motor vehicle, second degree unlawful imprisonment, driving while intoxicated and first degree aggravated unlicensed operation. I tried to make the call to the Jamestown Police and I didn't get a response because of these bizarre responses that I am getting when I make calls to the police and inaction by the Jamestown Police. There is a shared responsibility here and my purpose for being here is to notify the Legislature of what is happening, how my rights are being violated, not only by the Sheriff's Department but also by the Jamestown Police and also to inform the Public Safety Committee that I will be contacting them to explain this further, to explain to people and make them aware of the plight I have gone through, the problems I have gone through for at least 20 years involving these types of issue and this one here, the fact that I was shut down when I called on an issue that resulted in an assault. So, thank you very much and I will be contacting the Chautauqua County Public Safety Committee to explain it further.

Chairman Gould: Is there anyone else to speak to the second privilege of the floor? I will accept a motion for adjournment.

MOVED by Legislator Lemon, SECONDED by Legislator Bankoski, and duly carried the meeting was adjourned. (7:12 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, August 24, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Rankin, Wilfong)

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

MOVED by Legislator Bankoski, SECONDED by Legislator Lemon, the minutes were approved. (7/27/16)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN
NO VETOES FROM 7/27/16

6:30 P.M.

PUBLIC HEARING
LEASE OF OFFICE SPACE AT THE
JAMESTOWN AIRPORT BY THE
GENERAL SERVICES ADMINISTRATION FOR THE
TRANSPORTATION SECURITY ADMINISTRATION

Chairman Gould: Is there anyone here to speak at the public hearing? (6:35 p.m.) Seeing no one, we'll close the public hearing. (6:36 p.m.)

COMMUNICATIONS:

1. Proof of Publication – Re: Public Hearing – Lease at Jamestown Airport
 2. Letters (6) – NYS Depart. of Taxation and Finance – Equalization Rates
 3. Minutes - Chautauqua County Board of Health – April/2016
 4. Quarterly Report - Small Business Development Center (4/1-6/30/16)
 5. Letter – M. Cunningham–Re: Desire to have I-86 become Purple Heart Trail
 6. Letter – Associated Builders & Contractors, Inc. – Re: Project Labor Agrmt.
 7. Letter – NYSAC – Re: E-Waste Grants
 8. Letter – NYS Dept. of State – Re: Ack. Receipt of LL 4-16
 9. Minutes – Chaut. County Soil & Water Conservation District – 7/2016
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RES. NO. 198-16

Authorize Lease of Office Space at the Chautauqua County Jamestown Airport by the General Services Administration for the Transportation Security Administration

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

REGULAR SESSIONS

WHEREAS, by Resolution 247-02, the County authorized a lease of office space at the Chautauqua County Jamestown Airport to the General Services Administration for a five year term; and

WHEREAS, by Resolution No. 76-11, the County authorized a supplemental lease agreement to extend the lease of office space at the Chautauqua County Jamestown Airport to the General Services Administration; and

WHEREAS, the Government of the United States acting through the General Services Administration has requested a three year supplemental term and extension; and

WHEREAS, it is appropriate for the smooth and efficient operation of the Chautauqua County/Jamestown Airport to renew such lease with the County; and

WHEREAS, the Chautauqua County Airport Commission has approved and recommended renewal of the agreement; and

WHEREAS, the necessary public hearing has been held; therefore be it

RESOLVED, That the County Executive be and hereby is authorized and empowered to execute a supplemental lease agreement with the United States General Services Administration on behalf of the Transportation Security Administration (TSA) upon substantially the following terms and conditions:

- 1) Premises: Room 46 (383 rentable square feet) and Room 47 (108 rentable square feet) for a total of 491 rentable square feet in the building known as the Chautauqua County Jamestown Airport Terminal located in Jamestown, New York.
- 2) Rent: Government Services Administration shall pay the County annual rental in the amount of \$6,401.50 or \$533.46 per month or pro-rated portion thereof, with no annual increase.
- 3) Term: Three years commencing on March 15, 2016 and terminating March 14, 2019, with option to terminate the lease during the third year of the term upon 90 days written notice.
- 4) Utilities and facility requirements: As described in County Contract 02-45-15/GSA Form 3626 dated April 17, 2003, titled "U.S. Government Lease for Real Property."
- 5) Other: As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – August 24, 2016

RES. NO. 199-16

Acceptance of FAA and NYS Funds for Rehabilitate Auto Parking Lot (Construction) Project at the Greater Chautauqua-Jamestown Airport

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

WHEREAS, the Chautauqua County Legislature's May 2016 "Chautauqua County Airports Economic Impact Analysis and Feasibility Study Final Technical Report" documented that the Greater Chautauqua-Jamestown Airport ("Airport") supports 146 local jobs and provides \$20,680,400 in total

JOURNAL OF PROCEEDINGS

dollar impact to the local economy, thereby demonstrating the importance of the airport to local residents, businesses, and institutions; and

WHEREAS, during the month of July 2016, the Airport supported 584 operations by commercial, charter, cargo, and general aviation aircraft and was used for the arrival and departure of 1087 commercial air service and general aviation passengers and crew to and from Chautauqua County, to include residents, visitors, and business employees who live in Chautauqua County or visit and support local businesses through their use of rental cars, taxis, catering services, restaurants, hotels, and other services, thereby demonstrating the importance of the airport to a significant number of local residents, businesses, and institutions; and

WHEREAS, during the month of July 2016, the Airport supported the arrival and departure of charter aircraft bringing speakers, performers, business and government leaders, and other participants in the various programs, shows, and other events held at Chautauqua County's local institutions and venues, thereby demonstrating the importance of the airport to local residents, businesses, and institutions; and

WHEREAS, during the month of July 2016, the Airport supported a significant additional number of operations by the 27 privately- or corporately-owned aircraft that are permanently based at the airport, the owners of which pay rent, lease aircraft hangars, purchase aviation fuel, and use local businesses for aircraft maintenance, inspection, repairs and other services, thereby providing significant support to the local economy, and these based aircraft also provided for the arrival and departure of a significant number of additional passengers and crew in numbers that cannot be counted because the airport operates 24 hours per day, seven days per week but is only partially-staffed and is without an air traffic control tower to document and record all airport operations; and

WHEREAS, this level of operational activity demonstrates the important contributions that the Greater Chautauqua-Jamestown Airport makes to local institutions, businesses, and residents in its role as a local transportation facility with essential links to the national transportation system; and

WHEREAS, the parking lot of the Greater Chautauqua-Jamestown Airport is well beyond its intended service life, is in a sad state of disrepair, and does not safely and securely support the needs of the thousands of patrons using the facility each year; and

WHEREAS, Chautauqua County has received a grant offer from the Federal Aviation Administration (FAA) to pay 95% of the allowable costs incurred in accomplishing the following project at the Greater Chautauqua-Jamestown Airport: Rehabilitate Auto Parking Lot (Construction) ("Project"); and

WHEREAS, the New York State Department of Transportation (NYSDOT) is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, pursuant to Resolution 147-09 and Resolution 134-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved the submission of an application for FAA and NYS grant funds for the construction phase of the Project under the ACIP, with funding shares for the approved ACIP and grant applications for the Project (design and construction) as follows:

95% Federal	\$1,030,750.00
2.5% State	\$27,125.00
2.5% Local	<u>\$27,125.00</u>
100% Total Project Cost	\$1,085,000.00

; and

REGULAR SESSIONS

WHEREAS, the design phase of the Project has been completed with a final design cost as follows:

95% Federal	\$63,519.25
2.5% State	\$1,671.56
2.5% Local	<u>\$1,671.56</u>
100% Total Design Cost	\$66,862.37

; and

WHEREAS, the Consultant Agreement for Construction Observation and Administration costs and for local administrative costs for the construction phase of the Project are estimated to be as follows:

95% Federal	\$97,057.70
2.5% State	\$ 2,554.15
2.5% Local	<u>\$ 2,554.15</u>
100% Total Consultant Agreement Cost and Local Administrative Cost	\$102,166.00

; and

WHEREAS, the low bid received for the construction phase of the Project is \$682,834.06, which is 21% below the original Engineer's Opinion of Construction Cost for the project and is considered reasonable by the contracted consultant, and is as follows:

95% Federal	\$648,692.36
2.5% State	\$17,070.85
2.5% Local	<u>\$17,070.85</u>
100% Total Contractor Bid Amount	\$682,834.06

; and

WHEREAS, the combined total of the design plus the estimated consultant agreement cost, local administrative cost, and the contractor bid amount is \$851,862.43, which is \$233,137.57 below the previously approved amount of \$1,085,000 and which is composed of funding shares for the updated total cost of the construction phase of the Project as follows:

95% Federal	\$809,269.31
2.5% State	\$21,296.56
2.5% Local	<u>\$21,296.56</u>
100% Total Project Cost	\$851,862.43

; and

WHEREAS, with the design phase complete the total remaining cost of the construction phase of the Project is \$785,000.06, which is composed of funding shares as follows:

95% Federal	\$745,750.06
2.5% State	\$19,625.00
2.5% Local	<u>\$19,625.00</u>
100% Total Project Cost	\$785,000.06

; and

WHEREAS, the Airport Commission has considered and recommended that the County accepts this funding as the Project is crucial for the safe operation of the airport; therefore, be it

JOURNAL OF PROCEEDINGS

RESOLVED, That Chautauqua County enters into an agreement with the FAA for financial assistance for the project described above at the Greater Chautauqua-Jamestown Airport Robert H. Jackson Field Airport; and be it further

RESOLVED, That Chautauqua County enter into an agreement with the State of New York for financial assistance for the Rehabilitate Auto Parking Lot (Construction) Project at the Greater Chautauqua-Jamestown Airport; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and New York State in connection with the Project, and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and 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 this Resolution shall take effect immediately and that the A Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.-----878	Fund Balance, Reserved Fund Balance – Reserve for Capital	\$ 19,625
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers – Transfer to Capital	\$ 19,625
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25746.4	Contractual – Rehab Airport Parking Lot – Jamestown	\$785,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25746.R459.2000	Federal Aid – Airport Federal Capital Grants	\$745,750
H.5610.25746.R359.7001	New York State Aid – Airport Capital Grants	\$ 19,625
H.5610.25746.R503.1000	Interfund Transfers – Interfund Transfers	<u>\$ 19,625</u>
		<u>\$785,000</u>

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Chagnon, Muldowney, Borrello

Adopted w/ Legislators Lemon, Hemmer, Nazzaro, Scudder voting "no" – August 24, 2016

RES. NO. 200-16

Authorize Supplemental Agreement No. 1 with NYSDOT for PIN 5759.84

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

WHEREAS, a project for the Replacement of the Harrison Street Bridge over Chadakoin River, Bin 2258370, in the City of Jamestown, Chautauqua County, PIN 5759.84 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program be borne at the ration of 80% Federal funds and 20% New York State funds; and

REGULAR SESSIONS

WHEREAS, a Supplemental Agreement is required to further fund the Project cost; 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; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project supplement; and it is hereby further

RESOLVED, That in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases exceeds the new appropriation amount of \$325,000, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

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

RESOLVED, That the sum of \$80,000.00 is hereby appropriated as indicated below, which amount is in addition to \$245,000 previously appropriated via County Resolution Number 134-15, adopted July 22, 2015, and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right of Way Incidentals phases of the Project); and it is further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual - County Bridge Program	\$ 80,000*
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid: Surface Transportation Program	\$ 64,000
D.5112.390.R358.9003	NY State Aid	\$ 16,000

* Sum of \$80,000 is in addition to \$245,000 previously appropriated via County Resolution No. 134-15 adopted July 22, 2015, resulting in a total appropriation of \$325,000.

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – August 24, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 201-16

Authorize Water Service Agreement with the Village of Sherman for the Sherman Maintenance Facility Project

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

WHEREAS, the Department of Public Facilities proposes to construct a new vehicle maintenance building to be located at 7934 Sherman-Stedman Road in the Town of Sherman, which will require water service; and

WHEREAS, the Village of Sherman has been providing water service to the County's Department of Public Facilities existing vehicle maintenance facility on Route 430 in the Town of Sherman; and

WHEREAS, the Village of Sherman is ready, willing and able to provide water service to the County at the new location, and has sufficient excess capacity to serve County's new building; and

WHEREAS, entry into an agreement for the provision of such service is authorized by General Municipal Law §118, §118-a, and §119-o, and authorization for the County to participate in the Sherman Water District was authorized by County Resolution 34-87; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute Agreements with the Village of Sherman to provide water service to the new vehicle maintenance facility.

Signed: Hemmer, Nazzaro, Himelein, Wilfong

Unanimously Adopted – August 24, 2016

RES. NO. 202-16

Authorize Agreement with Wyoming 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 Wyoming 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 inmate's boarded in the Wyoming County Jail; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Wyoming County for the housing of inmates as set forth above.

Signed: Wendel, Himelein, Niebel, Whitford, Bankoski, Tarbrake, Chagnon, Nazzaro, Muldowney, Borrello

REGULAR SESSIONS

Unanimously Adopted – August 24, 2016

RES. NO. 203-16

Authorize Agreements with New York State Department of Correctional Services' Office of Nutritional Services

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of the Sheriff has identified and realized cost savings and production efficiency in the County Jail by contracting with the New York State Department of Correctional Services' Office of Nutritional Services for particular food products; and

WHEREAS, it is necessary for the county to enter into agreements with the New York State Department of Correctional Services' Office of Nutritional Services to continue the procurement of food products; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements with the New York State Department of Correctional Services' Office of Nutritional Services to procure food products for the Chautauqua County Jail, within annual budget appropriations for such purposes.

Signed: Wendel, Niebel, Whitford, Bankoski, Tarbrake

Unanimously Adopted – August 24, 2016

RES. NO. 204-16

State Homeland Security Program for FY 2014 Appropriations to 2016 Budget

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 FY2015 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 for law enforcement terrorism prevention activities; and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in the Chautauqua County area through 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

WHEREAS, the remainder of the 2014 funds that will be spent in 2016 need to be appropriated to the proper 2016 expenditure accounts as stated in the work plans; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment – Emergency Services	\$ 27,266
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INCREASE REVENUE ACCOUNT:

A.3010.R430.5004	Federal Aid-Homeland Security	\$ 27,266
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Signed: Wendel, Niebel, Whitford, Bankoski, Tarbrake, Chagnon, Nazzaro, Muldowney, Himelein, Borrello

Unanimously Adopted – August 24, 2016

RES. NO. 205-16

State Homeland Security Program for FY 2016 Appropriations to 2016 Budget

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 FY2015 State Homeland Security Program (SHSP) and the State Law Enforcement Terrorism Prevention Program (SLETTP) with \$150,000 to Emergency Services and \$50,000 to the Sheriff's Department for law enforcement terrorism prevention activities; and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in the Chautauqua County area through 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, 2016 through August 31, 2019, and as may be extended; and

WHEREAS, a portion of the 2016 funds will be spent in 2016 and need to be appropriated to the proper 2016 expenditure accounts as stated in the work plans; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment – Emergency Services	\$ 25,000
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INCREASE REVENUE ACCOUNT:

A.3010.R430.5004	Federal Aid – Homeland Security	\$ 25,000
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Signed: Wendel, Niebel, Whitford, Bankoski, Tarbrake, Chagnon, Nazzaro, Muldowney, Himelein, Borrello

Unanimously Adopted – August 24, 2016

REGULAR SESSIONS

RES. NO. 206-16

Authorize Acceptance of Gift of Money to be Used to Purchase a Heavy Duty Pick-Up Truck for
Emergency Services

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

WHEREAS, a long-time member of the fire service desires to leave a legacy by donating
funds to the County Office of Emergency Services; and

WHEREAS, the donor desires that the funds be used to purchase a vehicle to replace a
2003 one-ton dually pick-up truck; and

WHEREAS, the donor desires to remain anonymous; and

WHEREAS, it is beneficial for the County to accept the gift to be able to make a significant
upgrade to its vehicle inventory at no cost; now therefore be it

RESOLVED, That the County of Chautauqua hereby gratefully accepts the gift of funds
from the donor and appreciates the donor's support of the fire service; and be it further

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.3997.999.4	Contractual – EMS Vehicle Replacement	\$ 36,086
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3997.999.R270.5000	Miscellaneous - Gifts and Donations	\$ 36,086
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Signed: Wendel, Niebel, Whitford, Bankoski, Tarbrake, Chagnon, Nazzaro, Muldowney, Himelein,
Borrello

Unanimously Adopted – August 24, 2016

RES. NO. 207-16

Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental
Quality Review (SEQR) of New York State Funded Snowmobile Trails

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

WHEREAS, Chautauqua County acts as a local sponsor for the New York State Office of
Parks, Recreation and Historic Preservation's Snowmobile Trail Maintenance program; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has
tentatively approved reroutes or updates to existing snowmobile trails S12, S19, S40, C1, S18, C4P,
S51, C1, C1A, C4, and C4C; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has
tentatively approved the addition of a new snowmobile trail in Cherry Creek running west from the
Cattaraugus County Line to connect with snowmobile trail C1A; and

JOURNAL OF PROCEEDINGS

WHEREAS, the State Environmental Quality Review Act (SEQR) requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, it is the responsibility of an agency which undertakes an action to be the lead agency in the SEQR process; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby agree to act as the SEQR Lead Agency and as such is authorized to comply with all SEQR requirements for the rerouting or updates to snowmobile trails S12, S19, S40, C1, S18, C4P, S51, C1, C1A, C4, and C4C, and the addition of a new snowmobile trail in Cherry Creek to connect with snowmobile trail C1A.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 208-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "C" Within the Towns of Arkwright, Gerry and Charlotte

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of snowmobile trail "C", which is an existing trail known as C1, that required new global positioning system data per New York Snowmobile Grant requirements, and runs through the Towns of Arkwright, Gerry and Charlotte; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore, be it

RESOLVED, That Chautauqua County, as lead agency, has determined that new global positioning system data per New York State Snowmobile Grant requirements for snowmobile trail "C", which is an existing trail known as C1, and runs through the Towns of Arkwright, Gerry and Charlotte, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 209-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "D" Within the Towns of Hanover, Villenova, Cherry Creek and Ellington

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

REGULAR SESSIONS

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of snowmobile trail "D", which is an existing trail known as C1A, that required new global positioning system data per New York State Snowmobile Grant requirements, and runs through the Towns of Hanover, Villenova, Cherry Creek, and Ellington; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that new global positioning system data per New York State Snowmobile Grant requirements for snowmobile trail "D", which is an existing trail known as C1A, and runs through the Towns of Hanover, Villenova, Cherry Creek and Ellington, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 210-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "E" Within the Towns of Charlotte, Arkwright, Villenova and Cherry Creek

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of snowmobile trail "E", which is an existing trail known as C4, that required new global positioning system data per New York State Snowmobile Grant requirements and necessitated a 1.35 mile reroute, and runs through the Towns of Charlotte, Arkwright, Villenova and Cherry Creek; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that new global positioning system data per New York State Snowmobile Grant requirements and a 1.35 mile reroute for snowmobile trail "E", which is an existing trail known as C4, and runs through the Towns of Charlotte, Arkwright, Villenova and Cherry Creek, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 211-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "F" Within the Towns of Pomfret, Stockton, Arkwright and the Village of Cassadaga

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of snowmobile trail "F", which is an existing trail known as C4, that required new global positioning system data per New York State Snowmobile Grant requirements, and runs through the Towns of Pomfret, Stockton, Arkwright and the Village of Cassadaga; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that new global positioning system data per New York State Snowmobile Grant Requirements for snowmobile trail "F", which is an existing trail known as C4, and runs through the Towns of Pomfret, Stockton, Arkwright and the Village of Cassadaga, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 212-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "G" Within the Town of Cherry Creek and Village of Cherry Creek

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of snowmobile trail "G", which is an existing trail known as S12, that required new global positioning system data per New York State Snowmobile Grant requirements and a reroute, which runs through the Town of Cherry Creek and the Village of Cherry Creek; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that new global positioning system data per New York State Snowmobile Grant requirements for snowmobile trail "G", which is an existing trail known as S12, within the Town of Cherry Creek and the Village of Cherry Creek, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

REGULAR SESSIONS

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 213-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "H" Within the Towns of Pomfret, Arkwright and Charlotte

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of establishing a new snowmobile trail "H", which is an existing trail known as S19, that required new global positioning system data per New York State Snowmobile Grant requirements and includes one minor trail reroute to locate the trail farther away from a pond at a landowners request, and runs through the Towns of Pomfret, Arkwright and Charlotte; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that new global positioning system data per New York State Snowmobile Grant requirements and one minor trail reroute for snowmobile trail "H", which is an existing trail known as S19, and runs through the Towns of Pomfret, Arkwright and Charlotte, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 214-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "I" Within the Town of Ellery

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of snowmobile trail "I", which is an existing trail known as S40, that required new global positioning system data per New York State Snowmobile Grant requirements, and runs through the Town of Ellery; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That Chautauqua County, as lead agency, has determined that new global positioning system data per New York State Snowmobile Grant requirements for snowmobile trail "I", which is an existing trail known as S40, and runs through the Town of Ellery, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 215-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "J" Within the Town of Charlotte

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "J", which is a reroute of existing trail S18 and is proposed to begin near the intersection of Thornton and Swanson Roads in the Town of Charlotte and run south to connect with existing trail S18, that involves construction of 1.4 miles of new seasonal use snowmobile in the Town of Charlotte, rerouting the current C1 east of its current route running south of Thornton Road (County Touring Road 66); and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "J", which is a reroute of existing trail S18 and is proposed to begin near the intersection of Thornton and Swanson Roads in the Town of Charlotte and run south to connect with existing trail S18, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 216-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "K" Within the Town of Charlotte

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "K", which is a reroute of existing trail S18 and is proposed to begin

REGULAR SESSIONS

at the edge of agricultural fields and forest land approximately .9 miles south of the intersection of Cleland and Thornton Roads and traveling east for approximately 2,200 feet until it meets existing trail C1, and runs through the Town of Charlotte; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "K", which is a reroute of existing trail S18 and is proposed to begin at the edge of agricultural fields and forest land approximately .9 miles south of the intersection of Cleland and Thornton Roads and traveling east for approximately 2,200 feet until it meets existing trail C1, and runs through the Town of Charlotte, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

RES. NO. 217-16

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "L" Within the Town of Cherry Creek

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of establishing snowmobile trail "L", which is a new trail proposed to run west from the Cattaraugus-Chautauqua County Line for approximately six (6) miles within the Town of Cherry Creek; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "L", which is a new trail proposed to run west from the Cattaraugus-Chautauqua County Line for approximately six (6) miles within the Town of Cherry Creek, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – August 24, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 218-16
Quit Claim Deeds

By Legislator Scudder:

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; 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	SCHEDULE 1			Offer Amount	Taxes Owng
			Purchaser	Foreclosed Owner			
PA-44-2015	Jamestown	060800-371.13-5-49	Virtuality Commerce Collective	Rita A. Messina	\$ 260.00	\$ 4,121.57	
PA-99-2014	Jamestown	060800-387.08-1-24	Virtuality Commerce Collective	Kevin S. Derby	\$ 130.00	\$ 17,062.07	
PA-200-2016	Cherry Creek	063089-204.00-1-27	Cindy L. Brainard	Richard G. Stephan	\$ 29,000.00	\$ 3,056.35	
QC-2014-2016	Elery	063689-335.00-1-3	William Thomas	William Thomas	\$ 2,637.49	\$ 2,637.49	
				Total	\$ 32,027.49	\$ 26,877.48	

Signed: Scudder

Unanimously Adopted – R/C Vote: 16 Yes; 1 No; 2 Absent (No – Gould) - August 24, 2016

EMERG. RES. NO. 219-16

Authorize Payment of \$90,000 for Settlement of Claim of James Spacht

WHEREAS, payment for the settlement of claims for amounts equal to or greater than \$25,000.00 require approval of the County Legislature pursuant to General Municipal Law § 6-n and Local Law 4-86 of the County of Chautauqua, as amended; and

WHEREAS, the County's insurance carrier and the County's Law Department have recommended settlement of the claim of James Spacht for the sum of \$90,000.00, of which the County will be responsible for the entire amount as the deductible under the insurance policy; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the payment of \$90,000.00 to be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claim of James Spacht; and be it further

RESOLVED, That CS Fund Balance is appropriated as follows:

REGULAR SESSIONS

INCREASE THE USE OF FUND BALANCE:

CS.-----863.0000 Fund Balance, Reserved Fund Balance – Insurance Reserve \$90,000

And be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

CS.1930.-----4 Contractual – Judgements & Claims \$90,000

Unanimously Adopted – August 24, 2016

2nd Privilege of the FloorNo one chose to speak at this time

Chairman Gould: I would ask for a motion to go into executive session to discuss litigation.

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel and duly carried to go into executive session. (6:53 p.m.)

MOVED by Legislator Tarbrake, SECONDED by Legislator Whitford to come out of executive session and duly carried. (7:02 p.m.)

MOVED by Legislator Lemon, SECONDED by Legislator Bankoski, and duly carried the meeting was adjourned.(7:05 p.m.)

JOURNAL OF PROCEEDINGS

Special Meeting
Chautauqua County Legislature
Monday, September 12, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Scudder)

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

1st Privilege of the Floor

No one chose to speak at this time.

RES. NO. 220-16

Acceptance of FAA and NYS Funds for Airport Improvement Program Project No. 3-36-0022-052-2016, Taxiway B South Rehabilitation (Design), at the Chautauqua County/Dunkirk Airport

WHEREAS, the Chautauqua County Legislature's May 2016 "Chautauqua County Airports Economic Impact Analysis and Feasibility Study Final Technical Report" documented that the Chautauqua County/Dunkirk Airport ("Airport") supports 52 local jobs and provides \$8,844,200 in annual total dollar impact to the local economy of northern Chautauqua County, thereby demonstrating the importance of the airport to local residents, businesses, and institutions; and

WHEREAS, the Airport supports operations by charter, general aviation, law enforcement, and emergency services aircraft used by aircrew, travelers, and aircraft owners who are living in, visiting, and doing business in northern Chautauqua County and western New York and who support local businesses through their use of restaurants, hotels, and other services, thereby demonstrating the importance of the airport to a significant number of local residents, businesses, and institutions; and

WHEREAS, the Airport supports the arrival and departure of charter, corporate, and private aircraft bringing business and government leaders and other visitors to events held at Chautauqua County's businesses, institutions and venues, thereby demonstrating the importance of the airport to local residents, businesses, and institutions; and

WHEREAS, the Airport supported a significant additional number of operations by the 39 privately-owned or corporately-owned aircraft that are permanently based at the airport, the owners of which pay rent, lease aircraft hangars, purchase aviation fuel, and use local businesses for aircraft maintenance, inspection, repairs and other services, thereby providing significant support to the local economy, and these based aircraft also provide for the arrival and departure of a significant number of additional passengers and crew in numbers that cannot be counted because the airport operates 24 hours per day, seven days per week but is only partially-staffed and is without an air traffic control tower to document and record all airport operations; and

WHEREAS, this level of operational activity demonstrates the important contributions that the Chautauqua County/Dunkirk Airport makes to local institutions, businesses, and residents in its role as a local transportation facility with essential links to the national transportation system; and

REGULAR SESSIONS

WHEREAS, Chautauqua County, as owner and operator of the airport, is responsible for maintaining the facility in safe operating condition for the thousands of aircraft, aircrew, and passengers that utilize this public transportation facility each year; and

WHEREAS, Taxiway B South at the Chautauqua County/Dunkirk Airport is beyond its intended service life and requires rehabilitation in order to safely and securely support the needs of the thousands of aircraft, aircrew, and passengers using the facility each year; and

WHEREAS, on August 26, 2016, Chautauqua County was notified that it would be offered grant funding from the Federal Aviation Administration (FAA) to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Dunkirk Airport: Taxiway B South Rehabilitation (Design) ("Project"), with a deadline for acceptance of these grants funds and execution of the grant offer given as September 14, 2016; and

WHEREAS, an extension of this deadline was requested to allow consideration of this grant offer by the Chautauqua County legislature at its normal monthly legislative meeting, scheduled for September 28, 2016, such request being made to the FAA's New York Airports District Office (NYADO), which is the regional office responsible for overseeing the safe operations of federally obligated airports listed in the U.S. Government's National Plan for Integrated Airport Systems, to include the Chautauqua County/Dunkirk Airport; and

WHEREAS, the request for an extension beyond the September 14, 2016 deadline was denied due to federal fiscal year constraints imposed upon NYADO; and

WHEREAS, the New York State Department of Transportation (NYSDOT) is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, pursuant to Resolution 133-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved the submission of an application for FAA and NYS grant funds for the design phase of the Project under the ACIP; and

WHEREAS, the funding shares for the grant offer as received in response to the approved ACIP and grant applications for the Project (design) are as follows:

90% Federal	\$101,160.00
5% State	\$ 5,620.00
5% Local	\$ 5,620.00
100% Total Project Cost	\$112,400.00

; and

WHEREAS, the Airport Commission has considered and recommended that the County accepts this funding as the Project is crucial for the safe operation of the airport; therefore, be it

RESOLVED, That Chautauqua County enter into an agreement with the FAA for financial assistance for the project described above at the Chautauqua County/Dunkirk Airport; and be it further

RESOLVED, That Chautauqua County enter into an agreement with the State of New York for financial assistance for the project described above at the Chautauqua County/Dunkirk Airport; and be it further

JOURNAL OF PROCEEDINGS

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and New York State in connection with the Project, and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and 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 this Resolution shall take effect immediately and that the A Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.-----878	Fund Balance, Reserved Fund Balance – Reserve for Capital	\$ 5,620
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers – Transfer to Capital	\$ 5,620
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25817.4	Contractual – Rehab Taxiway B South – Dunkirk	\$112,400
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25817.R459.2000	Federal Aid – Airport Federal Capital Grants	\$101,160
H.5610.25817.R359.7001	New York State Aid – Airport Capital Grants	\$ 5,620
H.5610.25817.R503.1000	Interfund Transfers – Interfund Transfers	<u>\$ 5,620</u>
		<u>\$112,400</u>

Adopted– R/C Vote: 17 Yes; 1 No; 1 Absent (No: Lemon) – September 12, 2016

RES. NO. 221-16

Acceptance of FAA and NYS Funds for Airport Improvement Program Project No. 3-36-0048-(TBD)-2016, Rehabilitation of Taxiway F and the General Aviation Apron (Design), and Purchase of New Aircraft Rescue and Firefighting Suits, at the Greater Chautauqua-Jamestown Airport

WHEREAS, the Chautauqua County Legislature's May 2016 "Chautauqua County Airports Economic Impact Analysis and Feasibility Study Final Technical Report" documented that the Greater Chautauqua-Jamestown Airport ("Airport") supports 146 local jobs and provides \$20,680,400 in annual total dollar impact to the local economy, thereby demonstrating the importance of the airport to local residents, businesses, and institutions; and

WHEREAS, the Airport supports operations by charter, general aviation, law enforcement, emergency services, and commercial services aircraft used by passengers, businesses, government and emergency services organizations, aircrew, and aircraft owners who are living in, visiting, and doing business in Chautauqua County and western New York and who support local businesses through their use of restaurants, hotels, and other services, thereby demonstrating the importance of the airport to a significant number of local residents, businesses, and institutions; and

REGULAR SESSIONS

WHEREAS, the Airport supports the arrival and departure of charter, corporate, and private aircraft bringing business and government leaders and other visitors to events held at Chautauqua County's businesses, institutions and venues, thereby demonstrating the importance of the airport to local residents, businesses, and institutions; and

WHEREAS, the Airport supports a significant additional number of operations by the 27 privately-owned or corporately-owned aircraft that are permanently based at the airport, the owners of which pay rent, lease aircraft hangars, purchase aviation fuel, and use local businesses for aircraft maintenance, inspection, repairs and other services, thereby providing significant support to the local economy, and these based aircraft also provided for the arrival and departure of a significant number of additional passengers and crew in numbers that cannot be counted because the airport operates 24 hours per day, seven days per week but is only partially-staffed and is without an air traffic control tower to document and record all airport operations; and

WHEREAS, this level of operational activity demonstrates the important contributions that the Greater Chautauqua-Jamestown Airport makes to local institutions, businesses, and residents in its role as a local transportation facility with essential links to the national transportation system; and

WHEREAS, Chautauqua County, as owner and operator of the airport, is responsible for maintaining the facility in safe operating condition for the thousands of aircraft, aircrew, passengers, and employees that utilize or work at this public transportation facility each year; and

WHEREAS, Taxiway F and the General Aviation Ramp at the Airport are beyond their intended service life and require rehabilitation in order to safely and securely support the needs of the thousands of aircraft, aircrew, and passengers using the facility each year; and

WHEREAS, the Aircraft Rescue and Firefighting Suits used by Chautauqua County employees assigned to the Greater Chautauqua-Jamestown Airport will expire in early 2017 and require replacement in order to support the safety and security of assigned Chautauqua County employees; and

WHEREAS, Chautauqua County has been notified that it should expect an offer for grant funding from the Federal Aviation Administration (FAA) to pay 95% of the allowable costs incurred in accomplishing the following project at the Greater Chautauqua-Jamestown Airport: Rehabilitation of Taxiway F and the General Aviation Apron (Design), and Purchase of New Aircraft Rescue and Firefighting Suits ("Project"); and

WHEREAS, when the official FAA grant offer for this project is received it will be accompanied by a deadline for acceptance of these grants funds and execution of the grant offer, and that deadline will be September 14, 2016; and

WHEREAS, an extension of this deadline was requested to allow consideration of this grant offer by the Chautauqua County legislature at its normal monthly legislative meeting, scheduled for September 28, 2016, such request being made to the FAA's New York Airports District Office (NYADO), which is the regional office responsible for overseeing the safe operations of federally obligated airports listed in the U.S. Government's National Plan for Integrated Airport Systems, to include the Greater Chautauqua-Jamestown Airport ; and

WHEREAS, the request for an extension beyond the September 14, 2016 deadline was denied due to federal fiscal year constraints imposed upon NYADO; and

JOURNAL OF PROCEEDINGS

WHEREAS, the New York State Department of Transportation (NYSDOT) is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, pursuant to Resolution 134-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved the submission of an application for FAA and NYS grant funds for the design phase of the Taxiway F and General Aviation Apron Project and for the purchase of new Aircraft Rescue and Firefighting Suits under the ACIP; and

WHEREAS, the funding shares for the expected grant offer, to be received in response to the approved ACIP and grant applications for the Project, are estimated and expected to be as follows:

95% Federal	\$107,730.00
2.5% State	\$ 2,835.00
2.5% Local	\$ 2,835.00
100% Total Project Cost	\$113,400.00

; and

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

WHEREAS, the current capital budget includes \$82,000 for the Rehabilitation of Taxiway F and the General Aviation Apron (Design) and the budget should be amended based upon the current estimate for rehabilitation and to include the purchase of new Aircraft Rescue and Firefighting Suits under the ACIP; therefore, be it

RESOLVED, That Chautauqua County enter into an agreement with the FAA for financial assistance for the project described above at the Greater Chautauqua-Jamestown Airport; and be it further

RESOLVED, That Chautauqua County enter into an agreement with the State of New York for financial assistance for the project described above at the Greater Chautauqua-Jamestown Airport; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and New York State in connection with the Project, and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and 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 this Resolution shall take effect immediately and that the A Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.-----878	Fund Balance, Reserved Fund Balance – Reserve for Capital	\$ 785
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; and be it further

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

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$ 785
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25813.4	Contractual – Rehabilitation of Taxiway F and the General Aviation Apron (Design), and Purchase of New Aircraft Rescue and Firefighting Suits – Jamestown	\$31,400
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25813.R459.2000	Federal Aid – Airport Federal Capital Grants	\$27,780
H.5610.25813.R359.7001	New York State Aid – Airport Capital Grants	\$ 2,835
H.5610.25813.R503.1000	Interfund Transfers – Interfund Transfers	\$ 785
		<u>\$31,400</u>

Adopted – R/C Vote: 17 Yes; 1 No; 1 Absent (No: Lemon) – September 12, 2016

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Nazzaro, SECONDED by Legislator Bankoski, and duly carried the special meeting was adjourned. (6:47 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, September 28, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present.

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

MOVED by Legislator Nazzaro, SECONDED by Legislator Himelein, the minutes were approved. (8/24 & 9/12/16)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 8/24/16

COMMENDATION:

New York State Sheriff's Association
Accreditation Award
to the
Civil Division and Court Security

PRESENTATION:

2017 Tentative Budget
by
County Executive Vincent W. Horrigan

Presentation can be viewed at:

<http://www.co.chautauqua.ny.us/ArchiveCenter/ViewFile/Item/1979>

COMMUNICATIONS:

1. Letter of Resignation – K. Tampio – Administrative Bd. of the North Chaut. County Water District
2. Letters (2) – County Executive – Apptms. to Traffic Safety & Planning Bds.
3. Reports (2) – Dir. of Finance Marsh – Re: Investment Reports- July & Aug.
4. Minutes – North Chautauqua County Water District Board – Sept. 2016
5. Minutes – Chaut. Lake & Watershed Management Alliance – Aug. 2016
6. Minutes – Chaut. Co. Soil & Water Conservation District – August/2016
7. Minutes – South & Center Chautauqua Lake Sewer District – August/2016
8. Letter – Emerg. Managements Response to Concerns Relating to an EMS Response
9. Report – Phosphorus Monitoring Committee/Chaut. Co. Water Quality Task Force – Re: Total Maximum Daily Load for Phosphorus in Chaut. Lake
10. Letter – Arkwright Summit Wind Farm LLC's parent company EDP Renewables North America – Re: Signed a Voluntary Code of Conduct Agreement

REGULAR SESSIONS

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11. Letter – NYS Dept. of Health – Re: NYS Violent Death Reporting System
 12. Letter – NYS Dept. of Transportation – Availability of \$98.7M in Funding to Support Transportation-Related Projects and Programs
 13. NYS Dept. of Taxation & Finance – Certified 2016 State Equalization Rates
-

Motion: (On file w/ 9/28/16 Legislature Data)

6-16 To Proclaim October 2-8, 2016 as 4-H Week in Chautauqua County

LAID ON DESKS FOR ACTION AT THE OCTOBER MEETING (2:00 P.M.)

LL INTRO. 8-16 – A Local Law Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (Re: Epidemiology Manager)

RES. NO. 222-16

Confirm Appointment – North Chautauqua County Water District Administrative Board

By Public Facilities Committee:

At the Request of Chairman Frank J. Gould and Legislator Mark Odell:

WHEREAS, the North Chautauqua County Water District Administrative Board has recommended the following appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the North Chautauqua County Water District Administrative Board:

David Hazelton (Filling position last held by Katherine Tampio)
 133 West Main St.
 Brocton, NY 14716
 Term Expires: 12/31/21

Signed: Hemmer, Nazzaro, Himelein, Wilfong

Unanimously Adopted – September 28, 2016

RES. NO. 223-16

Confirm Appointment – Chautauqua County Traffic Safety Board

By Legislator Paul Wendel:

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 Traffic Safety Board.

Terri Kindberg (Filling the term of Patricia A. Fincher)
 917 Forest Ave.
 Jamestown, N.Y. 14701
 Term Expires: 7/31/19

JOURNAL OF PROCEEDINGS

Signed: Wendel

Unanimously Adopted – September 28, 2016

RES. NO. 224-16
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:

David Pihl
29 Maple Dr. West
Mayville, N.Y. 14757
Term Expires: 12/31/17

Filing the term of Jon Ortendahl

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – September 28, 2016

RES. NO. 225-16
Authorize Public Hearing on Proposed Lease of Facilities at The Greater Chautauqua-Jamestown Airport

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

WHEREAS, Southern Airways Express, LLC, was the sole respondent to the U.S. Department of Transportation's (DOT) "Order Requesting Proposals" proposing to provide essential air service to Chautauqua County for the period October 1, 2016 to September 30, 2018; and

WHEREAS, U.S. DOT Order Selecting Carrier 2018-8-26 issued August 26, 2016, designated Southern Airways Express, LLC, as the essential air service provider for Chautauqua County; and

WHEREAS, Chautauqua County DPF/Airports Division has negotiated a proposed lease with Southern Airways Express, LLC, Administrative Offices, 43W700 US Route 30, Sugar Grove, Illinois, for operation of commercial air services at The Greater Chautauqua-Jamestown Airport; and

WHEREAS, The Chautauqua County 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

REGULAR SESSIONS

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 October 26, 2016 at 2:00 pm in Legislative Chambers, Gerace Office Building, Mayville, New York 14757 on the proposed lease of airport facilities to Southern Airways Express, LLC, at The Greater Chautauqua-Jamestown Airport on substantially the following proposed terms and conditions:

1. Premises: Approximately 2,314 sq. feet of office space, counter space, baggage areas, storage space, and terminal promotions counter space (booth) in the Chautauqua County Terminal Building at the Greater Chautauqua-Jamestown Airport, designated as spaces 33, 34, 38, 39, 40, 41, 42, 45, and 55 on the 2011 Terminal Building floor plan.
2. Rent: Payment of the sum of \$3,375.00 per month or pro-rated portion thereof plus a \$6.00 per landing fee, with no annual increase for the two-year term, due on the first day of each month.
3. Term: A two year term beginning on or about October 1, 2016 and ending on or about September 30, 2018.
4. Utilities: County shall provide electric, gas, water, and waste removal services, and Tenant shall be responsible for obtaining their own telephone, communications, and Internet services.
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, Wilfong, Nazzaro, Himelein

Unanimously Adopted – September 28, 2016

RES. NO. 226-16

Close Accounts for Completed Capital Projects as of 12/31/2015

By Public Facilities and Audit & Control Committees:
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:

H.1680.20845 – Core Switch Upgrade
H.1680.20959 – Enterprise Software
H.2490.00861 – JCC Property Acquisition
H.8020.37892 – Chautauqua Lake SAV Management Plan;

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, 2015 and begin capitalization as necessary; and be it further

JOURNAL OF PROCEEDINGS

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: Hemmer, Nazzaro, Himelein, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – September 28, 2016

RES. NO. 227-16

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project
PIN 5761.29

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

WHEREAS, Chautauqua County Bridges 1000 & 968 Bearings and Joints, Project PIN 5761.29 (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 \$112,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, New York State will fund 75% of the Non-Federal share and the remaining 25% of the Non-Federal will be paid from the existing budget in account D.5112.390; 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 5761.29; 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 Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

REGULAR SESSIONS

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	\$106,400
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program	\$ 89,600
D.5112.390.R458.9002	NY State Aid – Marchiselli Funds	<u>\$ 16,800</u>
		\$106,400

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – September 28, 2016

RES. NO. 228-16

Approving SEQRA Findings and Determinations for Various Capital Improvements for Jamestown Community College and the County of Chautauqua

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

WHEREAS, various capital improvements have been proposed for Jamestown Community College (JCC) and the County; and

WHEREAS, DPF and the County Law Department have reviewed the proposed projects and determined their status under the State Environmental Quality Review Act (SEQRA), as follows:

<u>JCC</u>		<u>SEQRA Classification</u>
Renovations to Existing Facilities		Type II
Demolition of the Community Service Center	Unlisted	
<u>County</u>		<u>SEQRA Classification</u>
SCOB Cooling Tower		Type II
Replacement of Roofs		Type II
Property and Evidence Room/ Processing Lab	Type II	
Sheridan Shop Masonry Restoration		Type II
Burn Building Replacement		Type II
New Sherman DPF Maintenance Facility		Unlisted

WHEREAS, pursuant to 6 NYCRR Part 617, adopted pursuant to sections 3-0301 (1)(b), (2)(m) and 8-0113 of the Environmental Conservation Law, "Type II" actions require no further review, but the Chautauqua County Legislature must evaluate the environmental impact of the Unlisted actions; and

WHEREAS, a Short Environmental Assessment Form ("SEAF") has been prepared for each of the two Unlisted actions listed above, and found there to be no or very low probability of any adverse impact; and

JOURNAL OF PROCEEDINGS

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are on file with the Clerk of the County Legislature; therefore be it

RESOLVED, in consideration of each SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed actions will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed actions.

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – September 28, 2016

RES. NO. 229-16
Amend 2016 Budget for Insurance Account Adjustment

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

WHEREAS, the amounts for FICA and Medicare associated with retiree cash-out payments were budgeted in a contractual account in the Health Insurance Fund and the budget should be amended so that actual costs can be correctly recorded as employee benefits; and

WHEREAS, broker fees were previously included in health insurance premiums but are now paid directly and recorded in a separate account and the budget should be amended to reflect this change; and

WHEREAS, some liability insurance expenses have exceeded initial budgetary estimates, and some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 budget:

DECREASE APPROPRIATION ACCOUNTS:

M.1930.----.4	Contractual – Judgements & Claims	\$126,000
CS.1930.----.4	Contractual – Judgements & Claims	<u>\$ 47,000</u>
		\$173,000

INCREASE APPROPRIATION ACCOUNTS:

M.1910.----.4	Contractual – Administration	\$ 36,000
M.1930.----.8	Employee Benefits – Judgements & Claims	\$ 90,000
CS.1710.----.4	Contractual – Insurance Administration	<u>\$ 47,000</u>
		\$173,000

Signed: Vanstrom, Whitford, Starks, Chagnon, Nazzaro, Muldowney, Borrello (Amended in AC)

Unanimously Adopted – September 28, 2016

REGULAR SESSIONS

RES. NO. 230-16
Amend Chautauqua County Purchasing Policy

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

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, 142-13, 68-14, and 161-15; and

WHEREAS, there have been changes to the list of individuals who have County purchasing authority, making it appropriate to update the names listed in this Purchasing Policy resolution, and

WHEREAS the County desires to clarify and otherwise update purchasing requirements, now, therefore, be it

RESOLVED, That the County Purchasing policy established by Resolution 182-92, as amended by Resolutions 268-93, 171-94, 124-09, 142-13, and 68-14, is hereby amended to read as follows:

1. Purchasing Procedures.

a. State Requirements. Every purchase of goods and/or services shall be reviewed by the officer or employee that initially approves the requisition to ensure compliance with State competitive bidding / offering requirements and preferred source requirements, under the general supervision of the Purchasing Manager. Any procurement that is not subject to competitive bidding shall be accompanied by documentation of the basis for the determination that competitive bidding is not required by law. The Purchasing Manager should be consulted when an acquisition is believed to be a professional service and therefore not subject to State competitive bidding requirements. Contracts involving the receipt by County of revenues are not required to be bid; however quotes or proposals should be solicited.

b. Alternative Proposals and Quotes. Except as otherwise provided by New York State law, alternative proposals or quotations for goods and services shall be:

I. secured by use of written requests for proposals (RFPs) and written, faxed, or e-mailed quotations from at least three vendors for procurements of services expected to exceed \$20,000 in value;

II. secured by written, faxed, or e-mailed quotations from at least three vendors for procurements of goods and services expected to be between \$5,000 and \$20,000; and

III. within the discretion of the Department Head, subject to the advice of the Purchasing Manager, for procurements of goods and services under \$5,000.

Purchases must also be compliant with any funding source requirements. See, for example, the requirements of Title 2: Grants and Agreements, of the Code of Federal Regulations (CFR), Part 200—Uniform Administrative Requirements, Cost Principles, and Audit requirements for Federal Awards ("Uniform Guidance") §§200.318-200.326 (purchases of items of \$3,000 to \$150,000 be made only after 3 quotes have been obtained).

JOURNAL OF PROCEEDINGS

Adequate documentation of actions taken in connection with each such method of procurement shall accompany the purchase order or the Agreement or Agreement of Services request submitted to the Purchasing Manager, and the credit card purchase information submitted to the Department of Finance. Such documentation must include a statement of the reason that three quotes were not able to be secured, when applicable.

c. Exceptions. In the event that the procurement is from: a State contract bid; General Services Administration schedule seventy, information technology; General Services Administration's "1122 Program Equipment and Supplies Catalog" and consolidated schedule contracts; involves surplus or second hand supplies, materials or equipment to be acquired from other governmental units; reflects unique or specialized goods or services that are needed by the County; is part of a program to standardize goods or equipment; arises from a bona fide emergency, accident or other unforeseen occurrence or condition that requires prompt action; involves a sole source situation; relates to the purchase of perishable food; is from a State-designated Preferred Source; or involves other situations where the above procedures for the solicitation of alternative proposals or quotations are not practical or will not be in the best interest of the County, a written explanation of why adherence to the procedures set forth in this Policy would not be practical or would not be in the best interest of the County shall accompany the Purchase Order, Agreement or Agreement of Services request submitted to the Purchasing Manager, or the Procurement Card statement submitted to the Department of Finance, which determination shall be subject to review by the Purchasing Manager, Department of Finance, and/or the Law Department.

d. Lowest Responsible Offer. In the event a contract is awarded to other than the lowest responsible dollar offerer, the Purchase Order or Agreement / Agreement of Services request shall be accompanied by written documentation and justification specifying why such award is in the best interest of the County. 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.

e. Miscellaneous Provisions.

i. Whenever practical, economical, and permitted by State law, the County shall acquire goods and services from Chautauqua County businesses and select goods and services which provide the least possible negative impact on the environment, including products made from recycled materials.

ii. The requirements of this Purchasing Policy apply to procurements in which the County expends funds or receives revenues.

iii. Notwithstanding anything to the contrary in this Purchasing Policy, all County procurements shall be made in conformance with Federal and State requirements, including but not limited to applicable laws and Federal and State grant/funding requirements.

iv. Department heads shall require their employees with purchasing authority to attend training sessions provided by the County Purchasing Manager and ensure that new employees receive training prior to purchasing on behalf of that department.

2. Credit Card Usage. Procurement Credit Cards, hereinafter referred to as credit cards, obtained through the Finance Department, can be used to make payments for purchases of goods not exceeding \$1,000 in value when pre-approved by the Department Head and consistent with the

REGULAR SESSIONS

direction provided by the Purchasing Manager. Upon request by the Department Head to the Director of Finance, credit cards will be issued to individual employees, hereinafter referred to as Cardholders. Such cards are not re-assignable for use by other employees.

The credit cards have a monthly limit of \$5,000, unless the Department Head requests that a Cardholder's monthly credit limit be increased to accommodate the department's purchasing requirements. There is a non-adjustable \$1,000 limit per transaction. Under no circumstances will a Cardholder authorize a transaction exceeding this \$1,000 limit without the advance written approval of the Purchasing Manager.

Procurements paid for with credit cards remain subject to all requirements of this Policy. The Cardholder to whom the credit card is assigned shall reimburse the County for costs incurred with respect to any illegal or unauthorized expenditure or improper usage of the credit card, to the extent such costs were within the Cardholder's control. The credit card is expressly not authorized to be used to pay for the procurement of services unless specifically authorized in writing by the Purchasing Manager.

Cardholders must obtain packing slips for all purchases paid for by credit card, reconcile the slips with the Cardholder's monthly credit statement, and attest by signature on the credit card statement that all goods recorded have been received in good condition and are for the use of conducting County business. Department Heads must sign the monthly credit statements of their cardholders as an indication that all purchases were authorized by the Department Head.

Credit shall be immediately requested from the vendor for any unauthorized purchases or billing errors. In the event the vendor does not cooperate in issuing a credit when due, the Cardholder should contact the Department of Finance and request that a Dispute Form be submitted to the financing agency. The County is not responsible for any unauthorized purchases or purchases made for personal use.

Cardholders must perform an initial audit and reconciliation of their monthly statements and must promptly submit their statements, along with the appropriate G/L Account number to be charged, so that the bill can be paid prior to the time of imposition of late fees or penalties, and prior to the monthly closing of the County's financial statements.

The Purchasing Manager will review the periodic audit reports submitted by the auditors and take appropriate action to enforce the credit card policy. Each Cardholder must have on file with the County Executive's Office a current Financial Disclosure Form and must complete the Purchasing Training Manual available on the Chautauqua County intranet.

3. Individuals with Purchasing Authority. Pursuant to the requirements of Section 104-b(2)(f) of the General Municipal Law, the following individuals are identified as having purchasing authority:

Alphabetical List of Employees with Purchasing Authority

Key-

C= Authorization to Approve Contracts/AOS
Credit Card

CC= Authorization to use

PO= Authorization to Approve Purchase Orders
Vouchers/Grids

V= Authorization to Approve

A

JOURNAL OF PROCEEDINGS

Abbey, Matthew	Wastewater Maintenance Mechanic	South & Center Chaut. Lake Sewer Dist.	CC
Abdella, Stephen	County Attorney	Co. Attorney & CTASC	CC, C, V, PO
Abram, Brian	Commissioner of Elections	BOE	CC, C, V, PO
Abram, Paul	Equip. Maint. Supervisor	Department of Public Facilities	PO
Anderson, Jon	Mental Hygiene/Tapestry	Mental Hygiene	CC
Anderson, Rebecca	Purchasing Agent	Public Facilities	CC, V, PO
Atwell, Sharon	Researcher Typist	Co. Attorney	CC

B

Babcock, Misty	Senior Account Clerk – Typist	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Ball, Marshall	Weights and Measures	County Clerk	C, V, PO
Barmore, Larry	County Clerk	Co. Clerk	CC, C, V, PO
Barone, Nathaniel II	Public Defender	Public Defender	CC, C, V, PO
Becker, Robert	Wastewater Mechanic	South & Center Chaut. Lake Sewer Dist.	CC
Becker, Sue	Principal Account Clerk	Health & Human Svcs.	V
Berg, Irene	Storekeeper II	Public Facilities	CC
Blanchard, Robert	Carpenter	Public Facilities Buildings & Grounds	CC
Blitz, Judith	Health Education Aide	Office for the Aging	CC
Blum, Rebecca	Coordinator of Aging Services	Office for the Aging	CC, C, V, PO
Bohall, John	General Maintenance Mechanic	Public Facilities Building & Grounds	CC
Braley, Darryl	Deputy Sheriff Captain	Sheriff	CC, C, V, PO
Brant, Nance	Secretary to the Dir. of Finance	Finance	CC
Brigham, Cassandra	Coroner	Co. Leg Coroner	V
Brinkman, Patricia	Dir. of Community MH	Mental Hygiene	CC, C, V, PO

REGULAR SESSIONS

	Services		
Brooks, Dennis	Insurance Administrator	Finance- Insurance	V
Button, Todd	First Deputy Director of Finance	Finance	C, V, PO

C

Cafilisch, James	Dir. of Real Property Tax	Finance Real Property Tax	CC, C, V, PO,
Carlberg, Nikki	Senior Caseworker	Mental Hygiene	CC
Carlson, Thomas	Dir. of North Chaut. Lake Sewer District	North Chaut. Lake Sewer Dist	CC, C, V, PO
Carrow, Allison	Assistant County Attorney	Law	C, V, PO
Catanese, Carmella	Secretary to County Executive	Co. Exec.	CC, V
Cheney, Ryan	Wastewater Mechanic	South & Center Chaut. Lake Sewer Dist.	C
Cheronis, Christine	Aging Services Specialist	Office for the Aging	CC,C,V, PO
Chilcott, Gary	Director of Veterans Services	Veterans Service Agency	C, V, PO
Christodoulou, Katina	Senior Account Clerk	Public Facilities	PO
Clawson, Susan	Exam Monitor	Health & Human Svs.	V
Colf, Donald	Administrative Aide (19-A Prg)	C Public Facilities CARTS	CC
Corwin, Dana	Reg Prof Nurse II (PH)	Office for the Aging	CC, V, PO
Crow, Kitty	Budget Director	Finance Budget	CC, C, V, PO
Cummings, Norma	Project Coordinator	Emergency Svs.	CC
Cummings, Scott	Wastewater Maintenance I	North Chaut. Lake Sewer Dist.	CC
Cusimano, Leslie	Caseworker	Mental Hygiene	CC

D

Dankert, Dan	Storekeeper III	Public Facilities	CC
Darling, Judy	Account Clerk-Typist	Public Facilities	V
DeAngelo, Jonathan	Chief Information Officer	Info. Technology Svs.	CC, C, V, PO
Dennison, Kathleen	Accounting Supervisor	Sheriff	CC, V, PO
DePonceau, Lorraine	Senior Account Clerk-Typist	Health & Human Svs.	V
Disbro, Tom	Probation	Probation	V

E

JOURNAL OF PROCEEDINGS

Ellman, Jennifer	Aging Services Aide	Office for the Aging	CC
Emley, Francine	Personnel Technician	Human Resources	CC, C, V, PO
Evans, Philip	Probation Supervisor	Probation	CC, V

E

Fairbanks, Dolores	Senior Account Clerk	Office for the Aging	CC, V, PO
Fardink, Pamela	Senior Account Clerk	Public Facilities	CC, V, PO
Felsman, Michael	Accounting Supervisor	Public Facilities Landfill	CC, V, PO
Finnerty, Carrie	Account Clerk	Veterans Service Agency	V, PO
Foster, Lori	Secretary to Legislature	Co. Leg.	CC, C, V, PO
France, Tracy	Purchasing Manager	Public Facilities	C, PO
Frank, Robert	Deputy Co. Fire Coordinator	Emergency Svs.	CC
Freligh, Mark	Wastewater Mech. Supervisor	South & Center Chaut. Lake Sewer Dist	CC, C, V, PO

G

Gerace, Joseph	Sheriff	Sheriff	CC, C, V, PO
Gillies, Eric	Wastewater Trt At/Ast Mech	South & Center Chaut. Lake Sewer Dist	CC
Gloss, George	Superv Wastewater Trtmnt PI Op	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Green, Norman	Commissioner of Elections	BOE	CC, C, V, PO
Gustafson, Cheryl	Senior Project Coord (Transp)	Public Facilities CARTS	V, PO
Gustafson, Kurt	First Assistant County Attorney	Co. Attorney	C, V, PO

H

Hardenberg, Ryan	Wastewater Treatment Plant Op	North Chaut. Lake Sewer Dist.	CC
Harriger, Michelle	MH	Mental Hygiene	CC
Haskin, Tracie	Deputy County Clerk	Co. Clerk	C, V, PO

REGULAR SESSIONS

Hayes, Valerie	Principal Account Clerk	Emergency Management	CC,C,V,PO
Henry, Michelle	Records Mang. Coordinator	Co. Clerk	CC, C, V,PO
Henry, Nancy	Deputy Director II	Finance	C,C,V,PO
Hilliard, William	Building Maint Mechanic II	Public Facilities- Buildings & Grounds	CC
Hlosta, Carmen	Director of Certification	Health & Human Svs.	CC
Holder, Charles	Undersheriff	Sheriff	CC, C, V, PO
Hooks, Patricia	Accounting Supervisor	Health & Human Svs.	V, PO
Horrigan, Vincent	County Executive	County Executive	CC, C,V, PO
Humphrey, Christine	Laboratory Tech-Admin (WstWtr)	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Hutchinson, Glen	Mechanic II	Public Facilities- CARTS	CC

I

Imfeld, Daniel	Deputy Co. Fire Coordinator	Emergency Svs.	CC
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J

Jackson, James	Coroner	Co. Leg Coroner	V
Johnson, Cindy	Senior Account Clerk	Mental Hygiene	CC
Johnson, Holly	Resource Assistant (CARTS)	Public Facilities CARTS	CC, V
Jones, Kolnae	Sr Caseworker	Mental Hygiene	CC
Joslyn, Sherryl	Account Clerk-Typist	Health & Human Svs.	CC

K

Kent, Linda	Senior Account Clerk	Health & Human Svs.	V
Kuehn, Jill	Typist II	Mental Hygiene	CC

L

JOURNAL OF PROCEEDINGS

Langebartel, Maureen	Accounting Supervisor	Public Facilities	V, PO
Lawrie, Kimberly	Personal Computer Spec	Info. Technology Svs.	PO
Leighton, Elizabeth	Health Aide	Mental Hygiene	CC
Leone, Julius Jr.	Dir. of Emergency Services	Emergency Svs.	CC, C, V, PO
Leymeister, Cory	Resource Assistant	Dept. of Public Facilities-CARTS	CC
Liljestedt, Deborah	Senior Typist	Planning & Economic Dev.	CC, PO
Lillie, Lisa	Administrative Aide-Typist	Health & Human Svs.	CC, V
Lis, Valerie	Deputy Director of Finance	Finance	C, V, PO
Loomis, Carol	Sr Caseworker	Mental Hygiene	CC
Loveless, Debbra	Senior Account Clerk-Typist	Health & Human Svs.	V
Lucariello, Barbara	Motor Vehicle Office Sup.	Co. Clerk	CC, C, V, PO
Ludemann, Sheryl	Administrative Aide-Typist	Health & Human Svs.	CC
Ludwig-Mesmer, Rachel	MH Prog Coord (SPOA-Child)	Mental Hygiene	CC
Luka-Conley, Leanna	Director of Services	Health and Human Services	C,V,PO

M

Marsh, Susan	Director of Finance	Finance & CTASC	CC, C, V, PO
McCord, Donald	Deputy Dir of Plng And Eco Dev	Planning & Economic Dev	C, V, PO
McCoy, David	Special Projects Coordinator	Planning & Economic Dev.	V, PO
Merritt, Michelle	Sr Caseworker	Mental Hygiene	CC
Milks, Jennifer	Sr Caseworker	Mental Hygiene	CC
Minor, Marshall	Wastewater Trt At/Ast Mech	South & Center Chaut. Lake Sewer Dist.	CC

N

Narraway, Thomas	Probation Supervisor	Probation	CC, C, V, PO
Nichols, Susan	Account Clerk-Typist	Health & Human Svs.	CC

O

O'Connor, Belinda	Sr Caseworker	Mental Hygiene	CC
O'Connor, Ryan	Wastewater Trt At/Ast	South & Center Chaut. Lake Sewer Dist.	CC

REGULAR SESSIONS

	Mech		
Oehlbeck, Mathew	Wastewater Maint Mechanic	North Chaut. Lake Sewer Dist.	CC
Oquist, Cheryl	Sr Caseworker	Mental Hygiene	CC

P

Panteli, Pantelis	Dep Dir Publ Facil (Engineer)	Public Facilities Landfill	C, V, PO
Paoletta, Bridgette	Aging Services Aide	Office for the Aging	CC
Papalia, Nancy	Community Service Aide	Office for the Aging	CC
Parker, Clinton	Mechanic II	Public Facilities CARTS	CC
Parment, Doris	Elections Dep. Office Mgr.	BOE	CC, C,V, PO
Pattison, Nicole	Account Cleark	Insurance	V
Pelletter, James	First Assistant Public Defendr	Public Defender	C, V, PO
Peterson, Lou Ann	Principal Account Clerk	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Popielarz, Anthony	Elections Trainer Coordinator	BOE	CC
Porpiglia, Joseph	Director Human Resources	Human Resources	CC, C,V, PO
Price, Diana Sue	Account Clerk-Typist	Sheriff	CC
Propheter, Jennifer	Sr Caseworker (MH-Child)	Mental Hygiene	CC
Purol, Brian	Chairman, North Ind W/S Dist 1	North Co. Industrial Water District	C, V, PO

R

Rankin, Richard	Co. Attorney	Law Department	C,V,PO
Reese, Christopher	Wastewater Maint. Mech II	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Rhinehart, Kelly	Sanitation Supervisor	Public Facilities Landfill	CC, V, PO
Ribbing, Matthew	Wastewater Trt At/Ast Mech	South & Center Chaut. Lake Sewer Dist.	CC
Riles, Warren	Coroner	Co. Leg Coroner	V
Rivera, Stacey	Sr Caseworker (MH- Child)	Mental Hygiene	CC
Rodgers, Drew	Engineer III	Public Facilities Buildings & Grounds	C, V, PO

S

Sanderson, Donna	Elections Administrator	BOE	C, V, PO
Sanvidge, Kevin	Dir. of Planning & Econ	Planning & Economic Dev.	C, V, PO

JOURNAL OF PROCEEDINGS

	Dev		
Schuyler, Christine	Dir. of Hth and Human Svs	Health & Human Svs.	CC, C, V, PO
Shields, Jennifer	HR	Human Resources	C,V,PO
Slavey, Sherry	Sr Caseworker	Mental Hygiene	CC
Smith, Nichole	Sr Caseworker (MH-Child)	Mental Hygiene	CC
Spanos, George	Director Public Facilities	Public Facilities	CC, C,V, PO
Spanos, Mary Ann	Director Office for the Aging	Office for the Aging	CC, C V, PO
Spaulding, Linda	Aging Services Aide	Office for the Aging	CC, V, PO
Spell, Jaimee	Sr Caseworker	Mental Hygiene	CC
Spicer, Lance	Board Member	South & Center Chaut. Lake Sewer Dist.	C, V, PO
Studley, Lori	Legal Secretary (Dist Atty)	District Attorney	CC,V,PO, C
Swan, Brenda	Resource Assistant	Dept. of Pub. Facilities – CARTS	V
Swanson, Kathleen	Accounting Supervisor	Mental Hygiene	CC, C, V,PO
Swanson, Patrick	DA	District Attorney	CC, C,V, PO
Sweeney, Kathleen	Senior Audit Clerk	Co. Clerk	CC, C,V, PO

I

Tampio, Katherine	Clerk of Legislature	Co. Leg.	C, V, PO
Taylor, Brian	Senior Investigator	Public Defender	CC
Taylor, Gilbert	Probation Supervisor	Probation	V
Taylor, Kimberlee	Administrative Assistant	Public Defender	CC, C,V, PO
Thoms, Frances	OFA	OFA	V, PO
Thomson, Pamela	Real Prop Systems Coord/Asst Dir	Finance Real Property Tax	CC, C, V, PO
Tofil, Joanne	Principal Account Clerk	Health & Human Svs.	V, PO
Toy, Tami	Operations Assistant	Office for the Aging	CC
Travis, Marcia	Senior Account Clerk	Finance	CC, V, PO

REGULAR SESSIONS

Trimmer, Barbara	Senior Caseworker	Public Defender	CC
Tucker, William	Manager of Airports	Public Facilities Airport & Parks	CC

V

Vaillancourt, Julia	OFA	OFA	C,V,PO
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W

Walsh, Thomas	Dir. South/Center Lake Sew	South & Center Chaut. Lake Sewer Dist.	CC, C, V, PO
Watson, David	Graphics Technician	Info. Technology Svs.	CC, C,V, PO
Westphal, Kenneth	Sr Pers Techncn/Dep Dir HR	Human Resources	CC, C,V, PO
Westphal, Michele	Resource Assistant (CARTS)	Public Facilities - CARTS	CC, V
Wilcox, Lawrence	Coroner	Leg Co .Coroner	V
Wilson, Bryan	Engineer I (Wastewater)	South & Center Chaut. Lake Sewer Dist.	CC, C, V, PO
Wilson, Suzanne	Mental Hygiene	Health and Human Services	CC,PO
Wright, Carol	Clinic Director	Mental Hygiene	CC
Wright, Kristen	Second Assistant Co. Attorn.	Co. Attorney	C, V, PO
Wright, Marilyn	Mental Hygiene	Health and Human Services	CC

Z

Zafuto, Samuel III	Senior Account Clerk	Public Facilities - Airport	CC,V,PO
Zuroski, John	First Assis. District Attny	District Attorney	CC, C,V, PO

and it is further

RESOLVED, That the County Legislature shall annually review these purchasing policies and procedures, with input from the county employees involved in procurement; and it is further

RESOLVED, That the unintentional failure to comply with the provisions of this resolution shall not be grounds to void action taken or give rise to a cause of action against the County or any officer or employee thereof.

Signed: Vanstrom, Whitford, Starks, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – September 28, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 231-16

Amend Chautauqua County Health & Human Services 2016 Budget for Increased Handicapped
Preschool Education Transportation Costs

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

WHEREAS, 2016 expenditures for handicapped preschool transportation are now projected to be in excess of the budgeted amount due to the increased number of children in the Preschool Special Education Program, new contracts, and increased reliance upon special education services provided outside Chautauqua County; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, transportation expenditures for handicapped preschool transportation are funded at 59.5% by the State of New York; therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.2960.TRAN.4 Contractual –Ed. Handicapped Children- Transportation	\$233,000
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DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4 Contractual- Social Services Admin	\$ 94,365
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INCREASE REVENUE ACCOUNT:

A-2960.4410 R327.7000 State Revenue - Ed Handicapped Children	\$138,635
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Signed: Tarbrake, Whitford, Rankin, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – September 28, 2016

RES. NO. 232-16

Acceptance of New York State OCFS Safe Harbour: NY Program Grant Funds

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 awarded a \$15,000 grant to the Chautauqua County Health and Human Services Department for the Safe Harbour: NY Program to be spent by December 31, 2016; and

WHEREAS, these grant funds support local efforts to develop and implement a system response to identify and provide services to youth who have experienced or are at risk of experiencing human trafficking or commercial sexual exploitation, to promote community awareness about the sexual exploitation of children and to provide trainings at schools, youth serving agencies, and throughout the county; therefore be it

REGULAR SESSIONS

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

RESOLVED, That the County Executive be and hereby is authorized to enter into any and all agreements with municipal agencies and organizations as necessary to carry out the objectives and requirements of this grant program; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6010 .4	Contractual – Social Services Amin	\$15,000
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INCREASE REVENUE ACCOUNT:

A.6010 R368.9000	State Revenue – Other Social Services	\$15,000
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Signed: Tarbrake, Whitford, Muldowney, Rankin, Wilfong, Chagnon, Nazzaro, Borrello

Unanimously Adopted – September 28, 2016

RES. NO. 233-16

Joint Funding Agreement with U.S. Department of Interior – Geological Survey

By Planning & Economic Development 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 and hereby is authorized to enter into annual Joint Funding Agreements with the U.S. Geological Survey within annual budget appropriations.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – September 28, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 234-16

Authorizing SEQRA Review of Waterways Panel 2017 Occupancy Tax Recommendations

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

WHEREAS, twenty-six applications for the 2017 round of 2% Occupancy Tax funding for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the twenty-six requests; and

WHEREAS, nine of the twenty-six projects submitted for 2% Occupancy Tax funding in 2017 for the enhancement and protection of waterways have been recommended by the Waterways Panel; therefore be it

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 2017 2% Occupancy Tax funding, as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Bournes Creek Chadd Fredd – Grapeview Dairy	1	\$15,945.68	\$ 15,945.68
Bemus Creek Chautauqua DPF, Lown	2	\$16,900.00	\$ 16,900.00
Canadaway Creek Genuso	3	\$28,500.00	\$ 28,500.00
Mud Creek Saxton	4	\$18,025.00	\$ 18,025.00
Slippery Rock Creek Kelley - Dispense	5	\$21,175.00	\$ 21,175.00
Goose Creek Mangione	6	\$28,250.00	\$ 28,250.00
Unnamed Tributary to Chautauqua Lake Christy, Mallard Cove	7	\$26,125.00	\$ 26,125.00
Tributary to Walnut Creek Town of Arkwright Highway	8	\$39,075.00	\$ 39,075.00
Bemus Creek Johnson	9	\$24,950.00	\$ 24,950.00
Canadaway Creek Hunt Family Farm	10	\$24,625.00	\$ 0
Unnamed Tributary To Chautauqua Lake Maple Springs Homeowners	11	\$17,217.00	\$ 0
Silver Creek Dolce	12	\$27,450.00	\$ 0
Dutch Hollow Creek Winchester	13	\$29,875.00	\$ 0
Dewittville Creek Curry	14	\$39,250.00	\$ 0
Unnamed Tributary to Chautauqua Lake Shorelands Homeowners Association	15	\$20,000.00	\$ 0
Canadaway Creek Miller	16	\$39,400.00	\$ 0

REGULAR SESSIONS

Walnut Creek Chautauqua DPF, Mead	17	\$33,000.00	\$ 0
Goose Creek Town of North Harmony	18	\$25,500.00	\$ 0
Coon Creek Chautauqua Rails to Trails Culvert	19	\$40,000.00	\$ 0
Cassadaga Lakes Chautauqua DPF	19	\$11,000.00	\$ 0
Unnamed Tributary to Chautauqua Lake Schlemmer	20	\$40,000.00	\$ 0
Walnut Creek Creecraft	21	\$21,500.00	\$ 0
Lucile Memorial Park – Low Impact Improvements Village of Celoron	22	\$39,384.00	\$ 0
Unnamed Tributary to Chautauqua Lake Town of Busti	23	\$21,500.00	\$ 0
Rain Garden Crosswinds Homeowners Association	24	\$ 4,347.00	\$ 0
Chautauqua Lake Grossman	25	\$17,750.00	\$ 0

Signed: Borrello, Chagnon, Odell, Muldowney, Starks, Niebel, Nazzaro

Unanimously Adopted – September 28, 2016

RES. NO. 235-16

Amend 2016 Budget to Include Additional IGT Matching Funds

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

WHEREAS, for the calendar year 2014, 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, even though the Chautauqua County Home is no longer operated by the County we qualify for \$8,279,355 of IGT for the 2014 calendar year in which the home was owned by Chautauqua County; 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 County has been notified that the IGT for the calendar 2014 is now being offered; 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 \$4,139,678

and be it further

JOURNAL OF PROCEEDINGS

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6102.----.4	Contractual – Medical Assistance MMIS	\$4,139,678
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Signed: Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – September 28, 2016

RES. NO. 236-16

Amend Budget for County Home OMIG Audit and Legal Fees

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the sale of the Chautauqua County Home was effective December 31, 2014;
and

WHEREAS, the County will incur additional costs relating to an OMIG audit covering 2013 operations at the County Home, and legal fees relating to the County seeking to receive a share of "Universal Settlement" monies being paid by New York State to nursing homes in part for operations prior to 2015; and

WHEREAS, these costs should be applied against the net proceeds from the sale of the County Home; now, 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	\$38,000
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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 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1310.----.4	Contractual – Finance	\$38,000
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Signed: Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – September 28, 2016

RES. NO. 237-16

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2017 Tentative Budget
& Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County
Legislature and its Chairman

By Audit & Control Committee:

At the Request of Chairman Frank J. Gould:

REGULAR SESSIONS

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 2017 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 26, 2016 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 2017 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: Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – September 28, 2016

RES. NO. 238-16
Setting Salary for Fiscal Supervisor

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

WHEREAS, the Director of Health and Human Services has requested that salary be set for a new professional level position of Fiscal Supervisor assigned to oversee fiscal operational programs, develop accounting policies and procedures to aid in program compliance, perform complex accounting operations, supervise and monitor accounting units, prepare statements and reports to state and federal agencies, compile and analyze financial data and prepare and monitor annual budgets; and

JOURNAL OF PROCEEDINGS

WHEREAS, the Human Resources Department has classified the job as Fiscal Supervisor and supports the request that the salary be set at Grade 20, therefore be it

RESOLVED, That the title of Fiscal Supervisor be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 20.

Grade 20 (2016: \$23.08 - \$29.74) 40 hours per week
(\$48,006 - \$61,859 per year)

Signed: Borrello, Muldowney, Wilfong, Tarbrake, Vanstrom, Whitford, Starks, Nazzaro, Rankin, Chagnon

Unanimously Adopted – R/C Vote: 19 Yes - September 28, 2016

RES. NO. 239-16

Authorize Transfer of Tax Foreclosure Properties to Jamestown Urban Renewal Agency (JURA) and Chautauqua County Land Bank Corporation (CCLBC)

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

WHEREAS, the City of Jamestown and JURA have expended \$255,047.69 in demolition expenses on County tax foreclosure properties located at 117 Fairmount Avenue and 322 Steele Street in the City; and

WHEREAS, the Chautauqua County Land Bank Corporation (CCLBC) has utilized grant monies received from the Office of the Attorney General (OAG) for a demolition on a County tax foreclosure property at 222 Steele Street in the City; and

WHEREAS, JURA wishes to acquire the three aforementioned tax foreclosure properties from the County for future development of two of the Greater Jamestown Riverwalk Trail; and

WHEREAS, an additional vacant County tax foreclosure property in the City of Dunkirk located at 734 Main Street contains a large deteriorating tree which adjoins a residential home being sold by CCLBC to a buyer who desires to acquire the "side lot" at no cost with the condition that he remove the deteriorating tree; and

WHEREAS, pursuant to the "side lot" program promoted by CCLBC, vacant properties acquired through tax foreclosure are conveyed to neighboring property owners when possible; therefore be it

RESOLVED, That in recognition of the expenditure of demolition funds by the City of Jamestown and JURA for properties located at 117 Fairmount Avenue and 322 Steele Street, and the planned future development of the Greater Jamestown Riverwalk Trail, the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties to the City or JURA for \$1.00 each, upon such other terms and conditions negotiated by the County Executive:

117 Fairmount Avenue	387.09-7-39
322 Steele Street	387.09-7-11
222 Steele Street	387.09-7-39

REGULAR SESSIONS

and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer to CCLBC for \$1.00 a vacant tax foreclosure "side lot" property located at 734 Main Street (79.19-5-57) in the City of Dunkirk.

Signed: Vanstrom, Whitford, Starks

MOVED by Legislator, Bankoski, SECONDED by Legislator Wendel to amend. (Underlined indicated new, strikethrough indicates deletion)

Unanimously Adopted w/ amendments – R/C Vote: 19 Yes - September 28, 2016

RES. NO. 240-16
Quit Claim Deed

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	S/ B/ L	Purchaser	Offer Amt.	Taxes Owning
QC-329-2016	VI Cherry Creek	063001-237.08-1-16	Great Lakes Fertilizer, Inc.	\$25,000	\$ 65,998.76

Signed: Vanstrom, Whitford, Starks

Unanimously Adopted – R/C Vote: 19 Yes - September 28, 2016

2nd Privilege of the Floor

My name is Emily Reynolds. I am here with Cornell Cooperative Extension (CCE). I live at 2644 Waits Corners in Sherman, New York. I first want to thank you for recognizing 4-H week. I want

JOURNAL OF PROCEEDINGS

to congratulate you on progress that the County has made in the last couple of years and as you are finalizing the 2017 budget, I jotted down a few notes that I'd like to leave you with tonight.

As an asset to county, Cornell Cooperative Extension ensures that county dollars are used to the best of their abilities to gain state and federal match. Current county contract funds support less than 17% of the CCE budget. However, CCE provides 10 experts in Food and Nutrition, Agriculture and Youth Development.

For over 100 years, 4-H has been proving positive youth development programming that enhances the next generation entering the work force. 4-H develops confident, competent and caring citizens. Over 197 volunteers support the continuing success of 4-H programming. We need your support to grow our programming.

In the fall of 2015 we came together at the Ag Forum to assess the #1 industry in Chautauqua County and learn how together we can support agricultural producers. We learned that agricultural producers want: increased collaboration, and more educational events: on production, sustainability, and economic growth. Together we can offer that support. Together we learned the needs, spoke with Agricultural producers and now we can respond together.

Together let's leverage County funds to enhance our #1 industry, agriculture. Together let's show our support. This year you can be part of history in Chautauqua County. For the first time in over 10 years you can increase the County's financial support to CCE.

Ag is Economic Development, together let's keep Chautauqua County on the move, going and growing. Thank you.

My name is Mike Rouh from the Chautauqua County Veteran's Service Agency. I want to thank the Legislature for their continued support to our office along with the youth which gives us the opportunity to help a lot of people.

On a personal note. I mentioned in the past that I believe here in Chautauqua County we have natural resources. We have beautiful woods, streams, rivers, and lakes and I believe that funding fishing tourism can bring a lot of money into the County. As I mentioned before, part of a way that we can do that is, if we get more and more control over the wildlife management in our County from the DEC, which does a horrible job, and manage our deer herd then we can attract tourism. Also, to that end, we need to develop partnership with large public land or large tourism landowners, gas companies, lumber companies. There are huge tracks of land that go virtually unused for a large portion of the year and if we could develop relationships with them, there will be a lot of people purchasing permits to hunt on their land and we could attract more hunting and fishing tourism to come into the County. It's starting to be done in a lot of different states. Texas in particular has one of the best wildlife management systems in the country. Also, to that end, I don't know if a lot of people don't realize this but we have no dove season in New York State. It's not against the law to hunt doves but there also is no season. So there is no patrol over it whatsoever. There are a lot of hunters pushing for it and support that. *(Inaudible)* shooting is a big business. People travel to hunt dove. They go all over the country and if we could open up a brand new season to support it, I believe that we could attract a lot of people. Thank you for your time.

My name is Doug Champ, I live in Jamestown, New York,. I have appeared in front of this Legislature many times. Talking about opportunities. The years that I have been retired, I've done a lot *(inaudible)* in energy *(inaudible)* projects and I still strongly believe in this County of opportunity that are not being met. Specifically the NRG plant offers a potential that I think needs to be looked at. You have a difficult time putting in electric *(inaudible)* due to the requirements that are very superior ... The independent system operators operate *(inaudible)*...

Due to the recorded voice quality, his statements could not be accurately transcribed but the topic of his comments related to energy projects and potential upgrades to the welcome center.

MOVED by Legislator Bankoski, SECONDED by Legislator Wilfong and duly carried the meeting was adjourned. (7:34 p.m.)

REGULAR SESSIONS

Regular & Budget Meeting
 Chautauqua County Legislature
 Wednesday, October 26, 2016, 2:00 p.m. & 6:30 p.m.
 Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 2:12 p.m.

Clerk Tampio called the roll and announce a quorum present. (2:00 p.m. – Absent: Himelein, Lemon, Nazzaro, Scudder)

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

MOVED by Legislator Bankoski, SECONDED by Legislator Niebel, the minutes were approved. (9/28/16)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
 NO VETOES FROM 9/28/16

PUBLIC HEARING:

2:00 PM

LEASE OF AIRPORT FACILITIES TO
 SOUTHERN AIRWAYS EXPRESS, LLC
 JAMESTOWN AIRPORT

Chairman Gould: We will now open the public hearing.(2:16 p.m.) Is there anyone here to speak? Seeing none, we'll close the public hearing. (2:17 p.m.)

2017 TENTATIVE BUDGET & SEWER
 DISTRICT ASSESSMENT ROLLS

Chairman Gould: We will now open the public hearing for the tentative budget. (2:17 p.m.). Is there anyone here to speak? Seeing no one, we'll close the public hearing.(2:18 p.m.)

COMMUNICATIONS:

1. Proof of Publication – Public Hearing – Re: Jmst. Airport – Lse of Facilities
2. Report – Finance Director Marsh – Investment Report – September/2016
3. Letter – Lake Erie Concord Grape Belt – Re: Report on Completion of Lake Erie Concord Grape Belt Heritage Association/Grape Discovery Center's 2016 Tourism Product Development Project
4. Minutes – Chaut. Lake & Watershed Management Alliance – Sept./2016
5. Letter – NYS Depart. of Public Service – Re: Public Statement Hearing on Increases for National Fuel Gas Distribution Corporation
6. Letter – NYSAC – Re: Advisory Notice Concerning Solar Power Purchase Agreements
7. Minutes – Chaut. County Board of Health – July/2016
8. Minutes – Chaut. County Soil & Water Conservation District-Sept./2016

JOURNAL OF PROCEEDINGS

9. Letter – NYS Dept. of State – Ack. Receipt of LL's 5-16 & 6-16
 10. Amendment to the 2011 Chaut. County Information Technology Policy
 11. 2017 Tentative Budget
-

RES. NO. 241-16

Authorize Public Hearing on Lease with CTASC at Chautauqua County Airport in Jamestown

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

WHEREAS, the Chautauqua Tobacco Asset Securitization Corporation (CTASC) was incorporated by County officials in 2000 for the securitization of the County's share of revenues from the settlement agreement arising from New York State's litigation with tobacco manufacturers; and

WHEREAS, CTASC is required to have an actual physical office location designated as its corporate headquarters, and the County Airport has vacant space available for such purpose that would allow the County to generate lease revenue; and

WHEREAS, Article 14 of the General Municipal Law requires a public hearing before the County Legislature can authorize such an agreement; it is therefore

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held before this Legislature on November 16, 2016 at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757 on the above-referenced proposed lease agreement with CTASC on substantially the following terms and conditions:

1. Premises: Approximately 800 square feet designated by DPF Director.
1. Rent: \$10,000.00 per year (previously \$8500 per year under prior lease).
2. Term: Commencing January 1, 2017 and ending on December 31, 2019.
3. Utilities: Provided by the County.
4. Other: As negotiated by the County Executive.

and it is 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, Scudder, Himelein, Wilfong

Unanimously Adopted – October 26, 2016

RES. NO. 242-16

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, Southern Airways Express, LLC, was the sole respondent to the U.S. Department of Transportation's (DOT) "Order Requesting Proposals" proposing to provide essential air service to Chautauqua County for the period October 1, 2016 to September 30, 2018; and

REGULAR SESSIONS

WHEREAS, U.S. DOT Order Selecting Carrier 2018-8-26 issued August 26, 2016 designated Southern Airways Express, LLC, as the essential air service provider for Chautauqua County; 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

WHEREAS, the Chautauqua County Airport Commission has recommended the approval of air services by Southern Airways Express, LLC; 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 be and hereby is authorized to execute a lease with Southern Airways Express, LLC on substantially the following terms and conditions:

1. Premises: Approximately 2,314 sq. feet of office space, counter space, baggage areas, storage space, and terminal promotions counter space (booth) in the Chautauqua County Terminal Building at the Greater Chautauqua-Jamestown Airport, designated as spaces 33, 34, 38, 39, 40, 41, 42, 45, and 55 on the 2011 Terminal Building floor plan.
2. Rent: Payment of the sum of \$3,375.00 per month or pro-rated portion thereof plus a \$6.00 per landing fee, with no annual increase for the two-year term, due on the first day of each month.
3. Term: A two year term beginning on or about October 1, 2016 and ending on or about September 30, 2018.
4. Utilities: County shall provide electric, gas, water, and waste removal services, and Tenant shall be responsible for obtaining their own telephone, communications, and Internet services.
5. Other: As negotiated by the County Executive.

Signed: Hemmer, Scudder, Himelein, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – October 26, 2016

RES. NO. 243-16

Authorize Director of Finance to Increase Appropriations for PIN 5760.79 County Bridge 1003 Replacement

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

WHEREAS, Resolution 67-14 approved a project for PIN 5760.79 (the Project) and committed \$243,000 to cover 100% of the project's Preliminary Engineering Design I-IV phases; and

WHEREAS, costs for the Project's Construction and Construction Inspection Phases are currently estimated to be \$1,568,000 to be borne at the ratio of 80% Federal funds and 20% State funds; and

JOURNAL OF PROCEEDINGS

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the Project's Construction and Construction Inspection Phases of the project PIN 5760.79; and

WHEREAS, it is anticipated that New York State will reimburse the County 100% of the Non-Federal share;

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 advancement of the above-subject Project; and it is hereby 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 and 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 and/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 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	\$1,568,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid: Surface Transp Program	\$1,254,400
D.5112.390.R358.9003	New York State Aid:	\$ 313,600

Signed: Hemmer, Scudder, Himelein, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – October 26, 2016

RES. NO. 244-16

Authorize Acceptance of Aid to Prosecution Funds 2016-2017

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

REGULAR SESSIONS

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 October 1, 2016 through September 30, 2017; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the 2017 Tentative 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 it is the intent of the County Legislature that any staff positions created and funded pursuant to this State program will not be continued if said program is abolished.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted – October 26, 2016

RES. NO. 245-16

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 been awarded a grant in the amount of \$85,000.00 from the New York State Department of Taxation and Finance pursuant to its Crimes Against Revenue Program for the period from January 1, 2017 through December 31, 2017; 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; and

WHEREAS, the 2017 Tentative 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 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 it is the intent of the County Legislature that any staff positions created and funded pursuant to this State program will not be continued if said program is abolished.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Muldowney, Himelein, Borrello

JOURNAL OF PROCEEDINGS

Unanimously Adopted – October 26, 2016

RES. NO. 246-16
Probation DCJS Employment Focused Services Grant

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

WHEREAS, Chautauqua County has been awarded funds from the New York State Division of Criminal Justice Services Employment Focused Services program, with an award amount of \$197,164.00 effective January 1, 2017 to December 31, 2017, and up to four optional renewals; and

WHEREAS, the grant objective is to provide employment focused services to probation offenders with the goal of reducing recidivism by assessing and addressing all barriers to employment; and

WHEREAS, employment of justice-involved individuals provides daily structure, a source of financial support and self-sufficiency, as well as a pro-social environment, all of which has a positive influence on the risk of reoffending; and

WHEREAS, the Probation Department has included these grant funds in the 2017 proposed budget; now, therefore be it

RESOLVED, That the County of Chautauqua accept the aforementioned grant and that the County Executive be authorized to execute the Employment Focused Services grant contract with the New York State Division of Criminal Justice Services (DCJS) and such other documents as may be required, for the term January 1, 2017 to December 31, 2017 and any subsequent renewal terms.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted – October 26, 2016

RES. NO. 247-16
Reimbursement for Ripley Train Derailment and Thruway Diesel Fuel Spill

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

WHEREAS, a Diesel Fuel Spill occurred on the NYS Thruway on 1/12/2016 and a train derailed in Ripley on 3/1/16; and

WHEREAS, the Office of Emergency Services submitted a Request for Reimbursement on behalf of all responders from the County; and

WHEREAS, Chautauqua County has been reimbursed for expenses incurred in the amount of \$24,376; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2016 Budget:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual – Hazardous Materials	\$24,376
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INCREASE REVENUE ACCOUNT:

A.3640.R268.0000	Sale of Property/Compensation Insurance Recoveries	\$24,376
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted – October 26, 2016

RES. NO. 248-16
Fiscal Year 2016 HazMat Grant Program

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

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$94,000 from the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) to be administered by NYS Division of Homeland Security and Emergency Services (DHSES) for the FY 2016 HazMat Grant Program; and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in Chautauqua County and its regional partnership 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, 2016 through August 31, 2019, and as may be extended; and

WHEREAS, upon acceptance of application and execution of contract, funds will be allocated to the proper accounts 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 and subsequent changes to work plans if necessary.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted – October 26, 2016

RES, NO, 249-16
Increase Appropriation and Revenue Accounts Due to Unbudgeted Revenues and Expenditures

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

WHEREAS, within the Sheriff's organization, some expenses exceed initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, within the Sheriff's organization some revenues are expected to exceed budgetary estimates; now therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE REVENUE ACCOUNTS:

A.3110.3114.R254.5000	Licenses & Permits – Licenses	\$25,000
A.3189.MEDI.R158.9001	Departmental Income - Other Public Safety Income	\$10,000
A.3310.R438.9000	Federal Aid - Other Public Safety Income	<u>\$ 4,100</u>
		39,100

INCREASE APPROPRIATION ACCOUNTS:

A.3110.3114.4	Contractual - Sheriff	\$25,000
A.3189.MEDI.4	Contractual Medivac	\$10,000
A.3310.1	Personal Services – Traffic Safety Enforcement	<u>\$ 5,656</u>
		\$40,656

DECREASE APPROPRIATION ACCOUNT:

A.3310.8	Employee Benefits – Traffic Safety Enforcement	\$ 1,556
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted – October 26, 2016

RES. NO. 250-16

Authorize Execution of New York State Office of Homeland Security Grant for FY 2016-2017 Public Safety Answering Point (PSAP)

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

WHEREAS, the Chautauqua County Sheriff received notice 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 (PSAP); and

WHEREAS, the State of New York will provide funding in the amount of \$185,422.00 with no local funds required for the contract period from January 1, 2017 to December 31, 2017; and

WHEREAS, the revenues and expenditures associated with this grant are already included in the 2017 tentative budget; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Office Homeland Security.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted – October 26, 2016

RES. NO. 251-16

Authorize Acceptance of Grant Agreements for New York State Division of Criminal Justice Services – Narcotic Control Grant

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

REGULAR SESSIONS

WHEREAS, the Chautauqua County Office of the Sheriff received notice the New York State Division of Criminal Justice Services approved the applications submitted for Narcotic Control; and

WHEREAS, the State of New York will provide funding in the amount of \$75,000.00 with no local funds required for project numbers BJ16-1064-D00 and LG16-1448-D00 for the contract period from October 1, 2016 to September 30, 2017; and

WHEREAS, the revenues and expenditures associated with this grant are already included in the 2017 tentative budget; now therefore be it

RESOLVED, That the County Executive is authorized to execute the appropriate agreements with the New York State Division of Criminal Justice Services to secure the grant funding.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Muldowney, Himelein, Borrello

Unanimously Adopted – October 26, 2016

RES. NO. 252-16

Authorize Acceptance of Additional New York State Funds and Transfer of Funds in 2016 Budget from Department of Mental Hygiene to Veterans Service Agency for the Establishment of PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program

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

WHEREAS, the State of New York has awarded Chautauqua County \$185,000 to establish a local branch of the PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program (Dwyer Program); and

WHEREAS, the Dwyer Program brings returning veterans together with other veterans in establishing a secure, anonymous setting in order to help one another cope with the effects of Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI); and

WHEREAS, pursuant to Resolution 69-16, the Chautauqua County Legislature accepted this State funding to establish a local branch of the Dwyer Program and amended the 2016 Budget to reflect the expense and revenue under the Department of Mental Hygiene; and

WHEREAS, the State of New York has awarded Chautauqua County an additional \$92,500 to establish a local branch of the Dwyer Program; and

WHEREAS, these funds shall be included in the 2016 Budget; and

WHEREAS, the Veterans Service Agency shall be responsible for implementing and overseeing the local branch of the Dwyer Program; and

WHEREAS, the 2016 Budget shall be amended to reflect appropriations incurred by the Veterans Service Agency and reimbursed by the Department of Mental Hygiene; now, therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the Chautauqua County Legislature accepts the additional \$92,500 in State funding to establish a local branch of the PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program; 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 the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.6510.----R221.0DWY	Shared Services – Dwyer Program	\$277,500
A.4320.----RR349.0000	NYS Aid–Mental Hyg-OMH: Dwyer Prgm.	\$ 92,500

INCREASE APPROPRIATION ACCOUNTS:

A.6510.----.4	Contractual – Veterans Service Agency	\$277,500
A.4320.----.4	Contractual – Mental Hygiene	\$ 92,500

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Muldowney, Borrello, Himelein

Unanimously Adopted – October 26, 2016

RES. NO. 253-16

Accept Grant Funding from the New York State Department of State for Phase II of 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, a local waterfront revitalization plan for Northern Chautauqua County, which seeks to identify projects and create and implement strategy to preserve and promote water resources to grow the economy, mitigate unsafe conditions, and improve the quality of life, was initiated in 1998 but never completed; and

WHEREAS, pursuant to Resolution 57-14, the County accepted a \$65,000 grant (CFA #25697) from the New York State Department of State (NYS DOS) for Phase I of the Local Waterfront Revitalization Program; and

WHEREAS, the County was awarded a \$50,000 grant (CFA #51568) from the NYSDOS for Phase II of the Local Waterfront Revitalization Program; and

REGULAR SESSIONS

WHEREAS, the cost of the project is estimated to be \$100,000 funded 50% from the NYSDOS for the Local Waterfront Revitalization Program and 50% from local sources; 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 \$50,000; and

WHEREAS, the County's \$15,000 share of the local match is included in the 2016 Capital 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 Phase II of the Local Waterfront Revitalization Program, and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.8038.4	Contractual – Planning, LWRP	\$79,802
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INCREASE REVENUE ACCOUNTS:

A.8020.8038.R371.5000	NYS Aid: NYSDOS – Planning, LWRP	\$50,000
A.8020.8038.R208.9000	Oth Cultural & Recreation Income-Planning,LWRP	\$29,802

Signed: Borrello, Himelein, Starks, Chagnon, Odell, Niebel, Muldowney

Unanimously Adopted – October 26, 2016

RES. NO. 254-16
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

JOURNAL OF PROCEEDINGS

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 Amount	Taxes Owning
PA-43-2016	JAMESTOWN	060800-370.18-4-16	JOSEPH M MICHISHIMA	\$ 133.00	\$ 4,153.72
PA-60-2016	JAMESTOWN	060800-387.08-8-47	WILLIAM M SANFORD	\$ 20.00	\$ 197.45
PA-63-2016	JAMESTOWN	060800-387.08-9-15	STEVEN L OLMSTED	\$ 4,568.26	\$ 6,715.00
PA-90-2016	JAMESTOWN	060800-387.14-5-58	JAMIE LYNN WARNER	\$ 1,000.00	\$ 3,201.00
PA-118-2016	JAMESTOWN	060800-387.18-5-7	JOSHUA H STAHLMAN	\$ 220.00	\$ 8,149.81
PA-176-2016	BUSTI	062289-384.11-2-3.1	ERIC M HERM	\$ 171.00	\$ 1,578.70
PA-177-2016	BUSTI	062289-384.11-2-5.1	ERIC M HERM	\$ 35.00	\$ 451.45
PA-178-2016	BUSTI	062289-384.11-2-6.1	ERIC M HERM	\$ 45.00	\$ 499.46
PA-179-2016	BUSTI	062289-384.12-2-1	SHARON E FISCHER	\$ 245.00	\$ 550.75
PA-180-2016	BUSTI	062289-384.12-2-2	SHARON E FISCHER	\$ 245.00	\$ 550.75
PA-181-2016	BUSTI	062289-384.12-2-3	SHARON E FISCHER	\$ 2,520.00	\$ 6,120.84
PA-182-2016	BUSTI	062289-384.12-2-4	SHARON E FISCHER	\$ 245.00	\$ 550.75
PA-183-2016	BUSTI	062289-384.12-2-5	SHARON E FISCHER	\$ 245.00	\$ 550.75
PA-241-2014	ELLCOTT	063889-354.16-1-20	KELLY T SHORT	\$ 1.00	\$ 7,765.36
PA-223-2016	GERRY	064489-319.00-2-42	DOUGLAS A BARMORE	\$ 150.00	\$ 4,707.00
PA-299-2016	RIPLEY	066200-307.00-2-20	KAYLA & CHRISTOPHER BELSON	\$ 2,500.00	\$ 22,756.50
				\$ 12,343.26	\$ 68,499.29

Signed: Scudder

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - October 26, 2016

RECONVENE LEGISLATURE MEETING

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

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

PUBLIC HEARING:
6:30 P.M.

2017 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS

Chairman Gould: We will now open up the public hearing (6:33 pm.) for the 2017 tentative budget and sewer district assessment rolls. Is there anyone here to speak? Seeing no one, we'll close the public hearing (6:34 p.m.) and go directly to the resolution.

REGULAR SESSIONS

RES. NO. 255-16

Consider 2017 Tentative Budget, with the Changes Listed Below, and Presenting Same to the County Executive for His Consideration and Action

By Audit & Control Committee:
At the Request of Legislators Chagnon, Himelein, Muldowney, Borrello:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2017 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 2017 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance - Unassigned Fund Balance	\$101,150
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INCREASE APPROPRIATION ACCOUNTS:

A.6420.COMC.4	Contractual - Community Contracts	\$ 25,000
A.9730.----.7	Interest - Debt Service	\$ 76,200
	Total	\$101,200

DECREASE APPROPRIATION ACCOUNTS:

A.1010.----.4	Contractual - Legislative Board	\$ 10,000
A.1170.----.4	Contractual - Public Defender	\$ 8,000
A.1310.----.4	Contractual - Department of Finance	\$ 8,000
A.1355.----.4	Contractual - Tax Assessment	\$ 20,000
A.3110.----.2	Equipment - Sheriff	\$ 50,000
A.3110.----.4	Contractual - Sheriff	\$ 40,000
A.5610.5610.4	Contractual - Chautauqua Cnty Airport: Jmst. Airport	\$ 4,000
A.6420.----.4	Contractual - Promotion of Industry	\$ 1,000
A.8020.----.4	Contractual - Planning	\$ 1,000
	Total	\$142,000

INCREASE REVENUE ACCOUNTS:

A.4189.LEAD.R345.0000	NYS Aid - Other Public Health	\$ 50,947
A.6140..R364.0000	NYS Aid - Safety Net	\$168,000
	Total	\$218,947

DECREASE REVENUE ACCOUNTS:

A.3189.3111.R226.0000	Shared Services - Chrgs: Other Gov. Public Safety	\$ 6,500
A.4189.LEAD.R445.0000	Federal Aid - Other Public Health	\$ 50,947
	Total	\$ 57,447

and be it further

RESOLVED, That the 2017 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$60,805,739 and an estimated Full Value Rate of \$8.48.

Signed: Chagnon, Himelein, Borrello, Muldowney

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - October 26, 2016

JOURNAL OF PROCEEDINGS

LOCAL LAW
INTRODUCTORY NO.8-16
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT
SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: EPIDEMIOLOGY MANAGER)

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 Epidemiology Manager.

Section 2. Salary Levels.

The title of Epidemiology Manager shall be placed in Range 6 (\$50,944 - \$78,116) of the 2016 Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Laid on Desks: 9/28/16

Adopted by Legislature: 10/26/16

Public Hearing by County Executive: 11/8/16

Adopted as LL 7-16

R/C Vote: 15 Yes; 4 Absent

Date State Filed: 11/15/16

2nd Privilege of the Floor

Emily Reynolds, 2644 Waits Corner Road, Sherman, New York. On behalf of Cornell Cooperative Extension, I just want to thank each and every one of you for your support for the programing we're doing and your patience. (*Inaudible*) together and we really appreciate it. I just didn't want to go home without saying that tonight and thank you.

County Executive Horrigan, Mayville. Pretty exciting time I think when you look at the world around us and politics and the debates that go on and we see on TV. I don't know about you but in Chautauqua County I'm darn proud of the fact that we have government that works. We have about a \$270 million dollar budget. We are addressing some critical needs, we are investing where we need to invest, we're focused on lower property taxes (*inaudible*), but we have is stable financial situation that can leverage not only our retaining all of our businesses and people but growth. So, I'm darn proud to be the County Executive and I sincerely thank the Legislature for their work and I want to thank our Finance staff, our Budget Director, our Finance Director and all the people, the department heads that put a lot of thought and time and effort into this budget and I think it's just a good time to be in Chautauqua County because we are a government that works. Thank you.

MOVED by Legislator Lemon, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (6:55 p.m.)

REGULAR SESSIONS

Regular Meeting
 Chautauqua County Legislature
 Wednesday, November 16, 2016, 6:30 p.m.
 Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Bankoski, SECONDED by Legislator Tarbrake, the minutes were approved. (10/26/16)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN
 NO VETOES FROM 10/26/16

6:35 P.M.

PUBLIC HEARING

LEASE W/ CTASC AT CHAUTAUQUA COUNTY
 AIRPORT/JAMESTOWN

Chairman Gould: We will now open (6:35 p.m.) the public hearing for the airport. Is there anyone here to speak at the public hearing? Seeing no one, we'll close (6:36 p.m.) the public hearing.

COMMUNICATIONS:

1. Proof of Publication – Public Hearing – CTASC Jmst. Airport
2. Letter – County Executive – Re-Appmt. STOP DWI Advisory Board
3. Minutes – South & Center Chaut. Lake Sewer Districts – 10/4/16
4. Notice – NYS Dept. of Public Service – Re: Public Statement Hearings – National Fuel Gas for Proposed Increases
5. Annual Report – Cornell Cooperative Extension – 2016
6. Letter – Orrick – Bond Council – Re: Ack. Receipt of Documents Relating to Res. 196-16 for \$4,172,256 Bonds

RES. NO. 256-16

Confirm Re-Appointment – 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-appointment for action by the Chautauqua County Legislature; therefore be it

JOURNAL OF PROCEEDINGS

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

Frederick Johnson
8419 West Main Street
Westfield, N.Y. 14787
Term Expires: 7/31/19

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel

Unanimously Adopted – November 16, 2016

RES. NO. 257-16

Confirm Appointments for Lake Erie Management Commission

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

RESOLVED, That the By-Laws of the Lake Erie Management Commission approved by Resolution 38-12 of the County Legislature are hereby modified to add an additional at-large member, and the Commission shall henceforth be composed of eleven (11) members who reside in the Lake Erie watershed, or those with County government positions that involve the Lake Erie watershed with one (1) Chairman, three (3) at-large members, the Chautauqua County Watershed Coordinator as an ex-officio member without voting powers, and six (6) other members appointed from and by the following organizations:

1. Water Quality Task Force
2. Chautauqua County Soil & Water Conservation District
3. Chautauqua County Health Department
4. Chautauqua County Farm Bureau
5. Mayor and Supervisors
6. Sportsman Federation;

and be it further

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of the following chairman and members of the Lake Erie Management Commission to serve at the pleasure of the Legislature:

George Borrello, County Legislator
Chairman
1014 South Shore Drive
Irving, NY 14081

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

Joe Galati
Water Quality Task Force
2527 Palm Rd.
Jamestown, NY 14701

Kevin Muldowney, County Legislator
At-Large member
10 Beach Rd.
Dunkirk, NY 14048

Doug Richmond
At-Large member
27 Watson Ave.

Robert Bankoski, County Legislator
At-Large member
407 Lakeshore Dr. E

REGULAR SESSIONS

Westfield, NY 14787

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

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

Dave McCoy
 Watershed Coordinator, Ex-officio member without voting powers
 Chautauqua County Planning & Economic Development
 201 West Third St.
 Jamestown, NY 14701

Dunkirk, NY 14048

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

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

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – November 16, 2016

RES. NO. 258-16

Authorize Lease with CTASC at Chautauqua County Airport in Jamestown

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

WHEREAS, the Chautauqua Tobacco Asset Securitization Corporation (CTASC) was incorporated by County officials in 2000 for the securitization of the County's share of revenues from the settlement agreement arising from New York State's litigation with tobacco manufacturers; and

WHEREAS, CTASC is required to have an actual physical office location designated as its corporate headquarters, and the County Airport has vacant space available for such purpose that would allow the County to generate lease revenue; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into a lease agreement with CTASC for the location of its corporate headquarters at the County Airport on substantially the following terms and conditions:

1. Premises: Approximately 800 square feet designated by DPF Director.
1. Rent: \$10,000.00 per year (previously \$8500 per year under prior lease).
2. Term: Commencing January 1, 2017 and ending on December 31, 2019.
3. Utilities: Provided by the County.
4. Other: As negotiated by the County Executive.

Signed: Hemmer, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – November 16, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 259-16

Amending Resolution 1-16 Regarding Appointment of the Clerk of the County Legislature

By Administrative Services and Audit & Control Committees:
At the Request of Chairman Frank "Jay" Gould:

WHEREAS, pursuant to Resolution 179-14, the hours of the Clerk of the County Legislature were expanded to perform the duties of the Financial Analyst; and

WHEREAS, pursuant to Resolution 1-16, Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York was appointed Clerk of the Chautauqua County Legislature effective January 1, 2016 to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$30,046.00 for 80% time; and

WHEREAS, it would be advantageous to expand the hours of the Clerk of the County Legislature to 35 hours per week for 100% time to perform additional duties as required by the Legislature for the remainder of 2016 due to the vacancy in the Legislature's committee secretary position; therefore be it

RESOLVED, That effective November 17, 2016, the salary of the Clerk of the County Legislature, Katherine K. Tampio, shall be at an annual salary rate of \$37,557.00 for 100% time.

Signed: Gould, Scudder, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Himelein

Unanimously Adopted – November 16, 2016

RES. NO. 260-16

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, 2016 through September 30, 2016

	TOWNS		CITIES
Arkwright	6,887.56	Dunkirk	48,002.41
Busti	63,543.14	Jamestown	61,078.71
Carroll	11,426.70		
Charlotte	4,973.42	TOTAL	\$109,081.12
Chautauqua	67,533.67		
Cherry Creek	3,951.41		

REGULAR SESSIONS

		VILLAGES
Clymer	7,390.95	
Dunkirk	8,141.45	
Ellery	51,800.01	Bemus Point 3,443.84
Ellicott	59,554.93	Brocton 1,680.40
Ellington	2694.56	Cassadaga 1,755.16
French Creek	4,544.13	Celoron 3,504.35
Gerry	6,715.44	Cherry Creek 444.37
Hanover	28,484.49	Falconer 7,017.07
Harmony	6,404.24	Forestville 997.97
Kiantone	7,801.28	Fredonia 21,506.02
Mina North Harmony	10,479.12	Lakewood 18,865.54
Poland	6633.00	Mayville 5,356.83
Pomfret	41,566.40	Panama 790.39
Portland	18,504.55	Sherman Silver Creek 1,095.39
Ripley	5,406.94	3,428.98
Sheridan	16,736.23	Sinclairville 919.20
Sherman	6,333.30	Westfield 8,045.13
Stockton	9,712.88	TOTAL \$78,850.64
Villanova	1,418.76	
Westfield	21,859.40	
TOTAL	\$514,072.04	

GRAND TOTAL \$702,103.81

Signed: Scudder, Nazzaro, Whitford, Starks, Muldowney, Chagnon, Himelein, Borrello

Unanimously Adopted – November 16, 2016

RES. NO. 261-16

Authorize Extension of Tax Collection Agreements with the Cities of Dunkirk and Jamestown

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

JOURNAL OF PROCEEDINGS

WHEREAS, pursuant to Resolution 251-13, the County continued tax collection agreements with the cities of Dunkirk and Jamestown providing that collection and enforcement of real property taxes for the cities and school districts within the City would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the City, including the guarantee of all such taxes; and

WHEREAS, it would be appropriate to extend such agreements with the cities of Dunkirk and Jamestown under substantially the same terms and conditions for a period of up to five (5) years; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an extension of the joint tax collection agreements with the cities of Dunkirk and Jamestown for up to a five (5) year term covering the 2017-2021 tax levies.

Signed: Scudder, Whitford, Starks, Muldowney

TABLED – November 16, 2016

RES. NO. 262-16

Amend 2016 Budget for Health & Human Services Payroll Realignment

By Human Services and Audit & Control Committees:

At the Request of Legislator George Borrello:

WHEREAS, the Chautauqua County Legislature has allocated certain monies for payroll and fringe benefits in the 2016 Budget; and

WHEREAS, the organization of the Health and Human Services Department's administration has changed from the organization that was in place at the time the 2016 budget was submitted; and

WHEREAS, the Early Intervention program has required additional hours of work due to an increase in the number of children in the program; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4059 .----.1	Personal Services – Early Intervention	\$ 42,000
A.4059.----.8	Employee Benefits – Early Intervention	\$ 7,207
A.6010 .----.1	Personal Services – Social Services Admin	\$ 25,000
A.6010.----.8	Employee Benefits – Social Services Admin	<u>\$ 1,913</u>
		\$ 76,120

DECREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services – Public Health Admin	\$ 67,000
A.4010.----.8	Employee Benefits – Public Health Admin	<u>\$ 9,120</u>
		\$ 76,120

Signed: Tarbrake, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – November 16, 2016

REGULAR SESSIONS

RES. NO. 263-16

Amend Chautauqua County Health & Human Services 2016 Budget for Increased Early Intervention Medical and Health Services Costs

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

WHEREAS, 2016 expenditures for Early Intervention medical and health services are now projected to be in excess of the budgeted amount due to the increased number of children in the Early Intervention Program; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, 2016 Juvenile Delinquent revenues for Social Services Administration are now projected to be higher than the budgeted amount; therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.4059.----.4	Contractual –	Early Intervention	\$150,000
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DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual-	Social Services Admin	\$120,000
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INCREASE REVENUE ACCOUNT:

A.6123.R362.3000	NYS Aid – Juvenile Delinquent	\$ 30,000
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Signed: Tarbrake, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – November 16, 2016

RES. NO. 264-16

Amend 2016 Budget for Health & Human Services Revenue from Nurse Family Partnership Program

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

WHEREAS, \$250,000 of revenue related to the Nurse Family Partnership program was included in Federal revenues in the 2016 Budget; and

WHEREAS, the Nurse Family Partnership program is an independently funded program not administered or funded by the Federal Government; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 Budget:

INCREASE REVENUE ACCOUNT:

A.4010.NURS R168.9FOUN	Other PH Inc: Health Foundation	\$250,000
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JOURNAL OF PROCEEDINGS

DECREASE REVENUE ACCOUNT:

A.4010.NURS R440.1000 Public Health Grant \$250,000

Signed: Tarbrake, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Himelein

Unanimously Adopted – November 16, 2016

RES. NO. 265-16

Environmental Assessment of Projects for 2017 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. 234-16 that the Chautauqua County Department of Planning & Economic Development (CCPED) conduct a New York State Environmental Quality Review (SEQRA) for the projects approved by the Waterways Panel for funding in 2017 as set forth below, and provide a report and recommendations to the County Legislature; and

WHEREAS, CCPED and the various involved agencies have reviewed the projects consistent with SEQRA and applicable state regulations; and

WHEREAS, the CCPED recommends that the projects that are ranked as numbers 1 through 9 on the Waterways Panel list provided below be classified as Unlisted Actions under 6 N.Y.C.R.R. Part 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.

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Bournes Creek Chadd Fredd – Grapeview Dairy	1	\$ 15,945.68	\$ 15,945.68
Bemus Creek Chautauqua DPF, Lown	2	\$ 16,900.00	\$ 16,900.00
Canadaway Creek Genuso	3	\$ 28,500.00	\$ 28,500.00
Mud Creek Saxton	4	\$ 18,025.00	\$ 18,025.00
Slippery Rock Creek Kelley - Dispense	5	\$ 21,175.00	\$ 21,175.00

REGULAR SESSIONS

Goose Creek Mangione	6	\$ 28,250.00	\$ 28,250.00
Unnamed Tributary to Chautauqua Lake Christy, Mallard Cove	7	\$26,125.00	\$ 26,125.00
Tributary to Walnut Creek Town of Arkwright Highway	8	\$39,075.00	\$ 39,075.00
Bemus Creek Johnson	9	\$24,950.00	\$ 24,950.00

Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Muldowney, Himelein

Unanimously Adopted – November 16, 2016

RES. NO. 266-16

Authorize Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding

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

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua County's Lakes and Waterways have been threatened by numerous factors at various times including, but not limited to, decreased water quality, point source pollution, introduction of non-native species, excessive erosion, sedimentation, flooding and drainage issues, and the decreased ability to launch and navigate watercraft within harbors and waterways; and

WHEREAS, pursuant to Resolution 178-11, the Chautauqua County Legislature authorized the establishment of the Lake Erie Management Commission (LEMC) to prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan, seek additional funding for Lake Erie watershed projects, and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, projects undertaken by the United States Army Corps of Engineers (USACE), such as the much needed maintenance dredging and rehabilitation of breakwaters at Chautauqua County's shallow draft recreational harbors in Barcelona, Dunkirk and Cattaraugus Creek are of low priority when compared to large deep draft commercial harbors with significant shipping tonnage; and

WHEREAS, federal funds, such as those appropriated under the Water Resources Development Act (WRDA), are initially prioritized by the USACE staff located in Buffalo, Cleveland and Washington D.C. for inclusion in the President's budget, which is then allocated by members of the United States Senate and House of Representatives during federal budget negotiations, and Chautauqua County, as a small rural county, is at a distinct disadvantage with respect to its ability to advocate for its fair share of federal funds; and

WHEREAS, pursuant to Resolution 106-16, Chautauqua County retained the professional services of NEXUS Government Relations (NEXUS), a consultant specializing in water resources, programming, federal projects and obtaining federal funding on a six-month trial basis at a cost not to exceed \$15,000; and

JOURNAL OF PROCEEDINGS

WHEREAS, Chautauqua County desires to extend its agreement for professional services with NEXUS at no additional cost from the agreement expiration date of November 16, 2016 to December 31, 2016; and

WHEREAS, the County also desires to retain NEXUS to provide professional services throughout the 2017 calendar year at a cost not to exceed \$15,000; and

WHEREAS, LEMC shall provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation; and

WHEREAS, Chautauqua County shall provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS from the 2% Occupancy Tax Reserve; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County Executive to extend the current contract for professional services of NEXUS Government Relations, a consultant specializing in water resources, programming, federal projects and obtaining federal funding at no additional cost through December 31, 2016; and be it further

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County to retain the professional services of NEXUS Government Relations, a consultant specializing in water resources, programming, federal projects and obtaining federal funding for the 2017 calendar year at a cost not to exceed \$15,000; and be it further

RESOLVED, That the Chautauqua County Legislature hereby authorizes LEMC to represent Chautauqua County's interests in advocating for increased federal funding and projects and that LEMC will provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation; and be it further

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS; and be it further

RESOLVED, That Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.889.WATR Fund Balance – Misc. Reserve: Lakes & Waterways	\$10,000
--	----------

And be it further,

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Watershed Administration – Contractual	\$10,000
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Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Muldowney, Himelein

Adopted w/ Chairman Gould voting "no" – November 16, 2016

REGULAR SESSIONS

RES. NO. 267-16

Making Appropriations for the Conduct of County Government for Fiscal Year 2017

At the Request of Chairman Frank J. Gould:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2016 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 255-16 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 255-16 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, 2017; therefore be it

RESOLVED, That the total amount specified in such budget as adopted for all objects of expenditures set forth therein be and hereby are appropriated for such items.

Signed: Gould

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - November 16, 2016

RES. NO. 268-16
Authorize Tax Levy

At the Request of Frank J. Gould:

WHEREAS, there has been adopted a budget for the fiscal year of 2017 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2017 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 150-16, adopted June 22, 2016.
5. Upon the property on which school taxes are uncollected as of November 31, 2017, the amount of such uncollected school taxes;

JOURNAL OF PROCEEDINGS

6. Upon the property on which village taxes are uncollected as of December 1, 2017, 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 2017 pursuant to law or resolution of this Legislature.

Signed: Gould

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - November 16, 2016

RES. NO. 269-16
Authorize Levy of Town Taxes

At the Request of 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: 18 Yes; 1 Absent - November 16, 2016

RES. NO. 270-16
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: 18 Yes; 1 Absent - November 16, 2016

REGULAR SESSIONS

RES. NO. 271-16
Authorize Levy of Omitted Taxes

At the Request of 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: 18 Yes; 1 Absent - November 16, 2016

RES. NO. 272-16
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 2017 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 2017 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: 18 Yes; 1 Absent - November 16, 2016

RES. NO. 273-16
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 2017 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 2017 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

JOURNAL OF PROCEEDINGS

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - November 16, 2016

RES. NO. 274-16

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: 18 Yes; 1 Absent - November 16, 2016

RES. NO. 275-16

Fixing Equalization Rates for 2017

By 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 2016 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2017 tax rolls in the following towns and cities:

Arkwright	50.87%	Harmony	99.50%
Busti	100%	Jamestown, City	100%
Carroll	99%	Kiantone	99.50%
Charlotte	100%	Mina	90%
Chautauqua	100%	North Harmony	100%

REGULAR SESSIONS

Cherry Creek	97.30%	Poland	100%
Clymer	100%	Pomfret	20.21%
Dunkirk, Town	70%	Portland	57.00%
Dunkirk, City	82%	Ripley	100%
Ellery	100%	Sheridan	66%
Ellicott	100%	Sherman	90%
Ellington	97%	Stockton	100%
French Creek	90%	Villanova	65%
Gerry	100%	Westfield	80%
Hanover	91%		

Signed: Gould

MOVED by Legislator Nazzaro, SECONDED by Legislator Himelein to amend by substitution.

Unanimously Adopted – November 16, 2016

RES. NO. 276-16
Setting Salary for Paramedic and Senior Paramedic

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

WHEREAS, the Director of Emergency Services has requested that salaries be set for two new titles of Paramedic and Senior Paramedic that will be assigned to staff the County's new Fly Car program to be implemented in 2017. These new titles will be assigned to positions that will perform primary emergency medical care and advanced life support to persons who have suffered physical trauma from injury or illness at the scene and during transport in an ambulance to a hospital for more comprehensive and intensive treatment, and

WHEREAS, the Human Resources Department has classified the jobs as Paramedic and Senior Paramedic and supports the request that the salary be set at Grade 11 for Paramedic and Grade 14 for Senior Paramedic, therefore be it

RESOLVED, That the title of Paramedic be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 11, and, be it further

RESOLVED, That the title of Senior Paramedic be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 14.

Grade 11 (2016: \$16.88 - \$21.64) 40 hours per week
(\$35,110 - \$45,011 per year)

Grade 14 (2016: \$18.66 - \$23.98) 40 hours per week
(\$38,813 - \$49,878 per year)

JOURNAL OF PROCEEDINGS

Signed: Scudder, Whitford, Starks, Muldowney, Bankoski, Wendel, Tarbrake, Niebel, Chagnon, Nazzaro, Borrello, Himelein

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - November 16, 2016

RES. NO. 277-16
Quit Claim Deeds

By Administrative Services and Audit & Control Committees:
At the Request of Legislator Robert Scudder:

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.

			SCHEDULE 1		
Offer Number	Munic.	S/B/L	Purchaser	Offer Amt.	Taxes Owing
QC-2-2016	C/Dnk.	060300-79.11-2-26	Carol Lajewski	\$ 250.00	\$ 166.46
QC-110-2016	Jmstn.	060800-387.15-8-44	Joseph Costanzo	\$ 100.00	\$3,201.21
PA-126-2016	Jmstn.	060800-387.26-1-13	LaVerne L Johnson	\$ 500.00	\$6,213.00
			TOTAL	\$ 850.00	\$9,580.67

Signed: Scudder, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Himelein

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - November 16, 2016

2nd Privilege of the Floor

No one chose to speak at this time.

Legislator Himelein: I would like to move into executive session to discuss collective negotiations and matters leading to the appointment or removal of a particular person or corporation.

REGULAR SESSIONS

Legislator Bankoski: Second.

Unanimously Carried – Legislature went into executive session at 6:45 p.m.

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford to come out of executive session. 7:38 a.m.

MOVED by Legislator Bankoski, SECONDED by Legislator Lemon and duly carried the meeting was adjourned. (7:39 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, December 21, 2016, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Tarbrake, the minutes were approved. (11/16/16)

1st Privilege of the Floor

My name Steven Madiona, I reside in the Town of Ellicott. I'm a member of the Sheriff's office and I want to thank you all for your time and for your consideration with our contract negotiations. I know that it is a difficult decision. It involves some – if I could just have a moment, I would just like to talk a little bit about the difference in our current retirement plan versus the new 20 year. Most of the men and women that enter into this job are in their early 20's. Under our current system it's a 25 1/60th. To maximize that benefit under the current pension system, just about every Deputy sticks around until the age of 55 so that way they can get their 25 years in and because they have about 30 years on the job at that point when you hit 55, that's when they go because they maximize their pension at that point and time. Under the 20 year system, that young man or woman going into the job early 20's, will be in their early 40's, and then they can leave or they could stick around a couple of years after and still leave with the same benefit at a much younger age. I'm sure by now that most of you are aware of this but, the County pays for our pension up until the point of our retirement. At that point, the State takes over and the County has no more future payments towards that specific Deputy after their retirement. Just in case that wasn't known by you (*inaudible*), wanted to throw that out there. I just want to thank you for your time and consideration.

My name is Doug Walter, I'm an investigator for the Sheriff's office. I want to thank you for considering voting on our contract tonight. I am going to talk about quality of life just for a second. I've been in the Sheriff's office 25 years, 28 years total law enforcement. We're seen in the media – our job is getting more and more dangerous every day and I would say it's a younger man's job and this retirement that we're considering will make a younger man's job. Just so you know, we've had a couple of members pass away (*inaudible*) trying to keep up and maintain what we have to do to be law enforcement officers. I'm not saying that (*inaudible*) can't do a good job because I still love my job and I love this department. But I just hope you view this (*inaudible*) a younger's man job and I just see the danger every day. I'm asking for your vote tonight, thank you.

Sheriff Joe Gerace, Jamestown, N.Y. I'm here to speak to resolution 332 and 333. I want you to understand that the competitive world if you're an employer of law enforcement. Our neighboring counties Cattaraugus, Erie, Genesee, and Niagara just to name a few, have had the 20 1/60th plan for many years. In fact, Niagara County has 15 years. This is a positive economically for the County. As you heard from our Budget Director and our Finance Director. It's a positive for the Sheriff's office who will see unfortunately (*inaudible*) but we also see opportunity for the younger people moving through the organization. I encourage you wholeheartedly to support those resolutions tonight.

Chairman Gould: Anyone else to speak to the first privilege of the floor? Seeing no one, I'll close the first privilege of the floor.

REGULAR SESSIONS

 VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
 NO VETOES FROM 11/16/16

COMMENDATIONS:

DUNKIRK MARAUDERS
 Football Team
 By
 Legislator Bankoski
 Legislator Muldowney

MAPLE GROVE BOYS CROSS COUNTRY
 By
 Legislator Chagnon

DEPUTIES
 JASON BEICHNER
 CHRISTOPHER HOWLETT
 By
 Legislator Niebel
 Sheriff Gerace

COMMUNICATIONS:

1. Letters (10) – County Executive – Apts. to Various Boards and Commissions
 2. Letter – Resignation of P. Wheeler from PPD Sewer District Board
 3. Notification – Bd. of Elections – Certification Results of Proposition #1
 4. Report – Fn. Director Marsh – October/2016 Investment Report
 5. Notice - Chautauqua County Landfill Waste Pricing Schedule
 6. Minutes (2) – Chaut. County Soil & Water Conservation (Oct/Nov)
 7. Quarterly Report – Small Business Development Center – 7/1/16-9/30/16
 8. Letter – Hodgson Russ LLP Attys. – Ball Hill Wind Energy, LLC
 9. Letter – Ecology & Environment, Inc. – Final Environmental Impact Statement for the Ball Hill Wind Project
 10. Dept. of Public Service – Winter Outreach & Education Campaign
 11. Letter – NYS Dept. of State – Ack. Receipt of LL 7-16
 12. Letter – Prescription Discount Card Program – Board Update
-

TABLED RES. NO. 261-16 – Authorize Extension of Tax Collection Agreements with the Cities of Dunkirk and Jamestown (See page 292 for text)

MOVED by Legislator Wendel, SECONDED by Legislator Bankoski to bring off the table.

Unanimously Carried

TABLED RES. NO. 261-16 – Unanimously Adopted

RESCIND RES. NO. 253-16 – Accept Grant Funding from the New York State Department of State for Phase II of the Northern Chautauqua County Local Waterfront Revitalization Program (See page 283 for text)

JOURNAL OF PROCEEDINGS

MOVED by Legislator Wendel, SECONDED by Legislator Bankoski to bring it to the floor.

Unanimously Carried

MOVED by Legislator Nazzaro, SECONDED by Legislator Lemon to rescind.

Unanimously Carried

RESCIND RES. NO. 253-16 - Unanimously Adopted

RES. NO. 278-16

Confirm Re-Appointment – NY 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 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 New York State Fish and Wildlife Management Board.

Andrew Joy
9867 Farel Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/18

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Scudder

Unanimously Adopted – December 21, 2016

RES. NO. 279-16

Confirm Re-Appointments – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:

At the Request of Chairman Frank J. Gould:

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

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

Neil Robinson
3863 Westman Rd.
Bemus Point, N.Y. 14712
Term Expires: 12/31/22

James M. (Jake) Kane
134 W. Summit Street
Lakewood, N.Y. 14750
Term Expires: 12/31/22

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Scudder

Unanimously Adopted – December 21, 2016

REGULAR SESSIONS

RES. NO. 280-16

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.

Lisa Vanstrom
55 Plummer Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Frank J. Gould
70 Hoag Rd
Ashville, N.Y. 14710
Term Expires: 12/31/17

Bruce Kidder
3680 Nutt Rd
Jamestown, N.Y. 14701
Term Expires: 12/31/19

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Scudder

Unanimously Adopted – December 21, 2016

RES. NO. 281-16

Confirm Re-Appointments - Chautauqua County Historian's Advisory 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-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 Historian's Advisory Commission.

Paul Benson
75 E. Chautauqua St.
Mayville, N.Y. 14757
Term Expires: 12/31/19

Terry Niebel
3199 E. Main Rd.
Dunkirk, NY 14048
Term Expires: 12/31/19

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

Unanimously Adopted – December 21, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 282-16

Confirm Re-Appointments – Chautauqua County Coroners

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

WHEREAS, two of the four offices of Coroner in Chautauqua County become vacant on January 1, 2017; 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, 2019.

Cassandra Brigham 316 E. 5 th Street Jamestown, N.Y. 14701	Lawrence J. Wilcox 3105 Cable Rd. Fredonia, N.Y. 14063
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 283-16

Confirm Re-Appointments – Chautauqua County Traffic Safety 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 Chautauqua County Traffic Safety Board.

John R. Bentley II 20 W. Summit St. Lakewood, N.Y. 14750 Term Expires: 7/31/19	Patrick Wheeler 10427 Bayshore Drive Dunkirk, N.Y. 14048 Term Expires: 7/31/19
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 284-16

Confirm Appointments and Re-Appointments – Emergency Medical Services Council

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

REGULAR SESSIONS

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.

New Appointments:

Mark Dickey
28 N. State St.
Ripley, N.Y. 14775
Term Expires: 12/31/17
(Filling in Term of Greg Scott)

Kevin Peebles
2 Academy St.
Mayville, N.Y. 14757
Term Expires: 12/31/18

Robert Crane
120 Miller St.
Sherman, N.Y. 14781
Term Expires: 12/31/19

Re-Appointments:

Stephen Cobb
49 Gardner St.
Fredonia, N.Y. 14063
Term Expires: 12/31/19

Norma Cummings
7084 Vanness Rd.
Mayville, N.Y. 14757
Term Expires: 12/31/19

Maxine Davis
7120 Vanness Rd.
Mayville, N.Y. 14757
Term Expires: 12/31/19

Roberta Edwards
5413 Washington St. Ext.
Ashville, N.Y. 14010
Term Expires: 12/31/19

Emelia Lindquist-Harley
207 Foote Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/19

Mike Volpe
53 Pine Ridge Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/19

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 285-16

Confirm Re-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 re-appointments for action by the Chautauqua County Legislature; therefore be it

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

Diane Miraglia
4066 Baker St.
Lakewood, N.Y. 14750
Term Expires: 12/31/17

Susan Drago
9 Brook St.
Lakewood, N.Y. 14750
Term Expires: 12/31/19

Leah Marsala-Chase
8 South Gale St.
Westfield, N.Y. 14787
Term Expires: 12/31/19

Raymond Rushboldt
3719 Middle Rd.
Dunkirk, N.Y. 14048
Term Expires: 12/31/19

Jordan T. Woleen
4 Crescent Ave.
Lakewood, N.Y. 14750
Term Expires: 12/31/19

JOURNAL OF PROCEEDINGS

Signed: Tarbrake, Lemon, Whitford, Wilfong

Unanimously Adopted – December 21, 2016

RES. NO. 286-16
Confirm Re-Appointments – Chautauqua County Community Services Board

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 County Community Service Board:

Dr. Joseph DiCarlo
11 Brook Street
Lakewood, N.Y. 14750
Term Expires: 12/31/20

Lieutenant James Quattrone
14 Brook St.
Lakewood, N.Y. 14750
Term Expires: 12/31/20

Ronald Sellers
38 Birchwood Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/20

Signed: Tarbrake, Lemon, Whitford, Wilfong

Unanimously Adopted – December 21, 2016

RES. NO. 287-16
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 12/31/18:

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, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – December 21, 2016

REGULAR SESSIONS

RES. NO. 288-16
Confirm Re-Appointments – Agriculture & Farmland Protection Board

By Planning & Economic Development Committee:
At the Request of Chairman Frank J. Gould:

WHEREAS, Chairman Frank J. Gould, has submitted the following re-appointments for action by the Chautauqua County Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following re-appointments to the Agriculture & Farmland Protection Board:

Brian Aldrich
3146 E. Main Road
Dunkirk, NY 14048
Term to Expire: 12/31/2020

Dennis Rak
10277 Christy Road
Fredonia, NY 14063
Term to Expire: 12/31/2020

Frank J. Gould
70 Hoag Road
Ashville, NY 14710
Term to Expire: 12/31/2020

Daniel L. Steward
4401 Leach Hill Rd.
Kennedy, NY 14747
Term to Expire: 12/31/2020

James Joy
9825 Farel Road
Fredonia, NY 14063
Term to Expire: 12/31/2020

Katelyn Walley-Stoll
10312 Chautauqua Road
Cattaraugus, NY 14719
Term to Expire: 12/31/2020

Stephen Kimball
3456 Drybrook Road
Falconer, NY 14733
Term to Expire: 12/31/2020

Heather Woodis
5686 Centralia Hartfield Road
Dewittville, NY 14728
Term to Expire: 12/31/2020

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 289-16
Confirm Re-Appointments – 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-appointments to the Chautauqua County Legislature for action; therefore be it

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

Daniel Dietzen
9865 Miller Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/18

Joann Ehrhardt
8490 Hahn Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/18

Lance Ehrhardt
8490 Hahn Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/18

JOURNAL OF PROCEEDINGS

Craig Robbins
28 N. Pear St.
Frewsburg, N.Y. 1 4738
Term Expires: 12/31/18

Mike Sperry
5295 Rt. 474
Ashville, N.Y. 1 4710
Term Expires: 12/31/18

Taylor West
56 E. Terrace Ave.
Lakewood, N.Y. 14750
Term Expires: 12/31/18

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 290-16

Confirm Re-Appointments – 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 re-appointments for action by the Chautauqua County Legislature, therefore be it

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

Theodore J. Bogdan
57 Parkdale Dr.
Jamestown, N.Y. 14701
Term Expires: 12/31/19

Douglas Bowen
5811 Welch Hill Rd.
Ripley, N.Y. 14775
Term Expires: 12/31/19

Bruno Bruni
24 Villa Dr.
Westfield, N.Y. 14787
Term Expires: 12/31/19

Jeffrey E. Gossett
8 Sunset Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/19

Richard Ketcham
22 Bernett Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/19

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 291-16

Confirm Re-Appointments – Conewango Watershed Commission

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 Conewango Watershed Commission.

Carl (Pete) Smallback
7276 North Rd.
Cherry Creek, N.Y. 14723
Term Expires: 12/31/19

Robert Carpenter
1074 28th Creek Rd.
Kennedy, NY 14747
Term Expires: 12/31/19

REGULAR SESSIONS

Ken Chase
646 Pinner Rd.
Cherry Creek, NY
Term Expires: 12/31/19

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 292-16
Confirm Appointment – Director of Finance

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

WHEREAS, County Executive Vincent W. Horrigan has appointed Kitty L. Crow, 48 Seymour Street, Fredonia, New York, as Director of Finance, effective February 1, 2017, subject to confirmation by the County Legislature; now therefore be it

RESOLVED, That pursuant to Section 3.02(c) of the Chautauqua County Charter, the Chautauqua County Legislature hereby confirms the appointment of Kitty L. Crow as Chautauqua County Director of Finance, effective February 1, 2017.

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

Unanimously Adopted – R/C Vote: 19 Yes - December 21, 2016

RES. NO. 293-16
Authorize Public Hearing on Amendments to FBO and Hangar Lease Agreement at the Chautauqua County/Jamestown Airport

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

WHEREAS, pursuant to Resolution 17-15, the County entered into a lease with Jamestown Aviation Company, LLC to continue its operation of a full-service fixed base operation (FBO) and hangar facilities; and

WHEREAS, amendments to the terms of the agreement have been negotiated with Jamestown Aviation Company, LLC and a public hearing is required in order to implement the amended agreement; therefore be it

RESOLVED, That pursuant to General Municipal Law, a public hearing shall be held on the proposed amendments to the agreement with Jamestown Aviation Company, LLC ("JAC") regarding its FBO operations and hangar facilities at the Chautauqua County/Jamestown Airport, at 6:35 PM during the meeting of the County Legislature to occur on January 25, 2017, in the Legislative Chambers, Gerace Office Building, Mayville, New York, to include substantially the following amended terms and conditions:

1. Term. Fifteen (15) year term ending December 31, 2029 (*current agreement has a*

JOURNAL OF PROCEEDINGS

five-year term with JAC having an option to renew for two (2) additional five-year terms which also end December 31, 2029).

2. Termination. JAC may terminate with or without cause on two (2) years' notice if the Jamestown Airport has commercial air passenger service, or one (1) years' notice if the Jamestown Airport does not have commercial air passenger service (*current agreement allows JAC to terminate on six months' notice at each five-year anniversary date*)
3. Rent and Commissions. Rent of six thousand dollars (\$6,000) per month to be increased annually by two percent (2%), with no additional commissions (*current agreement provides for rent of \$3,700 per month of which \$2400 is subject to a 2% annual increase and \$1300 remains fixed; additional County commissions of 2% on Jet A fuel, 1% on all other fuel, 10% on hangar rents, 25% on parking and tie-down fees, and 90% on landing fees collected by FBO*)
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 hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Himelein, Wilfong, Scudder, Chagnon, Borrello, Muldowney (P.F. & A.C. – Nazzaro voting "no")

Adopted w/ Legislator Nazzaro voting "No" – December 21, 2016

RES. NO. 294-16

Include Additional Section of CR 647 in the County Highway System

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

WHEREAS, pursuant to resolution 125-79 Towerville Road was taken over by the county from the Town of Ellery on April 13, 1979, in connection with the construction and operation of the county landfill; and

WHEREAS, resolution 125-79 designated the 3.21 miles of roadway as CR 646, beginning at CR 641 Salisbury Road and ending at CR 609 Townline Road; and

WHEREAS, Old Towerville Road being a 0.60 mile long section beginning at the east end of Condin Road and ending at CR 70 / Touring Route 380 was not defined in resolution 125-79; and

WHEREAS, the County has and continues to maintain the aforementioned 0.60 mile section of Old Towerville Road that extends from the east end of Condin Road, CR 647, to CR 70, and the Town of Ellery does not claim this road; and

WHEREAS, New York State funding for maintenance of this road is not available without adoption of a resolution; therefore be it

REGULAR SESSIONS

RESOLVED, That the 0.60 mile section of Old Towerville Road, from CR 647 to CR 70 be placed on the County Highway System; and be it further

RESOLVED, That such road be known as CR 647.

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Scudder

Unanimously Adopted – December 21, 2016

RES. NO. 295-16

Authorize Commitment of Funds to the Village of Brocton to Repair Traffic Signal Lights on County Road 10/Route 380

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

WHEREAS, Chautauqua County owns and maintains County Road 10 / Route 380 in the Village of Brocton ("Village"); and

WHEREAS, the flood of 2014 damaged portions of County Road 10 / Route 380 as well as the control box of the traffic signal lights located on either side of the Lake Avenue tunnels; and

WHEREAS, the Village is responsible for the maintenance of traffic signal lights within the Village limits, and received a cost estimate of \$34,000 to repair the control box of the traffic signal lights; and

WHEREAS, the cost to replace the traffic signal equipment will create a hardship on the Village, and failure to make repairs may result in safety concerns for residents; and

WHEREAS, the Village Board of Trustees approved the reinstatement of the traffic signal lights on County Road 10 / Route 380, provided a commitment is made by New York State to share one-third of the cost and a commitment is made by the County to share one-third of the cost; and

WHEREAS, the Village, County, and New York State recognize the importance of having functioning traffic signal lights on County Road 10 / Route 380; and

WHEREAS, the Village received a commitment from New York State of \$10,000 towards the cost to repair the traffic signal lights; and

WHEREAS, the Village is requesting a commitment from the County of \$10,000 towards the cost to repair the traffic signal lights; now therefore be it

RESOLVED, That Chautauqua County authorizes the commitment of \$10,000 to the Village of Brocton for the repair of the traffic signal lights located on County Road 10 / Route 380; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements and documents associated with the commitment of funds to the Village of Brocton.

Signed: Hemmer, Nazzaro, Himelein, Wilfong, Scudder, Chagnon, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 296-16

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project PIN 5761.28

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 5761.28 (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 \$117,000, 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 5761.28; 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 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 County'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:

INCREASE USE OF APPROPRIATED FUND BALANCE:

D.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$23,400;
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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	\$117,000
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REGULAR SESSIONS

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program	\$93,600
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Signed: Hemmer, Nazzaro, Himelein, Wilfong, Scudder, Chagnon, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 297-16

Amend 2016 Budget for Insurance Account Adjustments

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

WHEREAS, insurance administration costs have exceed original estimates and health insurance premiums are less than originally planned; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 budget:

DECREASE APPROPRIATION ACCOUNT:

M.1930.----.4	Contractual – Judgements & Claims	\$60,000
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INCREASE APPROPRIATION ACCOUNT:

M.1910.----.4	Contractual – Administration	\$60,000
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Himelein, Borrello

Unanimously Adopted – December 21, 2016

RES. NO. 298-16

Authorize Transfer of Tax Foreclosure Properties to Jamestown Urban Renewal Agency (JURA)

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

WHEREAS, the County has acquired through tax foreclosure proceedings two vacant parcels located on North Main Street in the City of Jamestown, and

WHEREAS, the City of Jamestown and JURA conducted a demolition on one of the two parcels and JURA has requested that the County convey both parcels to JURA for future development of the North Main Street corridor into downtown Jamestown; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties to JURA for \$1.00 each, with JURA responsible for all applicable real estate taxes and assessments commencing with the 2016-17 school taxes:

060800-387.06-3-26
060800-387.06-3-24

851-853 N Main St
N Main St

JOURNAL OF PROCEEDINGS

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Himelein, Borrello

Unanimously Adopted – December 21, 2016

RES. NO. 299-16

Adoption of Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County has gathered information and prepared the County Multi-Jurisdictional Hazard Mitigation Plan (hereinafter "the Plan"); and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the County and its municipalities have afforded their citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, County has reviewed the Plan and affirms that the Plan will be updated no less than every five (5) years; now therefore be it

RESOLVED, That the County hereby adopts the Plan and resolves to execute the actions in the Plan.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 300-16

Oil Spill Response Trailer and Equipment

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Executive Order 125 directed State Agencies to conduct a review of safety procedures and emergency response preparedness; and

WHEREAS, under Article 12, Section 186, Subdivision 3, of the New York State Navigation Law, the Department of Environmental Conservation (DEC) is authorized to make expenditures from the New York State Environmental Protection and Spill Compensation Fund to carry out specified purposes of the Law; and

WHEREAS, the purposes include, but are not limited to, funding the State's response to a discharge or threat of a discharge of oil or hazardous material to the lands or waters of New York State, and providing oil spill prevention and response training to and equipment for use by municipal oil spill response agencies; and

WHEREAS, the DEC has acquired trailers, equipment and supplies to support the first response by trained personnel to respond to emergency oil spills; and

REGULAR SESSIONS

WHEREAS, the DEC has offered to provide the County's Department of Emergency Services an oil spill response trailer and equipment with no County contribution to the purchase price, therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept custody of the trailer and equipment.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel

Unanimously Adopted – December 21, 2016

RES. NO. 301-16

Accept Funding from the Dormitory Authority State of New York (DASNY) Grant Program for the Purchase of Fire Police Vehicles

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

WHEREAS, Chautauqua County was awarded funds of \$150,000 from the Dormitory Authority of the State of New York; and

WHEREAS, the grant is intended for the purchase of two (2) Fire Police vehicles; and

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

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE CAPITAL EXPENSE ACCOUNT:

H.3997.999.4	Contractual - EMS Vehicle Replacement	\$150,000
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3997.999 R266.5000	Contractual - EMS Vehicle Replacement	\$150,000
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 302-16

Funding Local Share of Police Consolidation Study with City of Jamestown

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

JOURNAL OF PROCEEDINGS

WHEREAS, pursuant to Resolution 125-07, the County Legislature authorized a law enforcement consolidation exploration team to work with the City of Jamestown to explore consolidation of City and County law enforcement services; and

WHEREAS, the City of Jamestown successfully obtained a \$400,000.00 grant for potential police consolidation efforts through New York State's Local Government Efficiency Program, and said grant requires a 10% local share; and

WHEREAS, the City of Jamestown awarded contracts totaling \$252,000.00 to the Center for Governmental Research, Inc. (CGR) to perform an evaluation of a potential consolidation of City and County law enforcement services and it is appropriate that the county split the 10% local share portion with the City; and

WHEREAS, pursuant to Resolution 215-12, the County Legislature authorized contribution of 5% of the cost of the initial \$168,000.00 contract to CGR; now therefore be it

RESOLVED, That the County of Chautauqua shall contribute 5% of the \$84,000.00 cost for the remaining contracts to CGR, up to the maximum sum of \$4,200.00; and be it further

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of \$4,200.00 from the County's undesignated fund balance, and be it further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$4,200.00
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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 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.4	Contractual – Sheriff	\$4,200.00
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 303-16

Adjust Appropriation and Revenue Accounts due to Unbudgeted Revenues and Expenditures

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, within the Sheriff's organization, some expenses exceed initial budgetary estimates; and

WHEREAS, within the Sheriff's organization some revenues are expected to exceed budgetary estimates; now therefore be it

REGULAR SESSIONS

RESOLVED, That the Director of Finance is hereby directed to make the following 2016 budgetary changes:

INCREASE REVENUE ACCOUNT:

A.3150.R159.2001 Departmental Income - Chrgs:Commissary Reimbursement \$21,662

INCREASE APPROPRIATION ACCOUNT:

A.3150.----.3 Depreciable Equipment - Jail \$21,662

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 304-16

Authorize Execution for New York State Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for under the FY16 Bomb Squad Initiative Grant Program; and

WHEREAS, the State of New York will provide funding for FY16 grant award C174761 in the amount of \$150,000, with no local funds, for the contract period from November 8, 2016 to August 31, 2019; now 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, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 305-16

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 Chautauqua County Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2017 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of June 30, 2017 through September 5, 2017, for an estimated cost not to exceed \$6,600.00, based on an hourly rate of at least \$38.66 for general patrols and an hourly rate of at least \$48.45 for national holidays; now therefore be it

JOURNAL OF PROCEEDINGS

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, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 306-16

Authorize Agreement with Village of Brocton for Enhanced Police Services

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

WHEREAS, the Village of Brocton has requested that the Chautauqua County Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2017 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for the period of January 1, 2017 through December 31, 2017, for an estimated cost not to exceed \$21,000.00, based on a regular hourly rate of at least \$38.66 and a holiday hourly rate of at least \$48.45; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Brocton for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 307-16

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 Chautauqua County 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 January 1, 2017 through December 31, 2017, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$38.66; 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.

REGULAR SESSIONS

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 308-16

Authorize Agreement with Town of Hanover for Enhanced Police Services

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

WHEREAS, the Town of Hanover has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2017 summer season; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Hanover for additional patrols in the Sunset Bay area for the period of June 17, 2017 through September 5, 2017 for a cost not to exceed \$8,000.00, based on an hourly rate of at least \$38.66 for general patrols and a holiday hourly rate of at least \$48.45; and

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

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 309-16

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 Chautauqua County Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2017 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Mayville for the period of June 18, 2017 through September 5, 2017, for an estimated cost not to exceed \$10,000.00, based on an hourly rate of at least \$38.66 for general patrols and a holiday hourly rate of at least \$48.45; 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, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

JOURNAL OF PROCEEDINGS

Unanimously Adopted – December 21, 2016

RES. NO. 310-16

Authorize Agreement with Town of Ripley for Enhanced Police Services

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

WHEREAS, the Town of Ripley has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2017 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2017 through December 31, 2017 for an estimated cost not to exceed \$32,000.00 based on an hourly rate of at least \$38.66 and a holiday hourly rate of at least \$48.45; now therefore be it

RESOLVED, that Resolution 276-15 is superseded by this resolution; and be it further

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

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 311-16

Authorize Agreement with Village of Silver Creek for Enhanced Police Services

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

WHEREAS, the Village of Silver Creek and the Town of Hanover has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village of Silver Creek and the Town of Hanover for the 2017 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Village of Silver Creek and the Town of Hanover for the period from January 1, 2017 through December 31, 2017 for an estimated cost not to exceed \$550,590; and

WHEREAS, expenditures associated with this agreement are included in the 2017 tentative budget; now therefore be it

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

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

REGULAR SESSIONS

Unanimously Adopted – December 21, 2016

RES. NO. 312-16

Authorize Agreement with Silver Creek Central School District for School Resource Officer

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

WHEREAS, the Silver Creek Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer for the 2017 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Silver Creek School District to provide a certified School Resource Officer for the 2017 calendar year at an annual cost of \$97,966.94; and

WHEREAS, the County will not be required to incur any additional expenditures to fund this position; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Silver Creek Central School District for the purpose of providing a School Resource Officer for the 2017 calendar year as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 313-16

Authorize Agreement with Town of Chautauqua for Court Security Detail

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

WHEREAS, the Town of Chautauqua has requested that the Chautauqua County 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 Chautauqua for the period of January 1, 2017 through December 31, 2017, for an estimated cost not to exceed \$2,000.00, based on an hourly rate of at least \$28.47; now therefore be it

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

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 314-16

Authorize Agreement with Town of Ellery for Court Security Detail

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

WHEREAS, the Town of Ellery has requested that the Chautauqua County 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 Ellery for the period of January 1, 2017 through December 31, 2017, for an estimated cost not to exceed \$2,500.00, based on an hourly rate of at least \$28.47; now therefore be it

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

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 315-16

Authorize Agreement with Town of Kiantone for Court Security Detail

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

WHEREAS, the Town of Kiantone has requested that the Chautauqua County 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, 2017 through December 31, 2017, for an estimated cost not to exceed \$6,500.00, based on an hourly rate of at least \$28.47; 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, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 316-16

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:

REGULAR SESSIONS

WHEREAS, the Town of Mina has requested that the Chautauqua County 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, 2017 through December 31, 2017, for an estimated cost not to exceed \$2,000.00, based on an hourly rate of at least \$28.47; now therefore be it

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, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 317-16

Authorize Agreement with Town of North Harmony for Court Security Detail

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

WHEREAS, the Town of North Harmony has requested that the Chautauqua County Office of the Sheriff provide court security officers on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2017 through December 31, 2017, for an estimated cost not to exceed \$6,000.00 based on an hourly rate of at least \$28.47; now therefore be it

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

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 318-16

Authorize Agreement with Town of Stockton for Court Security Detail

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

WHEREAS, the Town of Stockton has requested that the Chautauqua County 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 Stockton for the period of January 1, 2017 through December 31, 2017, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$28.47; now therefore be it

JOURNAL OF PROCEEDINGS

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

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 319-16
Close Accounts for Completed Sheriff Capital Projects as of 12/31/2016

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

WHEREAS, the Sheriff's Office has notified the Department of Finance that the capital projects listed below have been completed or will be completed by December 31, 2016

H.3110.06881 – Computer Servers: Sheriff (2012)
H.3110.06961 – Computer Server Backup System
H.3150.06915 – Jail & Security Upgrade (2014); now therefore be it

RESOLVED, That the Director of Finance close out the accounts listed above from any further expenditures as of the year ending December 31, 2016, and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of the accounts, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 320-16
Accept Family Planning Grant Funding

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

WHEREAS, the New York State Health Department (NYSDOH) has awarded grant funding to Chautauqua County for the comprehensive Family Planning Program; and

WHEREAS, the \$571,094 award is for a second one year extension to the five-year contract cycle (01/01/10 – 12/31/15), covering the period 1/1/17 to 12/31/17; and

WHEREAS, the 2017 Chautauqua County Adopted Budget includes this funding because the County anticipated providing these services in 2017; and

REGULAR SESSIONS

WHEREAS, NYSDOH was unable to reallocate this funding to another health care provider, so that there will be a loss of this funding and any accompanying reproductive health care services for Chautauqua County if the County does not accept this one year extension; and

WHEREAS, the provision of family planning and reproductive health services, including clinic services in Mayville and new, extensive outreach, education, and technical assistance to other health care providers, is essential to building and enhancing the capacity of independent providers to sustain the delivery of reproductive health care services in Chautauqua County; and

WHEREAS, this one year extension will serve to properly transition traditional County services to private health care providers; now, therefore, be it

RESOLVED, That the County of Chautauqua accept this State grant to support comprehensive family planning and reproductive health programs which support critical health services to a most vulnerable population and work to build a sustainable health care system for the future of Chautauqua County residents; and be it further

RESOLVED, That the County Executive be authorized to execute any and all agreements and documents necessary to accept and implement this grant.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 321-16

Amend Chautauqua County Health & Human Services 2016 Budget for Increased Rabies Control Costs

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

WHEREAS, 2016 expenditures for Rabies immunization costs are now projected to be in excess of the budgeted amount; and

WHEREAS, 2016 medical supply expenditures for Public Health Administration (Nursing) are now projected to be lower than the budgeted amount; therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.4042.----.4 Contractual –Rabies Control \$17,279

DECREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4 Contractual- Public Health Admin (Nursing) \$17,279

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

JOURNAL OF PROCEEDINGS

RES. NO. 322-16

Close Account for Completed HHS Capital Project as of 12/31/2016

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

WHEREAS, the Department Head of the Department of Health and Human Services has notified the Department of Finance that the capital project listed below has been completed

H.4010.32876 – SCOB Nursing; now therefore be it

RESOLVED, That the Director of Finance close out the account listed above from any further expenditures as of the year ending December 31, 2016, and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of the account, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 323-16

Accept NYSDOH Nursing Family Partnership Legislative Grant C31799

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 legislative grant C31799 to the Chautauqua County Health and Human Services Department to support Nurse Family Partnership activities for the period 4/1/16- 3/31/17 in the amount of \$3,768; 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 2016 Chautauqua County Adopted Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4	Contractual-Public Health Admin, Nursing	\$3,768
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4010.NURS.R348.9FOU	NYS Aid: Other Health, NFP	\$3,768
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

REGULAR SESSIONS

RES. NO. 324-16
Amend 2016 Budget to Office for the Aging Accounts

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

WHEREAS, the Office for the Aging ended its program with the New York State Office for People with Developmental Disabilities (OPWDD) after funds were allocated in the 2016 Budget; and

WHEREAS, some Office for the Aging program expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.4	Contractual – Office for the Aging	\$170,000
A.6772.----.5	Fixed Contractual – Office for the Aging	<u>\$ 4,000</u>
		\$174,000

DECREASE APPROPRIATION ACCOUNTS:

A 6772.----.1	Personal Services – Office for the Aging	\$ 94,000
A 6772.----.8	Employee Benefits – Office for the Aging	<u>\$ 80,000</u>
		\$174,000

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 325-16
Mental Hygiene Intermunicipal Consortium

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

WHEREAS, the restructuring of the behavioral health service delivery system by New York State and the restructuring of payment for services within that system, including the transition from fee for service to managed care, necessitate that counties operating services identify and implement new structures to remain fiscally and programmatically viable; and

WHEREAS, the Counties of Chautauqua, Cattaraugus, Livingston, Genesee, Niagara and Orleans collaboratively engaged the legal firm of Barclay Damon to render an opinion on the legality of the named counties establishing a behavioral health Intermunicipal Consortium for the purposes of the oversight, administration and delivery of services currently administered separately by each County; and

WHEREAS, the legal firm of Barclay Damon has rendered the opinion that an Intermunicipal Consortium for said purposes is a viable legal option; and

WHEREAS, the parties have determined that the establishment of an Intermunicipal Consortium serves the best interests of each County individually and collectively; and

JOURNAL OF PROCEEDINGS

WHEREAS, pursuant to Article 5-G and Section 119-O of the NYS General Municipal Law, the parties are authorized to enter into Municipal Cooperation Agreements; now therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the County Executive to enter into an Intermunicipal Agreement with the Counties of Cattaraugus, Livingston, Niagara, Orleans and Genesee for the purposes of participation in this behavioral health Intermunicipal Consortium; and it is also further

RESOLVED, That the Chautauqua County Legislature authorizes the County Executive to execute an Intermunicipal Agreement with Genesee County for the specific purpose of paying Chautauqua County's pro-rata share of the joint legal fees incurred by the Counties for the legal firm of Barclay Damon to establish said behavioral health Intermunicipal Consortium in accordance with all applicable laws and regulations.

Signed: Tarbrake, Lemon, Whitford, Wilfong

Unanimously Adopted – December 21, 2016

RES. NO. 326-16

Discharge Planning, Coordination, and Monitoring Agreements

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

WHEREAS, Chautauqua County works in conjunction with inpatient, outpatient, and residential facilities operated by New York State and other state governmental entities to ensure patients receive necessary treatment and services critical to their health and well-being; and

WHEREAS, it is essential that patients of inpatient, outpatient, and residential facilities operated by New York State and other state governmental entities receive appropriate follow-up services and monitoring following discharge or conditional release; and

WHEREAS, Chautauqua County desires to enter into discharge planning, coordination, and monitoring Agreements with inpatient, outpatient, and residential facilities operated by New York State and other state governmental entities; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute discharge planning, coordination, and monitoring Agreements with inpatient, outpatient, and residential facilities operated by New York State and other state governmental entities to ensure patients receive appropriate follow-up services and monitoring following discharge or conditional release.

Signed: Tarbrake, Lemon, Whitford, Wilfong

Unanimously Adopted – December 21, 2016

RES. NO. 327-16

Adjust 2016 Budget to Reflect Increased Grant Funds from New York State Department of Parks,
Recreation and Historic Preservation Snowmobile Trail Grant Program

By Planning & Economic Development and Audit & Control Committees:

REGULAR SESSIONS

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County strongly supports the snowmobile industry as both an economic development tool and quality of life enhancement for Chautauqua County residents and recognizes the significant economic impact from the snowmobile industry, both in tourism and in local small business employment; and

WHEREAS, grant funding from snowmobile registrations is available from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for the creation, preservation and maintenance of snowmobile trails; and

WHEREAS, NYSOPRHP encourages counties to coordinate and sponsor snowmobile trail programs within their jurisdiction; and

WHEREAS, Chautauqua County has participated annually in the NYSOPRHP Snowmobile Trail Grant program as the local sponsor to coordinate a single snowmobile trail program incorporating all the trails funded by NYSOPRHP, submit grant applications for NYSOPRHP funding, and act as a pass-through agency for the funding; and

WHEREAS, the original 2016 Budget estimate of grant funding was \$ 241,000 yet the final award amount received from NYSOPRHP was \$ 243,160; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.4591.SNOW	Contractual - Planning	\$2,160
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INCREASE REVENUE ACCOUNT:

A.8020.R388.9002	NYS Aid - Other State Aid: Snow Trail	\$2,160
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Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Himelein, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 328-16

Amending Resolution 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, pursuant to Resolution 217-14, the County purchased CCIDA bonds with a term of two (2) years 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

WHEREAS, CCIDA has completed the purchase of the ConAgra facility and requested additional time to complete the development of the facility and it is therefore appropriate for the

JOURNAL OF PROCEEDINGS

County to assist the industrial development efforts of CCIDA by extending the payment term of the bonds by one (1) year; therefore be it

RESOLVED, That the County Executive and Director of Finance are hereby authorized to extend the payment term of said \$2,000,000 in CCIDA bonds from December 1, 2016 to December 1, 2017.

Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Himelein, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO 329-16

Consolidate Accounts for Phase II of the New York State Department of State Northern Chautauqua County Local Waterfront Revitalization Program Grant

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

WHEREAS, pursuant to Resolution 57-14, the County accepted a \$65,000 grant (CFA #25697) from the New You State Department of State (NYS DOS) for Phase I of the Local Waterfront Revitalization Program estimated at a cost of \$135,000; and

WHEREAS, the cost of Phase II is estimated to be \$100,000 funded 50% from the NYS DOS for the Local Waterfront Revitalization Program and 50% from local sources; and

WHEREAS, the existing Capital Budget includes \$15,000 in County funding toward the local Phase II match for the grant; and

WHEREAS, Phase I was underspent by \$22,970 and was returned to the General Fund Balance and the County wishes re-appropriate the unspent balance toward Phase II in the Capital Budget; and

WHEREAS, \$6,832.17 in funds paid under contract to the Chautauqua Regional Economic Development Corporation (CREDC) were not used and will be returned to the County and can be used towards Phase II of the project; and

WHEREAS, the balance of the 50% local funding can be provided by in-kind services; and

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

RESOLVED, That the County Executive is hereby authorized to officially accept the NYS DOS funding, and execute all agreements necessary to implement Phase II of the Local Waterfront Revitalization Program; and be it further

RESOLVED, The Fund Balance be appropriated as follows:

INCREASE USE OF FUND BALANCE:

A.----.----.909.0000 Unassigned Fund Balance – Unassigned Fund Balance	\$22,970
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and be it further

REGULAR SESSIONS

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2016 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.9999.9	Interfund Transfer – Miscellaneous, Transfer to Capital	\$22,970
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37968.4	Contractual – North Chau. Cnty Waterfront Development Plan	\$79,802
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.8020.37968.R208.9000	Departmental Inc.–Other Culture & Recreation Inc.	\$ 6,832
H.8020.37968.R371.5000	NYS Aid – Tourism Promotion	\$50,000
H.8020.37968.R503.1000	Interfund Transfer – Interfund Transfer	<u>\$22,970</u>
		\$79,802

Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Himelein, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 330-16

Approval of County's Independent External Auditor

By Audit & Control Committees:

At the Request of Legislators Chagnon, Nazzaro, Muldowney, Borrello, and Himelein:

WHEREAS, pursuant to §4.04 of the Chautauqua County Charter, as amended by Local Law 4-16, the Audit and Control Committee of the County Legislature selects the County's independent external auditors, subject to confirmation by the County Legislature; and

WHEREAS, the County issued a Request For Proposals (RFP) for audit services for the years 2016, 2017 and 2018, and the Audit and Control Committee recommends the firm of Drescher & Malecki, LLP for the provision of such services; therefore be it

RESOLVED, That Drescher & Malecki, LLP, is approved as the County's independent external auditor for the County for the years 2016, 2017 and 2018.

Signed: Chagnon, Nazzaro, Himelein, Borrello, Muldowney

Unanimously Adopted – December 21, 2016

RES. NO. 331-16

Quit Claim Deeds

By Administrative Services and Audit & Control Committees:

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

JOURNAL OF PROCEEDINGS

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 Amount	Taxes Owing
QC-306-08	City of Dunkirk	060300-79.16-2-73	Charles Tinley Memorial #142	\$ 50.00	\$ 5,764.88
QC-237-2016	Hanover/Silver Creek	064603-32.18-2-36	Susan K & Jeffrey C Briggs	\$ 500.00	\$ 5,657.84
				\$ 550.00	\$11,422.72

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Himelein, Borrello

Unanimously Adopted – December 21, 2016

RES. NO. 332-16

Approving Labor Contract with Chautauqua County Sheriff's Supervisors' Association (CCSSA)

By Administrative Services, Public Safety 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, 2017, through December 31, 2021; 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 CCSSA to include modifications to health insurance benefits, modifications to retirement benefits, and no increase in wages for 2017, a two percent (2%) wage increase in 2018, a one and one-half percent (1.5%) wage increase in 2019, a one and one-half percent (1.5%) wage increase in 2020, and a two percent (2%) wage increase in 2021, 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.

REGULAR SESSIONS

Signed: A.S. - Scudder, Vanstrom, Whitford, Starks, Muldowney – Passed on w/o recommendation; P.S. – Wendel, Bankoski, Whitford, Tarbrake (Niebel voting “no”); A.C. – Chagnon, Borrello, Himelein (Nazzaro voting “no”)

Adopted – R/C Vote: 12 Yes; 7 No (No’s: Chagnon, Nazzaro, Niebel, Scudder, Vanstrom, Wendel, Wilfong) - December 21, 2016

RES. NO. 333-16

Approving Labor Contract with Deputy Sheriffs’ Association of Chautauqua County (DSACC)

By Administrative Services, Public Safety 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, 2017, through December 31, 2021; 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, modifications to retirement benefits, and no increase in wages for 2017, a one and one-half percent (1.5%) wage increase in 2018, a one and one-half percent (1.5%) wage increase in 2019, a two percent (2%) wage increase in 2020, and a two percent (2%) wage increase in 2021, 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: A.S. - Scudder, Vanstrom, Whitford, Starks, Muldowney – Passed on w/o recommendation; P.S. – Wendel, Bankoski, Whitford, Tarbrake (Niebel voting “no”); A.C. – Chagnon, Borrello, Himelein (Nazzaro voting “no”)

Adopted – R/C Vote: 12 Yes; 7 No (No’s: Chagnon, Nazzaro, Niebel, Scudder, Vanstrom, Wendel, Wilfong) - December 21, 2016

RES. NO. 334-16

Authorize Section 552 Retirement Plan for Sheriff, Undersheriff and Deputy Sheriffs’

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

WHEREAS, the Chautauqua County Sheriff and County of Chautauqua have agreed through collective negotiations to provide a 20-year retirement plan for the sheriff, undersheriff and deputy sheriffs; and

WHEREAS, the New York State and Local Retirement System requires the County to adopt a resolution electing to assume the costs of providing said retirement plan; therefore be it

RESOLVED, That the Legislature of the County of Chautauqua does hereby elect to assume the entire additional cost required to provide the benefits of the 20-year retirement plan,

JOURNAL OF PROCEEDINGS

provided by Section 552 under Article 14-B of the Retirement and Social Security Law, for its sheriff, undersheriff and deputy sheriffs whose duties include at least 50% criminal law enforcement (pursuant to Chapter 165, Laws of 1995); and be it further

RESOLVED, That the effective date of such shall be the first day of January 2017.

Signed: A.S. - Scudder, Vanstrom, Whitford, Starks, Muldowney – Passed on w/o recommendation; P.S. – Wendel, Bankoski, Whitford, Tarbrake (Niebel voting “no”); A.C. – Chagnon, Borrello (Nazzaro voting “no”)

Adopted – R/C Vote: 12 Yes; 7 No (No's: Chagnon, Nazzaro, Niebel, Scudder, Vanstrom, Wendel, Wilfong) - December 21, 2016

RES. NO. 335-16

Authorize Section 553 Retirement Benefits for Sheriff, Undersheriff and Deputy Sheriffs'

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

WHEREAS, the Chautauqua County Sheriff and County of Chautauqua have agreed through collective negotiations to provide an additional 1/60ths for years in excess of 20 under the 20-year retirement plan for the sheriff, undersheriff and deputy sheriff; and

WHEREAS, the New York State Local and Retirement System requires the County to adopt a resolution to assume the costs of providing said benefits; therefore be it

RESOLVED, That the Legislature of the County of Chautauqua does hereby elect to assume the entire additional cost required to provide the additional 1/60ths for years in excess of 20, provided by Section 553 under Article 14-B of the Retirement and Social Security Law, for its sheriff, undersheriff and deputy sheriffs whose duties include at least 50% criminal law enforcement (pursuant to Chapter 165, Laws of 1995); and be it further

RESOLVED, That the effective date of such shall be the first day of January 2017.

Signed: A.S. - Scudder, Vanstrom, Whitford, Starks, Muldowney – Passed on w/o recommendation; P.S. – Wendel, Bankoski, Whitford, Tarbrake (Niebel voting “no”); A.C. – Chagnon, Borrello, Himelein (Nazzaro voting “no”)

Adopted – R/C Vote: 12 Yes; 7 No (No's: Chagnon, Nazzaro, Niebel, Scudder, Vanstrom, Wendel, Wilfong) - December 21, 2016

EMERG. RES. NO. 336-16

Adjust Capital Appropriation for the Sherman Shop Maintenance Facility

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County's infrastructure, which includes the Sherman shop building, is essential to the maintenance of our infrastructure; and

WHEREAS, the Chautauqua County capital budget already includes \$1,456,985 for the construction of a new Sherman Shop maintenance facility; and

REGULAR SESSIONS

WHEREAS, the budgetary amounts should be amended to conform to the total project cost of \$1,906,985; now therefore be it

RESOLVED, That Fund Balance is appropriated as follows:

INCREASE USE OF FUND BALANCE:

H.-----909.0000	Fund Balance, Unreserved Fund Balance	\$148,758
H.-----878.0000	Fund Balance, Reserved Fund Bal. – Rsrv. for Capital	\$148,758
		<u>\$297,516</u>

and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$297,516
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.25941.4	Contractual - Sherman Shop Replacement	\$450,000
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.657.4	Contractual – DPF Shop Maintenance Facility	\$152,484
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DECREASE CAPITAL REVENUE ACCOUNT:

H.5130.657.R571.0000	Proceeds L/T Obligation – Serial Bonds	\$152,484
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INCREASE REVENUE ACCOUNTS:

H.5130.25941.R503.1000	Interfund Transfers – Interfund Transfer	\$297,516
H.5130.25941.R571.0000	Proceeds L/T Obligation – Serial Bonds	<u>\$152,484</u>
		<u>\$450,000</u>

Unanimously Adopted – December 21, 2016

LOCAL LAW
INTRODUCTORY NO. 9-16
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 without interruption the additional mortgage tax previously imposed and continued pursuant to Local Laws 6-05, 8-08, 3-11, and 4-14 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

JOURNAL OF PROCEEDINGS

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. Effective Date. This local law shall take effect March 1, 2017, and applies to the period beginning March 1, 2017, and continuing through, and including, December 31, 2019. 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: 12/21/16
Public Hearing by County Executive: 1/10/17
Adopted as LL 1-17
Mailed to State: 1/11/17

2nd Privilege of the Floor

Mr. Tim Kindberg, I'm the representative of the Chautauqua County Sheriff's Supervisor Association and I live in Jamestown. I would like to thank the Legislature tonight for their support. I realize that this is a difficult vote. At one time my wife was a member of this body so I appreciate the phone calls and emails and mailing that you get. I know that it's difficult to walk the fine line between constituents concerns and needs and the interest of the County, so again, Mr. Gould, I appreciate the support of the Legislature and also Mr. Gould, I have to say that I've enjoyed the years that you have been the Chairman of the Legislature and seeing you up here in the 3rd floor and from a personal standpoint sir, I'm going to miss you.

Chairman Gould: Thank you very much. Anyone else to speak to the second privilege of the floor.

Tina Holt, I'm the President of the Deputy Sheriff's Association of Chautauqua County. Lieutenant Kindberg stole all of my good lines but I want to thank everybody for taking the time to listen to our concerns which included the taxpayers so thank you very much. You changed our lives today.

Ms. Kitty Crow, Fredonia, New York. I was a little overwhelmed earlier after the vote. I do want to thank you all for your support. I appreciate Vince recommending me for the appointment and Susan's leadership over the last five years. I certainly learned a lot from her and through my tenure as Budget Director and look forward to working with all of you in the future. Thank you again and Merry Christmas.

Sheriff Gerace: I want to thank the Legislature for all your support not only tonight but for the Sheriff's office (*inaudible*) and our work together to make Chautauqua County a safe place to live. God Bless all of you, Merry Christmas and a Happy New Year.

Chairman Gould: Anybody else to the 2nd privilege of the floor? Seeing no one, we'll close the 2nd privilege of the floor. The next meeting will be the organization meeting on Tuesday, January 3rd at 4:00 p.m.

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (7:40 p.m.)

CERTIFICATION ACKNOWLEDGEMENT

I, Katherine K. Tampio, being Clerk of the Chautauqua County Legislature, 2016, 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 2016 CHAUTAUQUA COUNTY BUDGET CAN BE VIEWED
IN THE LEGISLATURE'S CLERK OFFICE**

NUMERICAL INDEX

RES.	PAGE
January 4, 2016	
1 Appointing Clerk of the Legislature	3
2 Appointing Deputy Clerk/Secretary to the Legislature.....	3
3 Confirm Appointment - Public Defender.....	4
4 Designation of Official Newspapers - 2016	4
5 Delegate Authority to Approve Certain Correction of Errors (Refunds) to Chairman of Legislature	5
January 27, 2016	
6 Confirm Appointment - Chautauqua County Airport Commission	7
7 Confirm Re-Appointments -Chaut. County Soil & Water Conservation District Board ..	8
8 Confirm Re-Appts. - STOP DWI Advisory Board.....	8
9 Confirm Appointment - Agriculture & Farmland Protection Board	9
10 Authorizing Email Delivery of Local Law to County Legislators.....	9
11 Adjust CARTS Capital Accounts	10
12 Increase Capital Accts. for Apron Reconstruction Project at the Dunkirk Airport ...	10
13 Amend 2016 Budget for Carpet Replacement in County Court and Supreme County Offices in the Chaut. County Courthouse.....	11
14 Adjust Capital Appropriation for the HVAC Upgrades in the Mayville Complex	12
15 Auth. Agrmt. w/ NYS Office of Information Technology Services for Orthoimagery Data Enhancements.....	13
16 Authorize Lease w/ Cornell Cooperative Extension for the Frank W. Bratt County Agricultural Center in the Town of Ellicott	14
17 Amend Budget for Municipal Sales Tax	15
18 Amend Budget for Enterprise Fund Indirect Costs.....	15
19 Amend 2015 Budget to Adjust Department of Motor Vehicles Accounts.....	16
20 Accept 200% of Poverty Alternatives to Incarceration Grant.....	17
21 Authorize Agreement w/ Town of Mina for Court Security Detail	18
22 Increase Revenue & Appropriation Accounts Association with NYS Office of Homeland Security Funding Grant - Bomb Detection	18
23 Auth. Execution for LiveScan Equipment Grant from NYS Division of Criminal Justice Service FY2016	19
24 Abolish Department of Health & Human Services Petty Cash Accounts.....	19
25 Amend 2015 Budget to Adjust Depart. of Health & Human Services Accounts	20
26 Auth. Agreement w/ County of Chaut. IDA for Attraction and Development of Tourism Related Businesses.....	20
27 Authorizing SEQRA Review of the Sunset Valley Stream Streambank Stabilization Project.....	21
28 Auth. Agreement w/ the County of Chautauqua IDA for the Business Assistance Program	22
29 Auth. Agreement w/ the County of Chautauqua IDA for Industrial Development and Promotion.....	22
30 Authorize Agreement w/ Small Business Development Center at JCC.....	23

NUMERICAL INDEX

RES.	PAGE
31 Modify 2015 Budget of Appropriation and Revenue Accts. to Accept and Distribute NYS Office of Community Renewal Funds on Behalf of Empire Specialty Cheese Company, LLC	24
32 Modify 2016 Budget Appropriation and Revenue Accts. to Accept and Distribute NYS Office of Community Renewal Funds on Behalf of Empire Specialty Cheese Company, LLC	25
33 Quit Claim Deeds	26
 February 24, 2016	
34 Confirm Appts. - Chautauqua County Visitors Bureau Board of Directors	31
35 Confirm Re-Appts. - North Chautauqua Lake Sewer District Board	31
36 Confirm Appt. - NYS Fish & Wildlife Management Board	32
37 Confirm Re-Appts. - Chaut. County Fire Advisory Board	32
38 Confirm Appts. & Re-Appts - Emergency Medical Services Council	34
39 Order Establishing the North Chautauqua County Water District	35
40 Appt. of Administrative Body of the North Chautauqua County Water District	35
41 Amend 2015 Budget for Year End Reconciliations - District Attorney	36
42 Amend 2015 Budget for Year End - Buildings & Grounds	37
43 Amend 2015 Budget for Year End - CARTS	38
44 Amend 2015 Budget for Year End - DPF DFund	38
45 Amend 2015 Budget for Year End - DPF Engineering	39
46 Amend 2015 Budget for Year End - Parks and Forestry	39
47 Amend 2015 Budget for Year End - NCLSD	40
48 Amend 2015 Budget for Year End - PPDS	40
49 Amend 2015 Budget for Year End - SCCLSD	41
50 Amend 2015 Budget for Year End - Landfill	42
51 Amend 2015 Budget for Year End - BOE	42
52 Amend 2015 Budget for Year End - County Clerk	43
53 Amend 2015 Budget for Year End - County Executive	43
54 Amend 2015 Budget for Year End - County Attorney	44
55 Amend 2015 Budget for Year End - Information Technology Services	44
56 Amend 2015 Budget for Year End - Legislature	45
57 Amend 2015 Budget for Year End - Health Insurance Fund	46
58 Amend 2015 Budget for Year End - Assigned Counsel	46
59 Amend 2015 Budget for Year End - Public Defender	47
60 Amend 2015 Budget for Year End - Sheriff	47
61 Amend 2015 Budget for Year End - EMS	49
62 Amend 2015 Budget for Year End - Mental Hygiene	49
63 Amend 2015 Budget for Year End - Office for the Aging	50
64 Amend 2015 Budget for Year End - HHS	51
65 Amend 2015 Budget for Year End - PED	52
66 Authorize Acceptance of Crimes Against Revenue Program	52
67 2015 Hazardous Materials Grant Program	53
68 Fiscal Year 2015 Hazardous Materials Emergency Preparedness (HMEP) Grant Program	54

NUMERICAL INDEX

RES.	PAGE
69 Acceptance of NYS Funds for the Establishment of PFC Joseph P. Dwyer Peer- to- Peer Veterans Support Program	55
70 Authorize Acceptance of Funds from NYS Dept. of Health for Alzheimer's Disease Caregiver Support Initiative	55
71 Amend County Budget to Include DSRIP Performing Provider Systems Funds	56
72 Acceptance of NYS OASAS Funds for Alcoholism and Substance Abuse Prevention and Treatment.....	57
73 Auth. Agreement w/ BOCES for Family Planning Services	58
74 Authorizing Internship Agreements with Public Colleges and Universities.....	58
75 Acceptance of NYS Dept. of Environmental Conservation Water Quality Improvement Project Grant and Approval of SEQRA Determination	59
76 Authorize Use of Funding from County 3% Occupancy Tax Fund for Non-County Trail Development Projects for the Welch Trail Recreation Area	62
77 Authorize Use of Funds for Defense of Lawsuit Brought by the Town of Ellery	63
78 Setting Salary for Clinical Staff Coordinator	63
79 Auth. Transfer of Tax Foreclosure Properties to Town of Ripley, CODE, and Village of Westfield.....	64
80 Auth. Transfer of Tax Foreclosure Property to Chaut. County Land Bank Corp	65
81 A Res. Auth. \$11,750,000 Bonds of the County of Chaut., NY to Pay the Cost of Improvements in Connection with the Establishment of the North Chautauqua County Water District in and for Said County	66
82 A Res. Auth. the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Chautauqua, NY, to be Designated Substantially "Public Improvement Refunding (Serial) Bonds", and Providing for other Matters in Relation thereto and the Payment of the Bonds to be Refunded thereby	67
83 Authorize Payments for Settlement of Claims	72
 March 23, 2016	
84 Confirm Appt. & Re-Appt. - New York Fish & Wildlife Management Board	79
85 Confirm Re-Appt. - Chautauqua County Ethics Board	80
86 Confirm Appt. & Re-Appt. - Emergency Medical Services Council.....	80
87 Confirm Appts. & Re-Appts. – Chaut. County Land Bank Board of Directors	81
88 Authorize Transfer of Funds in 2016 Budget for Purchase of Equipment for Chaut. County Buildings and Grounds	81
89 Amend, Reconcile and Close Capital Project Accounts	82
90 Recognition of Earth Day	84
91 Auth. Extension of Grant Funding for Help America Vote Act (HAVA) SHOEBOX Grant	85
92 Accept NYS Voting Access for Individual w/ Disabilities, Polling Place Access Improvement Grant Funds to Enhance Voting Opportunities to Person w/ Disabilities	85

NUMERICAL INDEX

RES.	PAGE
93 Denial of Level 3 Applications for Refund/Credits of Real Property Taxes Form RP 556 Dated February 9, 2016, for the 2015-2016 School Districts, 2016 City and 2016 County/Towns Tax Bills.....	86
94 Authorize County Executive to Execute the Resource Allocation Plan	88
95 Auth. Contracts & Agreements w/ Local Police Depart. for 2016-2018 STOP DWI Enforcement Efforts	89
96 Auth. Agreements w/ Law Enforcement Agencies for Reimbursement Under Operation Stone Garden.....	89
97 Auth. Execution for NYS Office of Homeland Security Grant for FY2015 Public Safety Answering Point (PSAP)	90
98 Increase Revenue & Appropriation Accounts Associated with NYS Office of Homeland Security Funding Grant - Bomb Squad Initiative Program	90
99 Increase Appropriation Accounts for NYS Office of Homeland Security and Emergency Services Grants for Explosive Detection Canine Team.....	91
100 Increase Appropriation Accounts for United States Department of Homeland Security FY2015 Port Security Grant Program (PSGP)	92
101 Increase Appropriation Accounts for NYS Office of Homeland Security Funding Grant – Operation Stone Garden FY14 & FY15.....	92
102 Auth. Agreement w/ Town of Chautauqua for Court Security Detail.....	93
103 Auth. Agrmt. w/ NYS Unified Court System 8th Judicial District for Drug Court Services	93
104 Authorize Agreement w/ Village of Silver Creek for Enhanced Police Services...	94
105 Authorization for Chaut. County to Participate in the Great Lakes Small Harbors Coalition	95
106 Auth. Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding	96
107 Compensation of Poll Site Coordinators	97
 April 27, 2016	
108 Confirm Appts. - Chautauqua County Opportunities Board of Directors	114
109 Confirm Appt.- Brian C. Abram (R) Commissioner of Elections	115
110 Confirm Appt. - Norman P. Green (D) Commissioner of Elections.....	115
111 Auth. Director of Finance to Increase Appropriations for the South Main St. Bridge – PIN5761.00 County Bridge 1085 Rehabilitation.....	116
112 Auth. Use of DPF Staff & Equipment to Assist the Robert H. Jackson Center...	117
113 Auth. Inter-Municipal Agrmt. for the Mayville Lakeside Pedestrian and Bike Path Project.....	118
114 Confirming the County of Chaut. as Lead Agency Responsible for SEQRA Review for the Proposed Construction of a County Public Facilities Maintenance Facility in the Town of Sherman	119
115 Auth. Public Hearing for Lease & Power Purchase Agrmt. for Solar Generating Facility at the Chaut. County Dunkirk Airport	119
116 Amend, Reconcile and Close Capital Project Account H-1410-569	120
117 Amend Dollar Amounts Kept in DMV Petty Cash Fund.....	121
118 State Homeland Security Program for Fiscal Year 2016.....	122

NUMERICAL INDEX

RES.	PAGE
119 Emergency Management Performance Grant for Fiscal Year 2016.....	122
120 Establish Accounts for EMT Course Sponsorship.....	123
121 Auth. Acceptance & Expenditure of Forfeiture Funds Held by the DA's Office .	124
122 Auth. Agrmt. w/ Town of Hanover for Enhanced Police Services.....	125
123 Mental Hygiene Phone System Upgrade Budget Adjustment.....	125
124 Amend Chaut. County Health & Human Services 2016 Budget for Increased Medicaid Weekly Share Cap Payments.....	126
125 Auth. Grant Application for a Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant Through the U.S. Dept. of Agriculture Food and Nutrition Service.....	127
126 Auth. Amendment - Lease Agrmt. w/ the Chaut. Center, Inc. (TCC) for Article 28 Clinic Space in SCOB	127
127 Auth. Lease Agrmt. for Dept. of Planning & Economic Development at the BWB Center	128
128 Authorize Use of 3% Bed Tax Reserve for Roof Repair at the Dunkirk Historical Lighthouse and Veteran's Park Museum.....	129
129 Auth. Allocation of 3% Occupancy Tax Funding from the 2016 Reserve Account for Chautauqua Lake Waterski Show Attraction.....	130
130 Amend 2015 Budget for Year End Reconciliations - Final Adjustments.....	131
131 A Resolution Authorizing the Issuance of \$2,800,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction Improvements to the Treatment Plant of the North Chautauqua Lake Sewer District in and for Said County.....	132
132 Approving Labor Contract with CSEA Unit 6322 (Part Time Deputy Sheriff)	135
 May 25, 2016	
133 Auth. Federal & State Aid Applications for the Chaut. County Dunkirk Airport Five Year ACIP Plan (FY16-FY20).....	137
134 Auth. Federal & State Aid Applications for the Greater Chautauqua- Jamestown Airport Five Year ACIP Plan (FY16-FY20).....	139
135 Amend Capital Budget for Fuel Storage System.....	140
136 Adjust Real Property Tax Office Petty Cash Fund	141
137 State Homeland Security Program FY2014 & 2015 Appropriations to 2016 Budget.....	141
138 Auth. Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2016-2017.....	142
139 Est. Capital Project for Dept. of Health & Human Services Central Intake Space at South County Office Building	142
140 Amend Chaut. County Dept. of Health & Human Services 2016 Budget for Increased Medicaid Weekly Shares Cap Payments & Family Planning Revenue.....	143
141 Auth. Advance of Funds to Chaut. County Soil & Water for Invasive Species Control and Dredging Projects o Bear Lake and Cassadaga Lake	144
142 Authorize Allocation of 3% Occupancy Tax Funding from the 2016 Reserve Account for the LECOM Health Challenge.....	145

NUMERICAL INDEX

RES.	PAGE
143 Amend Res. No. 180-14 - Authorizing Acceptance of 2014-2017 Grant from NYS Office of Victim Services to District Attorney's Victim Assistance Center...	146
144 Authorizing Sale of the Sheldon House Property at JCC	147
 June 22, 2016	
145 Amend Budget for Purchase of Utility Truck	155
146 Auth. Standardization of Hercules Drive Units for Settling Tanks at the South & Center Chautauqua Lake Sewer Districts	156
147 Approve SEQRA Findings in Relation to Proposed Sewer Extension for West Side of Chautauqua Lake.....	157
148 Amend 2016 DPF Administration Budget.....	158
149 Investment Policy for the County of Chautauqua	159
150 Auth. Contract for 2017 Administration of Chaut. County Self-Insurance Plan ..	163
151 Distribution of Mortgage Taxes	163
152 Auth. Execution for LiveScan Equipment Grant from NYS Division of Criminal Justice Service FY2017	165
153 Amend 2016 Budget for Dept. of Health & Human Services Payroll Allocation to Safe Havens Grant Administered through the U.S. Department of Justice ...	165
154 Amend Chaut. County Dept. of Health & Human Services 2016 Budget for Increased Medicaid Weekly Shares Cap Payments, State Training Charges and Juvenile Delinquent Care	166
155 Accept NYSDOH Childhood Lead Poisoning Prevention Grant Funding	167
156 Acceptance of NYS Funds for the LECOM Health Challenge.....	168
157 Authorize Use of 3% Bed Tax Reserve for the Dunkirk Air Show	168
158 Financial Management Policy for the County of Chautauqua	169
159 Authorize Transfer of Tax Foreclosure Property to Adjoining Landowner	170
160 Quit Claim Deeds.....	170
161 Authorize Payment of \$100,000 for Settlement of Claim of Eric Dahlgren	174
 July 27, 2016	
162 Confirm Re-Appmt. - JCC Board of Trustees.....	176
163 Confirm Re-Appmnts. - Chaut. County Traffic Safety Board	176
164 Confirm Re-Appmnts. - STOP DWI Advisory Board.....	177
165 Confirm Re-Appmnts. - Chaut. Opportunities Board of Directors.....	178
166 Confirm Appmt. - Chautauqua County Planning Board.....	178
167 Auth. Public Hearing on Proposed Lease of Office Space - Jmst. Airport by General Service Administration for the TSA.....	179
168 Auth. Agrmt. w/NYS DOT for Performance of Federal-Aid Project PIN 5760.01.	180
169 Auth. Agrmt. w/NYS DOT for Performance of Federal-Aid Project PIN 5760.94.	181
170 Auth. Agrmt. w/NYS DOT for Performance of Federal-Aid Project PIN 5760.95.	182
171 Adjust and Establish CHIPS and PAVE NY Accounts.....	183
172 Acceptance of CARTS Section 5311 2015-2016 Consolidated Grant.....	184
173 Jurisdictional Transfer of a Segment of Central Ave. from the Village of Fredonia and the City of Dunkirk to the County of Chautauqua	186
174 Amend Budget for Bonding Refunding.....	187

NUMERICAL INDEX

RES.	PAGE
175 Approval of Interim Funding & Establishment of Capital Accounts for North Chautauqua County Water District.....	188
176 Amend Capital Project Budget, Millennium Parkway	188
177 Participant's Share of 2017 Chaut. County Self-Insurance Plan Costs	189
178 Standard Workday and Reporting Resolution	191
179 2014 Tech Rescue/USAR Grant Program 2016 Appropriations.....	193
180 Fiscal Year 2016 Hazardous Materials Emerg. Preparedness (HMEP) Grant Program	194
181 Auth. Agrmt. w/ Chaut.-Catt.-Erie II BOCES for Culinary Arts Instruction	194
182 Auth. Agrmt. w/ Chaut.-Catt.-Erie II BOCES for School Resource Officers.....	195
183 Increase Revenue & Appropriation Accounts for Wireless 911 Equipment.....	195
184 Modify Budget Due to Revised Agrmts. w/ Village of Silver Creek and Town of Hanover for Enhanced Police Services.....	196
185 Auth. Memorandum of Agmt. w/ City of Jmst. for Acceptance of Justice Assistance Grant Funds.....	197
186 Abolish & Relocate Dept.of Health & Human Services Clinic Petty Cash Accts	197
187 Amend Budget to Include Additional Excellus Health Plan, Inc., d/b/a/ Univera Healthcare Grant Funding	198
188 Auth. County Executive to Execute the Amended Resource Allocation Plan.....	199
189 Auth. Lease Agrmt. w/ Town of Chaut. for Office Space - Mental Hygiene Department	200
190 Auth. Chaut. County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by NYS Division of Tourism	200
191 Designating Chautauqua County as a Purple Heart County	201
192 Auth. Use of Funds from 2% Occupancy Tax for Rehabilitation of the Findley Lake Dam.....	202
193 Commitment of Matching Funds for NYS Dept. of Environment Conservation/NYS Environmental Facilities Corp. Wastewater Infrastructure Engineering Planning Grant Program for the Lakewood-Busti Stormwater Management Engineering Study.....	204
194 Auth. Acceptance of \$200,000 Incentive Grant from Empire State Development for Joseph Mason Industrial Park Project.....	205
195 Auth. Transfer of Tax Foreclosure Properties to Chaut. Co. Land Bank Corp (CCLBC).....	206
196 A Resolution Authorizing Issuance of \$4,172,256 Bonds of the County of Chautauqua, New York, to Pay Part of the Cost of Various Capital Improvements for the Jamestown Community College and for Various Capital Improvements in and for the County of Chautauqua, New York as Approved in the 2014, 2015, and 2016 Capital Budgets.....	208
197 Quit Claim Deeds.....	210
 August 24, 2016	
198 Auth. Lease of Office Space at the Chaut. County Jamestown Airport by the General Services Administration for the Transportation Security Admin.....	223

NUMERICAL INDEX

RES.	PAGE
199 Acceptance of FAA & NYS Funds for Rehabilitate Auto Parking Lot (Construction) Project at the Greater Chaut.-Jamestown Airport.....	224
200 Authorize Supplemental Agreement No. 1 w/NYS DOT for PIN 5759.84.....	227
201 Auth. Water Service Agrmt. w/ Village of Sherman for the Sherman Maintenance Facility Project.....	229
202 Authorize Agreement w/ Wyoming County for Inmate Housing	229
203 Auth. Agrmt. w/ NYS Dept. of Correctional Services' Office of Nutritional Serv .	230
204 State Homeland Security Program for FY 2014 Appropriations - 2016 Budget..	230
205 State Homeland Security Program for FY 2016 Appropriations - 2016 Budget..	231
206 Auth. Acceptance of Gift of Money to be Used to Purchase a Heavy Duty Pick-Up Truck for Emergency Services.....	232
207 Designate Chaut. County Legislature as Lead Agency Responsible for State Environmental Quality Review (SEQR) of NYS Funded Snowmobile Trails	232
208 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "C" Within the Towns of Arkwright, Gerry and Charlotte	233
209 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "D" Within the Towns of Hanover, Villenova, Cherry Creek and Ellington.....	233
210 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "E" Within the Towns of Charlotte, Arkwright, Villenova and Cherry Creek.....	234
211 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "F" Within the Towns of Pomfret, Stockton, Arkwright & the V/Cassadaga.....	235
212 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "G" Within the Town of Cherry Creek and Village of Cherry Creek	235
213 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "H" Within the Towns of Pomfret, Arkwright and Charlotte.....	236
214 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "I" Within the Town of Ellery	236
215 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "J" Within the Town of Charlotte	237
216 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "K" Within the Town of Charlotte	237
217 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "L" Within the Town of Cherry Creek	238
218 Quit Claim Deeds.....	239
219 Authorize Payment of \$90,000 for Settlement of Claim of James Spacht.....	239
 September 12, 2016	
220 Acceptance of FAA and NYS Funds for Airport Improvement Program Project No. 3-36-0022-052-2016, Taxiway B-South Rehabilitation (Design) at the Chautauqua County/Dunkirk Airport.....	241
221 Acceptance of FAA and NYS Funds for Airport Improvement Program Project No. 3-36-0048-(TBD)-2016, Rehabilitation of Taxiway F and the General Aviation Apron (Design), and Purchase of New Aircraft Rescue and Firefighting Suits, at the Greater Chautauqua-Jamestown Airport.....	243

NUMERICAL INDEX

RES.	PAGE
September 28, 2016	
222 Confirm Appt. - North Chaut. County Water District Administrative Board	248
223 Confirm Appointment - Chautauqua County Traffic Safety Board	248
224 Confirm Appointment - Chautauqua County Planning Board	249
225 Auth. Public Hearing on Proposed Lease of Facilities at the Greater Chautauqua-Jamestown Airport.....	249
226 Close Accounts for Completed Capital Projects as of 12/31/15	250
227 Auth. Agrmt. w/NYS DOT for Performance of Federal-Aid Project PIN5761.29..	251
228 Approving SEQRA Findings and Determinations for Various Capital Improvements for Jamestown Community College and the County of Chaut ..	252
229 Amend 2016 Budget for Insurance Account Adjustment.....	253
230 Amend Chautauqua County Purchasing Policy.....	254
231 Amend Chaut. County Health & Human Services 2016 Budget for Increased Handicapped Preschool Education Transportation Costs	265
232 Acceptance of NYS OCFS Safe Harbour - NY Program Grant Funds	265
233 Joint Funding Agrmt. with U.S. Department of Interior - Geological Survey.....	266
234 Auth. SEQRA Review of Waterways Panel 2017 Occupancy Tax Recommendations	267
235 Amend 2016 Budget to Include Additional IGT Matching Fund.....	268
236 Amend Budget for County Home OMIG Audit and Legal Fees	269
237 Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2017 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman	269
238 Setting Salary for Fiscal Supervisor	270
239 Auth. Transfer of Tax Foreclosure Properties to Jamestown Urban Renewal Agency (JURA) and Chautauqua County Land Bank Corporation (CCLBC)	271
240 Quit Claim Deed.....	272
October 26, 2016	
241 Auth. Public Hearing on Lease w/CTASC at Chaut. County Airport/Jmstn	275
242 Auth. Lease of Facilities at the Greater Chautauqua-Jamestown Airport.....	275
243 Auth. Director of Finance to Increase Appropriations for PIN 5760.79 County Bridge 1003 Replacement.....	276
244 Authorize Acceptance of Aid to Prosecution Funds 2016-2017	277
245 Auth. Acceptance of Crimes Against Revenue Program.....	278
246 Probation DCJS Employment Focused Services Grant	279
247 Reimbursement for Ripley Train Derailment & Thruway Diesel Fuel Spill.....	279
248 Fiscal Year 2016 HazMat Grant Program	280
249 Increase Appropriation & Revenue Accts. Due to Unbudgeted Revenue & Expenditures	280
250 Auth. Execution of NYS Office of Homeland Security Grant for FY 2016-2017 Public Safety Answering Point (PSAP)	281
251 Auth. Acceptance of Grant Agrmts. for NYS Division of Criminal Justice Services – Narcotic Control Grant.....	281

NUMERICAL INDEX

RES.	PAGE
252 Auth. Acceptance of Additional NYS Funds and Transfer of Funds in 2016 Budget from Depart. of Mental Hygiene to Veterans Services Agency for the Estb. of PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program.....	282
253 Accept Grant Funds from the NYS Dept. of State for Phase II of the Northern Chaut. County Local Waterfront Revitalization Program.....	283 & 306
254 Quit Claim Deeds.....	284
255 Consider 2017 Tentative Budget w/ the Changes Listed Below, and Presenting Same to the County Executive for His Consideration and Action.....	286
 November 16, 2016	
256 Confirm Re-Appointment - STOP DWI Advisory Board.....	288
257 Confirm Appointments for Lake Erie Management Commission.....	289
258 Auth. Lease w/ CTASC at Chaut. County Airport in Jamestown.....	290
259 Amending Res. 1-16 Re-Appointment of the Clerk of the County Legislature....	291
260 Distribution of Mortgage Taxes.....	291
261 Auth. Extension of Tax Collection Agrmts. with the Cities of Dunkirk & Jamestown.....	292 & 306
262 Amend 2016 Budget for Health & Human Services Payroll Realignment.....	293
263 Amend Chaut. County Health & Human Services 2016 Budget for Increased Early Intervention Medical and Health Services Costs.....	294
264 Amend 2016 Budget for Health & Human Services Revenue from Nurse Family Partnership Program.....	294
265 Environmental Assessment of Projects for 2017 2% Occupancy Tax Projects..	295
266 Auth. Chaut. Co. to Retain Professional Services to Advocate for Federal Projects and Funding.....	296
267 Making Appropriations for the Conduct of County Government for Fiscal Year 2017.....	298
268 Authorize Tax Levy.....	298
269 Authorize Levy of Town Taxes.....	299
270 Authorize Levy of Unpaid Town Charges.....	299
271 Authorize Levy of Omitted Taxes.....	300
272 Authorize Tax Levy - North Chautauqua Lake Sewer District.....	300
273 Authorize Tax Levy - Portland-Pomfret-Dunkirk Sewer Districts.....	300
274 Auth. Levy of Unpaid Sewer Charges & Civil Penalties - North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts.....	301
275 Fixing Equalization Rates for 2017.....	301
276 Setting Salary for Paramedic and Senior Paramedic.....	302
277 Quit Claim Deeds.....	303
 December 21, 2016	
278 Confirm Re-Appmt. - NY Fish & Wildlife Management Board.....	307
279 Confirm Re-Appmts. - South & Center Chaut. Lake Sewer District Board.....	307
280 Confirm Re-Appmts. - Chaut. County Soil & Water Conservation District Bd. ...	308
281 Confirm Re-Appmts. Chaut. County Historian's Advisory Board.....	308
282 Confirm Re-Appmts. - Chautauqua County Coroners.....	309

NUMERICAL INDEX

RES.	PAGE
283 Confirm Re-Appointments - Chaut. County Traffic Safety Board	309
284 Confirm Appointments & Re-Appointments - Emergency Medical Services Council	309
285 Confirm Re-Appointments - Chaut. County Youth Board	310
286 Confirm Re-Appointments - Chaut. County Community Services Board	311
287 Confirm Re-Appointments - Off Track Betting	311
288 Confirm Re-Appointments - Agriculture & Farmland Protection Board	312
289 Confirm Re-Appointments - Chaut. County Sports Fishery Advisory Board	312
290 Confirm Re-Appointments - Chaut. County Planning Board	313
291 Confirm Re-Appointments - Conewango Watershed Commission	313
292 Confirm Appointment - Director of Finance	314
293 Auth. Public Hearing on Amendments to FBO Hangar Lease Agrmt. at the Chaut. County/Jamestown Airport.....	314
294 Include Additional Section of CR 647 in the County Highway System	315
295 Auth. Commitment of Funds to the Village of Brocton to Repair Traffic Signal Lights on County Road 10/Route 380	316
296 Auth. Agrmt. w/NYS DOT for Performance of Federal Aid Project PIN 5761.28.	317
297 Amend 2016 Budget for Insurance Account Adjustments	318
298 Auth. Transfer of Tax Foreclosure Properties to Jamstn. Urban Renewal Agency (JURA)	318
299 Adoption of Chaut. County Multi-Jurisdictional Hazard Mitigation Plan.....	319
300 Oil Spill Response Trailer and Equipment.....	319
301 Accept Funding from the Dormitory Authority State of New York (DASNY- Grant Program for the Purchase of Fire Police Vehicles.....	320
302 Funding Local Share of Police Consolidation Study with City of Jamestown	320
303 Adjust Appropriation and Revenue Accounts due to Unbudgeted Revenues and Expenditures	321
304 Auth. Execution for NYS Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program.....	322
305 Auth. Agrmt. w/ Village of Bemus Point for Enhanced Police Services.....	322
306 Auth. Agrmt. w/ Village of Brocton for Enhanced Police Services	323
307 Auth. Agrmt. w/ Chaut. Lake Central School District to Provide Enhanced Police Services.....	323
308 Auth. Agrmt. w/ Town of Hanover for Enhanced Police Services.....	324
309 Auth. Agrmt. w/ Village of Mayville for Enhanced Police Services	324
310 Auth. Agrmt. w/ Town of Ripley for Enhanced Police Services	325
311 Auth. Agrmt. w/ Village of Silver Creek for Enhanced Police Services.....	325
312 Auth. Agrmt. w/ Silver Creek Central School District for School Resource Officer	326
313 Auth. Agrmt. w/ Town of Chautauqua for Court Security Detail	326
314 Auth. Agrmt. w/ Town of Ellery for Court Security Detail	327
315 Auth. Agrmt. w/ Town of Kiantone for Court Security Detail	327
316 Auth. Agrmt. w/ Town of Mina for Court Security Detail	327
317 Auth. Agrmt. w/ Town of North Harmony for Court Security Detail.....	328
318 Auth. Agrmt. w/ Town of Stockton for Court Security Detail	328
319 Close Accounts for Completed Sheriff Capital Projects as of 12/31/16.....	329

NUMERICAL INDEX

RES.	PAGE
320 Accept Family Planning Grant Funding.....	329
321 Amend Chaut. County Health & Human Services 2016 Budget for Increased Rabies Control Costs	330
322 Close Account for Completed HHS Capital Project as of 12/31/16	331
323 Accept NYSDOH Nursing Family Partnership Legislative Grant C31799	331
324 Amend 2016 Budget to Office for the Aging Accounts	332
325 Mental Hygiene Intermunicipal Consortium.....	332
326 Discharge Planning, Coordination, and Monitoring Agreements.....	333
327 Adjust 2016 Budget to Reflect Increased Grant Funds from NYS Depart. of Parks, Recreation and Historic Preservation Snowmobile Trail Grant Program..	333
328 Amending Resolution 217-14 - Authorizing purchase of CCIDA Bonds.....	334
329 Consolidate Accounts for Phase II of the NYS Depart. of State Northern Chautauqua County Local Waterfront Revitalization Program Grant	335
330 Approval of County's Independent External Auditor	336
331 Quit Claim Deeds	336
332 Approving Labor Contract with Chaut. County Sheriff's Supervisors' Association (CCSSA)	337
333 Approving Labor Contract with Deputy Sheriff's Assoc. of Chautauqua County (DSACC)	338
334 Authorize Section 552 Retirement Plan for Sheriff, Undersheriff and Deputy Sheriffs.....	338
335 Authorize Section 553 Retirement Benefits for Sheriff, Undersheriff and Deputy Sheriffs.....	339
336 Adjust Capital Appropriation for the Sherman Shop Maintenance Facility	339

ALPHABETICAL INDEX

RES.	PAGE
A	
AGING SERVICES	
70 Authorize Acceptance of Funds from NYS Dept. of Health for Alzheimer's Disease Caregiver Support Initiative.....	55
324 Amend 2016 Budget to Office for the Aging Accounts.....	332
AIRPORTS	
12 Increase Capital Accounts for the Apron Reconstruction Project at the Dunkirk Airport	10
89 Amend, Reconcile and Close Capital Project Accounts.....	82
115 Auth. Public Hearing for Lease & Power Purchase Agrmt. for Solar Generating Facility at the Chaut. County Dunkirk Airport	119
133 Auth. Federal & State Aid Applications for the Chaut. County Dunkirk Airport Five Year ACIP Plan (FY16-FY20)	137
134 Auth. Federal & State Aid Applications for the Greater Chautauqua-Jamestown Airport Five Year ACIP Plan (FY16-FY20).....	139
167 Auth. Public Hearing on Proposed Lease of Office Space - Jmst. Airport by General Service Administration for the TSA	179
198 Auth. Lease of Office Space at the Chaut. County Jamestown Airport by the General Services Administration for the Transportation Security Admin.....	223
199 Acceptance of FAA & NYS Funds for Rehabilitate Auto Parking Lot (Construction) Project at the Greater Chaut.-Jamestown Airport.....	224
220 Acceptance of FAA and NYS Funds for Airport Improvement Program Project No. 3-36-0022-052-2016, Taxiway B-South Rehabilitation (Design) at the Chautauqua County/Dunkirk Airport	241
221 Acceptance of FAA and NYS Funds for Airport Improvement Program Project No. 3-36-0048-(TBD)-2016, Rehabilitation of Taxiway F and the General Aviation Apron (Design), and Purchase of New Aircraft Rescue and Firefighting Suits, at the Greater Chautauqua-	243
226 Auth. Public Hearing on Proposed Lease of Facilities at the Greater Chautauqua-Jamestown Airport	249
241 Auth. Public Hearing on Lease w/CTASC at Chautauqua County Airport in Jamestown.....	275
242 Auth. Lease of Facilities at the Greater Chautauqua-Jamestown Airport.....	275
258 Auth. Lease w/ CTASC at Chaut. County Airport in Jamestown.....	290
293 Auth. Public Hearing on Amendments to FBO Hangar Lease Agrmt. at the Chaut. County/Jamestown Airport	314
APPOINTMENTS	
1 Appointing Clerk of the Legislature	3
2 Appointing Deputy Clerk/Secretary to the Legislature	3
3 Confirm Appointment - Public Defender.....	4
6 Confirm Appointment - Chautauqua County Airport Commission	7

ALPHEBETICAL INDEX

RES.	PAGE
7 Confirm Re-Appmts. -Chaut. County Soil & Water Conservation District Board	8
8 Confirm Re-Appmts. - STOP DWI Advisory Board	8
9 Confirm Appointment - Agriculture & Farmland Protection Board	9
34 Confirm Appts. - Chautauqua County Visitors Bureau Board of Directors	31
35 Confirm Re-Appmts. - North Chautauqua Lake Sewer District Board	31
36 Confirm Appt. - NYS Fish & Wildlife Management Board	32
37 Confirm Re-Appmts. - Chaut. County Fire Advisory Board	32
38 Confirm Appts. & Re-Appmts - Emergency Medical Services Council.....	34
40 Appt. of Administrative Body of the North Chautauqua County Water District	35
84 Confirm Appt. & Re-Appt. - New York Fish & Wildlife Management Board.....	79
85 Confirm Re-Appt. - Chautauqua County Ethics Board.....	80
86 Confirm Appt. & Re-Appt. - Emergency Medical Services Council	80
87 Confirm Appts. & Re-Appmts. - Chaut. County Land Bank Board of Directors.....	81
108 Confirm Appts. - Chautauqua County Opportunities Board of Directors	114
109 Confirm Appt.- Brian C. Abram (R) Commissioner of Elections	115
110 Confirm Appt. - Norman P. Green (D) Commissioner of Elections	115
162 Confirm Re-Appmt. - JCC Board of Trustees.....	176
163 Confirm Re-Appmnts. - Chaut. County Traffic Safety Board.....	176
164 Confirm Re-Appmnts. - STOP DWI Advisory Board	177
165 Confirm Re-Appmnts. - Chaut. Opportunities Board of Directors.....	178
166 Confirm Appmt. - Chautauqua County Planning Board.....	178
222 Confirm Appointment - North Chaut. County Water District Admin. Board	248
223 Confirm Appointment - Chautauqua County Traffic Safety Board.....	248
224 Confirm Appointment - Chautauqua County Planning Board	249
256 Confirm Re-Appointment - STOP DWI Advisory Board	288
257 Confirm Appointments for Lake Erie Management Commission.....	289
278 Confirm Re-Appmt. - NY Fish & Wildlife Management Board	307
279 Confirm Re-Appmnts. - South & Center Chaut. Lake Sewer District Board	307
280 Confirm Re-Appmnts. - Chaut. County Soil & Water Conservation District Bd.	308
281 Confirm Re-Appmnts. Chaut. County Historian's Advisory Board.....	308
282 Confirm Re-Appmnts. - Chautauqua County Coroners.....	309
283 Confirm Re-Appmnts. - Chaut. County Traffic Safety Board.....	309
284 Confirm Apptmts. & Re-Appmnts. - Emergency Medical Services Council.....	309
285 Confirm Re-Appmnts. - Chaut. County Youth Board.....	310
286 Confirm Re-Appmnts. - Chaut. County Community Services Board	311
287 Confirm Re-Appointments - Off Track Betting.....	311
288 Confirm Re-Appmnts. - Agriculture & Farmland Protection Board	312
289 Confirm Re-Appmnts. - Chaut. County Sports Fishery Advisory Board	312
290 Confirm Re-Appmnts. - Chaut. County Planning Board	313
291 Confirm Re-Appmnts. - Conewango Watershed Commission	313
292 Confirm Appointment - Director of Finance.....	314

ALPHABETICAL INDEX

RES. PAGE

B

BOARD OF ELECTIONS

91 Auth. Extension of Grant Funding for Help America Vote Act (HAVA) SHOEBOX Grant 85

92 Accept NYS Voting Access for Individual w/ Disabilities, Polling Place Access Improvement Grant Funds to Enhance Voting Opportunities to Person w/ Disabilities..... 85

107 Compensation of Poll Site Coordinators 97

109 Confirm Appt.- Brian C. Abram (R) Commissioner of Elections 115

110 Confirm Appt. - Norman P. Green (D) Commissioner of Elections 115

BONDS

81 A Res. Auth. \$11,750,000 Bonds of the County of Chaut., NY to Pay the Cost of Improvements in Connection with the Establishment of the North Chautauqua County Water District in and for Said County..... 66

82 A Res. Auth. the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Chautauqua, NY, to be Designated Substantially "Public Improvement Refunding (Serial) Bonds", and Providing for other Matters in Relation thereto and the Payment of the Bonds to be Refunded thereby 67

131 A Resolution Authorizing the Issuance of \$2,800,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction Improvements to the Treatment Plant of the North Chautauqua Lake Sewer District in and for Said County 132

174 Amend Budget for Bonding Refunding..... 187

196 A Resolution Authorizing Issuance of \$4,172,256 Bonds of the County of Chautauqua, New York, to Pay Part of the Cost of Various Capital Improvements for the Jamestown Community College and for Various Capital Improvements in and for the County of Chautauqua, New York as Approved in the 2014, 2015, and 2016 Capital Budgets..... 208

328 Amending Resolution 217-14 - Authorizing Purchase of CCIDA Bonds 334

BUDGET

13 Amend 2016 Budget for Carpet Replacement in County Court and Supreme County Offices in the Chaut. County Courthouse 11

17 Amend Budget for Municipal Sales Tax..... 15

18 Amend Budget for Enterprise Fund Indirect Costs..... 15

19 Amend 2015 Budget to Adjust Department of Motor Vehicles Accounts 16

31 Modify 2015 Budget of Appropriation and Revenue Accts. to Accept and Distribute NYS Office of Community Renewal Funds on Behalf of Empire Specialty Cheese Company, LLC 24

32 Modify 2016 Budget Appropriation and Revenue Accts. to Accept and Distribute NYS Office of Community Renewal Funds on Behalf of Empire Specialty Cheese Company, LLC..... 25

RES.	PAGE
41 Amend 2015 Budget for Year End Reconciliations - District Attorney.....	36
42 Amend 2015 Budget for Year End – Building & Grounds	37
43 Amend 2015 Budget for Year End - CARTS	38
44 Amend 2015 Budget for Year End - DPF DFund	38
45 Amend 2015 Budget for Year End - DPF Engineering.....	39
46 Amend 2015 Budget for Year End - Parks and Forestry.....	39
47 Amend 2015 Budget for Year End - NCLSD.....	40
48 Amend 2015 Budget for Year End - PPDS.....	40
49 Amend 2015 Budget for Year End - SCCLSD	41
50 Amend 2015 Budget for Year End - Landfill.....	42
51 Amend 2015 Budget for Year End - BOE	42
52 Amend 2015 Budget for Year End - County Clerk	43
53 Amend 2015 Budget for Year End - County Executive	43
54 Amend 2015 Budget for Year End - County Attorney	44
55 Amend 2015 Budget for Year End - Information Technology Services.....	44
56 Amend 2015 Budget for Year End - Legislature	45
57 Amend 2015 Budget for Year End - Health Insurance Fund.....	46
58 Amend 2015 Budget for Year End - Assigned Counsel.....	46
59 Amend 2015 Budget for Year End - Public Defender.....	47
60 Amend 2015 Budget for Year End - Sheriff.....	47
61 Amend 2015 Budget for Year End - EMS	49
62 Amend 2015 Budget for Year End – Mental Hygiene	49
63 Amend 2015 Budget for Year End – Office for the Aging.....	50
64 Amend 2015 Budget for Year End - HHS	51
65 Amend 2015 Budget for Year End - PED.....	52
71 Amending County Budget to Include DSRIP Performing Provider Systems Funds.....	56
89 Amend, Reconcile and Close Capital Project Accounts.....	82
123 Mental Hygiene Phone System Upgrade Budget Adjustment.....	125
124 Amend Chaut. County Health & Human Services 2016 Budget for Increased Medicaid Weekly Share Cap Payments.....	126
130 Amend 2015 Budget for Year End Reconciliations - Final Adjustments.....	131
135 Amend Capital Budget for Fuel Storage System	140
140 Amend Chaut. County Dept. of Health & Human Services 2016 Budget for Increased Medicaid Weekly Shares Cap Payments and Family Planning Revenue	143
145 Amend Budget for Purchase of Utility Truck	155
148 Amend 2016 DPF Administration Budget	158
154 Amend Chaut. County Dept. of Health & Human Services 2016 Budget for Increased Medicaid Weekly Shares Cap Payments, State Training Charges and Juvenile Delinquent Care.....	166
174 Amend Budget for Bonding Refunding.....	187
176 Amend Capital Project Budget, Millennium Parkway	188
226 Close Accounts for Completed Capital Projects as of 12/31/15.....	250
229 Amend 2016 Budget for Insurance Account Adjustment.....	253

ALPHABETICAL INDEX

RES.	PAGE
231 Amend Chaut. County Health & Human Services 2016 Budget for Increased Handicapped Preschool Education Transportation Costs.....	265
235 Amend 2016 Budget to Include Additional IGT Matching Fund	268
236 Amend Budget for County Home OMIG Audit and Legal Fees.....	269
255 Consider 2017 Tentative Budget w/ the Changes Listed Below, and Presenting Same to the County Executive for His Consideration and Action	286
262 Amend 2016 Budget for Health & Human Services Payroll Realignment	293
263 Amend Chaut. County Health & Human Services 2016 Budget for Increased Early Intervention Medical and Health Services Costs.....	294
264 Amend 2016 Budget for Health & Human Services Revenue from Nurse Family Partnership Program	294
321 Amend Chaut. County Health & Human Services 2016 Budget for Increased Rabies Control Costs	330
324 Amend 2016 Budget to Office for the Aging Accounts.....	332

BUILDINGS & GROUNDS

14 Adjust Capital Appropriation for the HVAC Upgrades in the Mayville Complex	12
---	----

C**CAPITAL**

319 Close Accounts for Completed Sheriff Capital Projects as of 12/31/16.....	329
322 Close Account for Completed HHS Capital Project as of 12/31/16.....	331
336 Adjust Capital Appropriation for the Sherman Shop Maintenance Facility.....	339

CARTS

11 Adjust CARTS Capital Accounts.....	10
172 Acceptance of CARTS Section 5311 2015-2016 Consolidated Grant	184

CLAIMS

83 Authorize Payments for Settlement of Claims.....	72
---	----

CONTRACTS & AGREEMENTS

21 Authorize Agreement w/ Town of Mina for Court Security Detail	18
26 Auth. Agreement w/ County of Chaut. IDA for Attraction and Development of Tourism Related Businesses	20
28 Auth. Agreement w/ the County of Chautauqua IDA for the Business Assistance Program	22
29 Auth. Agreement w/ the County of Chautauqua IDA for Industrial Development and Promotion	22
30 Authorize Agreement w/ Small Business Development Center at JCC.....	23
73 Auth. Agreement w/ BOCES for Family Planning Services.....	58
74 Authorizing Internship Agreements with Public Colleges and Universities.....	58

ALPHEBETICAL INDEX

RES.	PAGE
95 Auth. Contracts & Agreements w/ Local Police Departments for 2016-2018 STOP DWI Enforcement Efforts.....	89
96 Auth. Agreements w/ Law Enforcement Agencies for Reimbursement Under Operation Stone Garden.....	89
102 Auth. Agreement w/ Town of Chautauqua for Court Security Detail	93
103 Auth. Agreement w/ NYS Unified Court System Eighth Judicial District for Drug Court Services.....	93
104 Authorize Agreement w/ Village of Silver Creek for Enhanced Police Services.....	94
122 Auth. Agrmt. w/ Town of Hanover for Enhanced Police Services	125
184 Modify Budget Due to Revised Agrmts. w/ Village of Silver Creek and Town of Hanover for Enhanced Policy Services.....	196
202 Authorize Agreement w/ Wyoming County for Inmate Housing	229
203 Auth. Agrmt. w/ NYS Dept. of Correctional Services' Office of Nutritional Services.....	230
261 Auth. Extension of Tax Collection Agrmts. with the Cities of Dunkirk and Jamestown.....	292
296 Auth. Agrmt. w/NYS DOT for Performance of Federal Aid Project PIN 5761.28.....	317
305 Auth. Agrmt. w/ Village of Bemus Point for Enhanced Police Services.....	322
306 Auth. Agrmt. w/ Village of Brocton for Enhanced Police Services.....	323
307 Auth. Agrmt. w/ Chaut. Lake Central School District to Provide Enhanced Police Services	323
308 Auth. Agrmt. w/ Town of Hanover for Enhanced Police Services	324
309 Auth. Agrmt. w/ Village of Mayville for Enhanced Police Services	324
310 Auth. Agrmt. w/ Town of Ripley for Enhanced Police Services	325
311 Auth. Agrmt. w/ Village of Silver Creek for Enhanced Police Services.....	325
312 Auth. Agrmt. w/ Silver Crk Central School District for School Resource Officer.....	326
313 Auth. Agrmt. w/ Town of Chautauqua for Court Security Detail	326
314 Auth. Agrmt. w/ Town of Ellery for Court Security Detail.....	327
315 Auth. Agrmt. w/ Town of Kiantone for Court Security Detail.....	327
316 Auth. Agrmt. w/ Town of Mina for Court Security Detail.....	327
317 Auth. Agrmt. w/ Town of North Harmony for Court Security Detail	328
318 Auth. Agrmt. w/ Town of Stockton for Court Security Detail.....	328
326 Discharge Planning, Coordination, and Monitoring Agreements.....	333
 CORONERS	
282 Confirm Re-Appmnts. - Chautauqua County Coroners.....	309
 COUNTY CLERK	
116 Amend, Reconcile and Close Capital Project Account H-1410-569.....	120
117 Amend Dollar Amounts Kept in DMV Petty Cash Fund	121
 COUNTY EXECUTIVE	
74 Authorizing Internship Agreements with Public Colleges and Universities.....	58

ALPHABETICAL INDEX

RES.	PAGE
------	------

COURTS

13 Amend 2016 Budget for Carpet Replacement in County Court and Supreme County Offices in the Chaut. County Courthouse	11
--	----

D**DISTRICT ATTORNEY**

66 Authorize Acceptance of Crimes Against Revenue Program	52
121 Auth. Acceptance and Expenditure of Forfeiture Funds Held by the District Attorney's Office	124
138 Auth. Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2016-2017	142
143 Amend Res. No. 180-14 - Authorizing Acceptance of 2014-2017 Grant from NYS Office of Victim Services to District Attorney's Victim Assistance Center	146
244 Authorize Acceptance of Aid to Prosecution Funds 2016-2017	277
245 Auth. Acceptance of Crimes Against Revenue Program	278

E**EMERGENCY MANAGEMENT**

67 2015 Hazardous Materials Grant Program	53
68 Fiscal Year 2015 Hazardous Materials Emergency Preparedness (HMEP) Grant Program	54
118 State Homeland Security Program for Fiscal Year 2016	122
119 Emergency Management Performance Grant for Fiscal Year 2016	122
120 Establish Accounts for EMT Course Sponsorship	123
137 State Homeland Security Program FY2014 & 2015 Appropriations to 2016 Budget	141
179 2014 Tech Rescue/USAR Grant Program 2016 Appropriations	193
180 Fiscal Year 2016 Hazardous Materials Emergency Preparedness (HMEP) Grant Program	194
204 State Homeland Security Program for FY 2014 Appropriations- 2016 Budget	230
205 State Homeland Security Program for FY 2016 Appropriations- 2016 Budget	231
206 Auth. Acceptance of Gift of Money to be Used to Purchase a Heavy Duty Pick-Up Truck for Emergency Services	232
247 Reimbursement for Ripley Train Derailment & Thruway Diesel Fuel Spill	279
248 Fiscal Year 2016 HazMat Grant Program	280
276 Setting Salary for Paramedic and Senior Paramedic	302
299 Adoption of Chaut. County Multi-Jurisdictional Hazard Mitigation Plan	319
300 Oil Spill Response Trailer and Equipment	319
301 Accept Funding from the Dormitory Authority State of New York (DASNY)- Grant Program for the Purchase of Fire Police Vehicles	320

RES. PAGE

F

FINANCE

82 A Res. Auth. the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Chautauqua, NY, to be Designated Substantially "Public Improvement Refunding (Serial) Bonds", and Providing for other Matters in Relation thereto and the Payment of the Bonds to be Refunded thereby 67

111 Auth. Director of Finance to Increase Appropriations for the South Main St. Bridge - PIN5761.00 County Bridge 1085 Rehabilitation 116

243 Auth. Director of Finance to Increase Appropriations for PIN 5760.79 County Bridge 1003 Replacement 276

292 Confirm Appointment - Director of Finance 314

328 Amending Resolution 217-14 - Authorizing Purchase of CCIDA Bonds 334

330 Approval of County's Independent External Auditor 336

G

GRANTS

20 Accept 200% of Poverty Alternatives to Incarceration Grant 17

22 Increase Revenue & Appropriation Accounts Association with NYS Office of Homeland Security Funding Grant - Bomb Detection 18

23 Auth. Execution for LiveScan Equipment Grant from NYS Division of Criminal Justice Service FY2016 19

66 Authorize Acceptance of Crimes Against Revenue Program 52

67 2015 Hazardous Materials Grant Program 53

68 Fiscal Year 2015 Hazardous Materials Emergency Preparedness (HMEP) Grant Program 54

75 Acceptance of NYS Dept. of Environmental Conservation Water Quality Improvement Project Grant and Approval of SEQRA Determination 59

91 Auth. Extension of Grant Funding for Help America Vote Act (HAVA) SHOEBOX Grant 85

92 Accept NYS Voting Access for Individual w/ Disabilities, Polling Place Access Improvement Grant Funds to Enhance Voting Opportunities to Person w/ Disabilities 85

97 Auth. Execution for NYS Office of Homeland Security Grant for FY2015 Public Safety Answering Point (PSAP) 90

98 Increase Revenue & Appropriation Accounts Associated with NYS Office of Homeland Security Funding Grant - Bomb Squad Initiative Program 90

99 Increase Appropriation Accounts for NYS Office of Homeland Security and Emergency Services Grants for Explosive Detection Canine Team 91

100 Increase Appropriation Accounts for United States Department of Homeland Security FY2015 Port Security Grant Program (PSGP) 92

101 Increase Appropriation Accounts for NYS Office of Homeland Security Funding Grant - Operation Stone Garden FY14 & FY15 92

ALPHABETICAL INDEX

RES.	PAGE
119 Emergency Management Performance Grant for Fiscal Year 2016	122
125 Auth. Grant Application for a Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant Through the U.S. Department of Agriculture Food and Nutrition Service.....	127
133 Auth. Federal & State Aid Applications for the Chaut. County Dunkirk Airport Five Year ACIP Plan (FY16-FY20)	137
134 Auth. Federal & State Aid Applications for the Greater Chautauqua- Jamestown Airport Five Year ACIP Plan (FY16-FY20).....	139
139 Est. Capital Project for Dept. of Health & Human Services Central Intake Space at South County Office Building	142
143 Amend Res. No. 180-14 - Authorizing Acceptance of 2014-2017 Grant from NYS Office of Victim Services to District Attorney's Victim Assistance Center	146
152 Auth. Execution for LiveScan Equipment Grant from NYS Division of Criminal Justice Service FY2017	165
153 Amend 2016 Budget for Dept. of Health & Human Services Payroll Allocation to Safe Havens Grant Administered through the U.S. Department of Justice.....	165
155 Accept NYSDOH Childhood Lead Poisoning Prevention Grant Funding	167
172 Acceptance of CARTS Section 5311 2015-2016 Consolidated Grant	184
179 2014 Tech Rescue/USAR Grant Program 2016 Appropriations	193
180 Fiscal Year 2016 Hazardous Materials Emergency Preparedness (HMEP) Grant Program	194
185 Auth. Memorandum of Agmt. w/ City of Jmst. for Acceptance of Justice Assistance Grant Funds.....	197
187 Amend Budget to Include Additional Excellus Health Plan, Inc., d/b/a/ Univera Healthcare Grant Funding.....	198
193 Commitment of Matching Funds for NYS Dept. of Environment Conservation/ NYS Environmental Facilities Corp., Wastewater Infrastructure Engineering Planning Grant Program for the Lakewood-Busti Stormwater Management Engineering Study.....	204
194 Auth. Acceptance of \$200,000 Incentive Grant from Empire State Development for Joseph Mason Industrial Park Project	205
220 Acceptance of FAA and NYS Funds for Airport Improvement Program Project No. 3-36-0022-052-2016, Taxiway B-South Rehabilitation (Design) at the Chautauqua County/Dunkirk Airport	241
221 Acceptance of FAA and NYS Funds for Airport Improvement Program Project No. 3-36-0048-(TBD)-2016, Rehabilitation of Taxiway F and the General Aviation Apron (Design), and Purchase of New Aircraft Rescue and Firefighting Suits, at the Greater Chautauqua-	243
232 Acceptance of NYS OCFS Safe Harbour - NY Program Grant Funds	265
244 Authorize Acceptance of Aid to Prosecution Funds 2016-2017	277
245 Auth. Acceptance of Crimes Against Revenue Program.....	278
246 Probation DCJS Employment Focused Services Grant	279
248 Fiscal Year 2016 HazMat Grant Program	280
250 Auth. Execution of NYS Office of Homeland Security Grant for FY 2016-2017 Public Safety Answering Point (PSAP)	281

ALPHEBETICAL INDEX

RES.	PAGE
251 Auth. Acceptance of Grant Agrmts. for NYS Division of Criminal Justice Services - Narcotic Control Grant	281
253 Accept Grant Funds from the NYS Dept. of State for Phase II of the Northern Chaut. County Local Waterfront Revitalization Program.....	283
301 Accept Funding from the Dormitory Authority State of New York (DASNY)- Grant Program for the Purchase of Fire Police Vehicles.....	320
304 Auth. Execution for NYS Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program.....	322
320 Accept Family Planning Grant Funding.....	329
323 Accept NYSDOH Nursing Family Partnership Legislative Grant C31799	331
327 Adjust 2016 Budget to Reflect Increased Grant Funds from NYS Depart. of Parks, Recreation & Historic Preservation Snowmobile Trail Grant Program	333
329 Consolidate Accounts for Phase II of the NYS Depart. of State Northern Chautauqua County Local Waterfront Revitalization Program Grant.....	335

H

HEALTH & HUMAN SERVICES

24 Abolish Department of Health & Human Services Petty Cash Accounts	19
25 Amend 2015 Budget to Adjust Department of Health & Human Services Accounts	20
73 Auth. Agreement w/ BOCES for Family Planning Services.....	58
124 Amend Chaut. County Health & Human Services 2016 Budget for Increased Medicaid Weekly Share Cap Payments.....	126
125 Auth. Grant Application for a Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant Through the U.S. Department of Agriculture Food and Nutrition Service.....	127
126 Auth. Amendment to Lease Agrmt. w/ the Chautauqua center, Inc. (TCC) for Article 28 Clinic Space in SCOB	127
139 Est. Capital Project for Dept. of Health & Human Services Central Intake Space at South County Office Building	142
140 Amend Chaut. County Dept. of Health & Human Services 2016 Budget for Increased Medicaid Weekly Shares Cap Payments and Family Planning Revenue	143
153 Amend 2016 Budget for Dept. of Health & Human Services Payroll Allocation to Safe Havens Grant Administered through the U.S. Department of Justice.....	165
154 Amend Chaut. County Dept. of Health & Human Services 2016 Budget for Increased Medicaid Weekly Shares Cap Payments, State Training Charges and Juvenile Delinquent Care	166
155 Accept NYSDOH Childhood Lead Poisoning Prevention Grant Funding.....	167
186 Abolish & Relocate Dept. of Health & Human Services Clinic Petty Cash Accounts.....	197
187 Amend Budget to Include Additional Excellus Health Plan, Inc., d/b/a/ Univera Healthcare Grant Funding.....	198

ALPHABETICAL INDEX

RES.	PAGE
231 Amend Chaut. County Health & Human Services 2016 Budget for Increased Handicapped Preschool Education Transportation Costs.....	265
232 Acceptance of NYS OCFS Safe Harbour - NY Program Grant Funds.....	265
238 Setting Salary for Fiscal Supervisor.....	270
262 Amend 2016 Budget for Health & Human Services Payroll Realignment.....	293
263 Amend Chaut. County Health & Human Services 2016 Budget for Increased Early Intervention Medical and Health Services Costs.....	294
264 Amend 2016 Budget for Health & Human Services Revenue from Nurse Family Partnership Program.....	294
320 Accept Family Planning Grant Funding.....	329
321 Amend Chaut. County Health & Human Services 2016 Budget for Increased Rabies Control Costs.....	330
322 Close Account for Completed HHS Capital Project as of 12/31/16.....	331
323 Accept NYSDOH Nursing Family Partnership Legislative Grant C31799.....	331
 HUMAN RESOURCES	
178 Standard Workday and Reporting Resolution.....	191
238 Setting Salary for Fiscal Supervisor.....	270
276 Setting Salary for Paramedic and Senior Paramedic.....	302
 I	
INDUSTRIAL & ECONOMIC DEVELOPMENT	
26 Auth. Agreement w/ County of Chaut. IDA for Attraction and Development of Tourism Related Businesses.....	20
28 Auth. Agreement w/ the County of Chautauqua IDA for the Business Assistance Program.....	22
29 Auth. Agreement w/ the County of Chautauqua IDA for Industrial Development and Promotion.....	22
 INSURANCE	
150 Authorizing Contract for 2017 Administration of Chaut. County Self-Insurance Plan.....	163
177 Participant's Share of 2017 Chaut. County Self-Insurance Plan Costs.....	189
229 Amend 2016 Budget for Insurance Account Adjustment.....	253
297 Amend 2016 Budget for Insurance Account Adjustments.....	318
 J	
JCC	
144 Authorizing Sale of the Sheldon House Property at JCC.....	147

RES.	PAGE
L	
LABOR CONTRACTS	
132 Approving Labor Contract with CSEA Unit 6322 (Part Time Deputy Sheriff)	135
332 Approving Labor Contract with Chautauqua County Sheriff's Supervisors' Association (CCSSA).....	337
333 Approving Labor Contract with Deputy Sheriff's Association of Chautauqua County (DSACC).....	338
334 Authorize Section 552 Retirement Plan for Sheriff, Undersheriff and Deputy Sheriffs.....	338
335 Authorize Section 553 Retirement Benefits for Sheriff, Undersheriff and Deputy Sheriffs	339
LAKES & WATERWAYS	
192 Auth. Use of Funds from 2% Occupancy Tax for Rehabilitation of the Findley Lake Dam	202
253 Accept Grant Funds from the NYS Dept. of State for Phase II of the Northern Chaut. County Local Waterfront Revitalization Program.....	283
LAND BANK	
195 Auth. Transfer of Tax Foreclosure Properties to Chautauqua County Land Bank Corporation (CCLBC)	206
239 Auth. Transfer of Tax Foreclosure Properties to Jamestown Urban Renewal Agency (JURA) and Chautauqua County Land Bank Corporation (CCLBC).....	271
LANDFILL	
90 Recognition of Earth Day	84
LEASES	
16 Authorize Lease w/ Cornell Cooperative Extension for the Frank W. Bratt County Agricultural Center in the Town of Ellicott.....	14
126 Auth. Amendment to Lease Agrmt. w/ the Chautauqua center, Inc. (TCC) for Article 28 Clinic Space in SCOB	127
127 Auth. Lease Agrmt. for Dept. of Planning & Economic Development at the BWB Center.....	128
189 Auth. Lease Agrmt. w/ Town of Chautauqua for Office Space - Mental Hygiene Department.....	200
198 Auth. Lease of Office Space at the Chaut. County Jamestown Airport by the General Services Administration for the Transportation Security Admin.....	224
242 Auth. Lease of Facilities at the Greater Chautauqua-Jamestown Airport.....	275
258 Auth. Lease w/ CTASC at Chaut. County Airport in Jamestown.....	290
LEGAL	
77 Authorize Use of Funds for Defense of Lawsuit Brought by the Town of Ellery	63

ALPHABETICAL INDEX

RES.	PAGE
------	------

LEGISLATURE

1 Appointing Clerk of the Legislature	3
2 Appointing Deputy Clerk/Secretary to the Legislature.....	3
5 Delegate Authority to Approve Certain Correction of Errors (Refunds) to Chairman of Legislature.....	5
10 Authorizing Email Delivery of Local Law to County Legislators	9
237 Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2017 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman.....	269
259 Amending Res. 1-16 ReAppointment of the Clerk of the County Legislature.....	291
267 Making Appropriations for the Conduct of County Government for Fiscal Year 2017	298

M**MENTAL HYGIENE**

71 Amending County Budget to Include DSRIP Performing Provider Systems Funds.....	56
72 Acceptance of NYS OASAS Funds for Alcoholism and Substance Abuse Prevention and Treatment	57
78 Setting Salary for Clinical Staff Coordinator.....	63
123 Mental Hygiene Phone System Upgrade Budget Adjustment.....	125
189 Auth. Lease Agrmt. w/ Town of Chautauqua for Office Space - Mental Hygiene Department.....	200
325 Mental Hygiene Intermunicipal Consortium	332
326 Discharge Planning, Coordination, and Monitoring Agreements.....	333

MOTIONS

1-16 Proclaiming February Black History Month.....	30
2-16 Proclaiming March 14th-18th Agricultural Literacy Week in Chaut. County.....	30
3-16 Proclaiming March Women's History Month	79
4-16 Calling on the State of New York to Fully Reimburse Counties for District Attorney Salary Increases Set by the State	114
5-16 Urging NYS to Increase the Share of Revenue Counties Retain for Providing State DMV Services.....	114
6-16 To Proclaim October 2-8, 2016 as 4-H Week in Chautauqua County.....	248

N**NEWSPAPERS**

4 Designation of Official Newspapers - 2016	4
---	---

RES. **PAGE**

O**OCCUPANCY TAX**

76	Authorize Use of Funding from County 3% Occupancy Tax Fund for Non-County Trail Development Projects for the Welch Trail Recreation Area.....	62
128	Authorize Use of 3% Bed Tax Reserve for Roof Repair at the Dunkirk Historical Lighthouse and Veteran's Park Museum.....	129
129	Auth. Allocation of 3% Occupancy Tax Funding from the 2016 Reserve Account for Chautauqua Lake Waterski Show Attraction.....	130
142	Authorize Allocation of 3% Occupancy Tax Funding from the 2016 Reserve Account for the LECOM Health Challenge.....	145
157	Authorize Use of 3% Bed Tax Reserve for the Dunkirk Air Show	168
192	Auth. Use of Funds from 2% Occupancy Tax for Rehabilitation of the Findley Lake Dam	202
234	Authorizing SEQRA Review of Waterways Panel 2017 Occupancy Tax Recommendations.....	267
265	Environmental Assessment of Projects for 2017 2% Occupancy Tax Projects.....	295

P**PLANNING & DEVELOPMENT**

27	Authorizing SEQRA Review of the Sunset Valley Stream Streambank Stabilization Project	21
30	Authorize Agreement w/ Small Business Development Center at JCC.....	23
31	Modify 2015 Budget of Appropriation and Revenue Accts. to Accept and Distribute NYS Office of Community Renewal Funds on Behalf of Empire Specialty Cheese Company, LLC	24
32	Modify 2016 Budget Appropriation and Revenue Accts. to Accept and Distribute NYS Office of Community Renewal Funds on Behalf of Empire Specialty Cheese Company, LLC.....	25
75	Acceptance of NYS Dept. of Environmental Conservation Water Quality Improvement Project Grant and Approval of SEQRA Determination	59
105	Authorization for Chaut. County to Participate in the Great Lakes Small Harbors Coalition	95
106	Auth. Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding.....	96
127	Auth. Lease Agrmt. for Dept. of Planning & Economic Development at the BWB Center.....	128
141	Auth. Advance of Funds to Chaut. County Soil & Water for Invasive Species Control and Dredging Projects o Bear Lake and Cassadaga Lake.....	144
193	Commitment of Matching Funds for NYS Dept. of Environment Conservation/ NYS Environmental Facilities Corp. Wastewater Infrastructure Engineering Planning Grant Program for the Lakewood-Busti Stormwater Management Engineering Study.....	204

ALPHABETICAL INDEX

RES.	PAGE
194 Auth. Acceptance of \$200,000 Incentive Grant from Empire State Development for Joseph Mason Industrial Park Project	205
207 Designate Chaut. County Legislature as Lead Agency Responsible for State Environmental Quality Review (SEQR) of NYS Funded Snowmobile Trails	232
208 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "C" Within the Towns of Arkwright, Gerry and Charlotte	233
209 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "D" Within the Towns of Hanover, Villenova, Cherry Creek and Ellington.....	233
210 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "E" Within the Towns of CHarlotte, Arkwright, Villenova and Cherry Creek.....	234
211 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "F" Within the Towns of Pomfret, Stockton, Arkwright and the Village of Cassadaga.....	235
212 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "G" Within the Town of Cherry Creek and Village of Cherry Creek	235
213 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "H" Within the Towns of Pomfret, Arkwright and Charlotte.....	236
214 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "I" Within the Town of Ellery	236
215 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "J" Within the Town of Charlotte.....	237
216 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "K" Within the Town of Charlotte.....	237
217 Environmental Assessment for Estb. of Chaut. County Snowmobile Trail "L" Within the Town of Cherry Creek.....	238
233 Joint Funding Agrmt. with U.S. Department of Interior - Geological Survey.....	266
266 Auth. Chaut. Co. to Retain Professional Services to Advocate for Federal Projects and Funding	296
327 Adjust 2016 Budget to Reflect Increased Grant Funds from NYS Depart. of Parks, Recreation and Historic Preservation Snowmobile Trail Grant Program	333
329 Consolidate Accounts for Phase II of the NYS Depart. of State Northern Chautauqua County Local Waterfront Revitalization Program Grant.....	335
 POLICY	
149 Investment Policy for the County of Chautauqua.....	159
158 Financial Management Policy for the County of Chautauqua	169
230 Amend Chautauqua County Purchasing Policy	254
 PROBATION	
20 Accept 200% of Poverty Alternatives to Incarceration Grant	17
246 Probation DCJS Employment Focused Services Grant.....	279

RES.	PAGE
PUBLIC DEFENDER	
3 Confirm Appointment - Public Defender.....	4
PUBLIC FACILITIES	
15 Auth. Agrmt. w/ NYS Office of Information Technology Services for Orthoimagery Data Enhancements.....	13
16 Authorize Lease w/ Cornell Cooperative Extension for the Frank W. Bratt County Agricultural Center in the Town of Ellicott.....	14
88 Authorize Transfer of Funds in 2016 Budget for Purchase of Equipment for Chaut. County Buildings and Grounds.....	81
111 Auth. Director of Finance to Increase Appropriations for the South Main St. Bridge - PIN5761.00 County Bridge 1085 Rehabilitation	116
112 Auth. Use of DPF Staff & Equipment to Assist the Robert H. Jackson Center.....	117
113 Auth. Inter-Municipal Agrmt. for the Mayville Lakeside Pedestrian and Bike Path Project	118
114 Confirming the County of Chaut. as Lead Agency Responsible for SEQRA Review for the Proposed Construction of a County Public Facilities Maintenance Facility in the Town of Sherman	119
135 Amend Capital Budget for Fuel Storage System	140
145 Amend Budget for Purchase of Utility Truck	155
148 Amend 2016 DPF Administration Budget	158
168 Auth. Agrmt. w NYSDOT for Performance of Federal-Aid Project PIN 5760.01	180
169 Auth. Agrmt. w NYSDOT for Performance of Federal-Aid Project PIN 5760.94	181
170 Auth. Agrmt. w NYSDOT for Performance of Federal-Aid Project PIN 5760.95	182
171 Adjust and Establish CHIPS and PAVE NY Accounts	183
173 Jurisdictional Transfer of a Segment of Central Ave. from the Village of Fredonia and the City of Dunkirk to the County of Chautauqua.....	186
200 Authorize Supplemental Agreement No. 1 w/NYSDOT for PIN 5759.84	227
201 Auth. Water Service Agrmt. w/ Village of Sherman for the Sherman Maintenance Facility Project.....	229
227 Auth. Agrmt. w/ NYSDOT for Performance of Federal-Aid Project PIN5761.29.....	251
228 Approving SEQRA Findings and Determinations for Various Capital Improvements for Jamestown Community College and the County of Chautauqua	252
243 Auth. Director of Finance to Increase Appropriations for PIN 5760.79 County Bridge 1003 Replacement	276
294 Include Additional Section of CR 647 in the County Highway System	315
295 Auth. Commitment of Funds to the Village of Brocton to Repair Traffic Signal Lights on County Road 10/Route 380	316
296 Auth. Agrmt. w/NYSDOT for Performance of Federal Aid Project PIN 5761.28.....	317
336 Adjust Capital Appropriation for the Sherman Shop Maintenance Facility.....	339

ALPHABETICAL INDEX

RES.		PAGE
------	--	------

PUBLIC HEARINGS

115	Auth. Public Hearing for Lease & Power Purchase Agrmt. for Solar Generating Facility at the Chaut. County Dunkirk Airport	119
167	Auth. Public Hearing on Proposed Lease of Office Space - Jmst. Airport by General Service Administration for the TSA	179
225	Auth. Public Hearing on Proposed Lease of Facilities at the Greater Chautauqua-Jamestown Airport	249
241	Auth. Public Hearing on Lease w/CTASC at Chautauqua County Airport in Jamestown.....	275
293	Auth. Public Hearing on Amendments to FBO Hangar Lease Agrmt. at the Chautauqua County/Jamestown Airport	314

Q**QUIT CLAIM DEEDS**

33	Quit Claim Deeds.....	26
160	Quit Claim Deeds.....	170
197	Quit Claim Deeds.....	210
218	Quit Claim Deeds.....	239
240	Quit Claim Deed.....	272
254	Quit Claim Deeds.....	284
277	Quit Claim Deeds.....	303
331	Quit Claim Deeds.....	336

R**REAL PROPERTY**

79	Auth. Transfer of Tax Foreclosure Properties to Town of Ripley, CODE, and Village of Westfield	64
80	Authorize Transfer of Tax Foreclosure Property to Chautauqua County Land Bank Corporation.....	65
93	Denial of Level 3 Applications for Refund/Credits of Real Property Taxes Form RP 556 Dated February 9, 2016, for the 2015-2016 School Districts, 2016 City and 2016 County/Towns Tax Bills	86
136	Adjust Real Property Tax Office Petty Cash Fund	141
144	Authorizing Sale of the Sheldon House Property at JCC	147
159	Authorize Transfer of Tax Foreclosure Property to Adjoining Landowner.....	170
173	Jurisdictional Transfer of a Segment of Central Ave. from the Village of Fredonia and the City of Dunkirk to the County of Chautauqua.....	186
195	Auth. Transfer of Tax Foreclosure Properties to Chautauqua County Land Bank Corporation (CCLBC)	206
239	Auth. Transfer of Tax Foreclosure Properties to Jamestown Urban Renewal Agency (JURA) and Chautauqua County Land Bank Corporation (CCLBC)	271

ALPHEBETICAL INDEX

RES.	PAGE
261 Auth. Extension of Tax Collection Agrmts. with the Cities of Dunkirk and Jamestown.....	292
275 Fixing Equalization Rates for 2017	301
298 Auth. Transfer of Tax Foreclosure Properties to Jamestown Urban Renewal Agency (JURA)	318
 RECORDS MANAGEMENT	
116 Amend, Reconcile and Close Capital Project Account H-1410-569.....	120
 S 	
SETTLEMENTS	
161 Authorize Payment of \$100,000 for Settlement of Claim of Eric Dahlgren.....	174
219 Authorize Payment of \$90,000 for Settlement of Claim of James Spacht.....	239
 SEWER & WATER	
15 Auth. Agrmt. w/ NYS Office of Information Technology Services for Orthoimagery Data Enhancements.....	13
39 Order Establishing the North Chautauqua County Water District	35
81 A Res. Auth. \$11,750,000 Bonds of the County of Chaut., NY to Pay the Cost of Improvements in Connection with the Establishment of the North Chautauqua County Water District in and for Said County	66
146 Auth. Standardization of Hercules Drive Units for Settling Tanks at the South & Center Chautauqua Lake Sewer Districts	156
147 Approve SEQRA Findings in Relation to Proposed Sewer Extension for West Side of Chautauqua Lake	157
175 Approval of Interim Funding & Establishment of Capital Accounts for North Chautauqua County Water District.....	188
274 Auth. Levy of Unpaid Sewer Charges & Civil Penalties - North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts	301
 SHERIFF	
21 Authorize Agreement w/ Town of Mina for Court Security Detail	18
22 Increase Revenue & Appropriation Accounts Association with NYS Office of Homeland Security Funding Grant - Bomb Detection	18
23 Auth. Execution for LiveScan Equipment Grant from NYS Division of Criminal Justice Service FY2016	19
95 Auth. Contracts & Agreements w/ Local Police Departments for 2016-2018 STOP DWI Enforcement Efforts.....	89
96 Auth. Agreements w/ Law Enforcement Agencies for Reimbursement Under Operation Stone Garden.....	89
97 Auth. Execution for NYS Office of Homeland Security Grant for FY2015 Public Safety Answering Point (PSAP).....	90

ALPHABETICAL INDEX

RES.	PAGE
98 Increase Revenue & Appropriation Accounts Associated with NYS Office of Homeland Security Funding Grant - Bomb Squad Initiative Program	90
99 Increase Appropriation Accounts for NYS Office of Homeland Security and Emergency Services Grants for Explosive Detection Canine Team	91
100 Increase Appropriation Accounts for United States Department of Homeland Security FY2015 Port Security Grant Program (PSGP)	92
101 Increase Appropriation Accounts for NYS Office of Homeland Security Funding Grant - Operation Stone Garden FY14 & FY15	92
102 Auth. Agreement w/ Town of Chautauqua for Court Security Detail	93
103 Auth. Agreement w/ NYS Unified Court System Eighth Judicial District for Drug Court Services.....	93
104 Authorize Agreement w/ Village of Silver Creek for Enhanced Police Services.....	94
118 State Homeland Security Program for Fiscal Year 2016.....	122
122 Auth. Agrmt. w/ Town of Hanover for Enhanced Police Services	125
132 Approving Labor Contract with CSEA Unit 6322 (Part Time Deputy Sheriff)	135
152 Auth. Execution for LiveScan Equipment Grant from NYS Division of Criminal Justice Service FY2017	165
181 Auth. Agrmt. w/ Chaut.-Catt.-Erie II BOCES for Culinary Arts Instruction	194
182 Auth. Agrmt. w/ Chaut.-Catt.-Erie II BOCES for School Resource Officers	195
183 Increase Revenue & Appropriation Accounts for Wireless 911 Equipment.....	195
184 Modify Budget Due to Revised Agrmts. w/ Village of Silver Creek and Town of Hanover for Enhanced Police Services.....	196
185 Auth. Memorandum of Agrmt. w/ City of Jmst. for Acceptance of Justice Assistance Grant Funds.....	197
202 Authorize Agreement w/ Wyoming County for Inmate Housing	229
203 Auth. Agrmt. w/ NYS Dept. of Correctional Services' Office of Nutritional Services	230
249 Increase Appropriation and Revenue Accounts Due to Unbudgeted Revenue and Expenditures.....	280
250 Auth. Execution of NYS Office of Homeland Security Grant for FY 2016-2017 Public Safety Answering Point (PSAP)	281
251 Auth. Acceptance of Grant Agrmts. for NYS Division of Criminal Justice Services - Narcotic Control Grant	281
302 Funding Local Share of Police Consolidation Study with City of Jamestown.....	320
303 Adjust Appropriation and Revenue Accounts due to Unbudgeted Revenues and Expenditures.....	321
304 Auth. Execution for NYS Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program.....	322
305 Auth. Agrmt. w/ Village of Bemus Point for Enhanced Police Services.....	322
306 Auth. Agrmt. w/ Village of Brocton for Enhanced Police Services.....	323
307 Auth. Agrmt. w/ Chaut. Lake Central School District to Provide Enhanced Police Services	323
308 Auth. Agrmt. w/ Town of Hanover for Enhanced Police Services	324
309 Auth. Agrmt. w/ Village of Mayville for Enhanced Police Services	324
310 Auth. Agrmt. w/ Town of Ripley for Enhanced Police Services	325

ALPHEBETICAL INDEX

RES.	PAGE
311 Auth. Agrmt. w/ Village of Silver Creek for Enhanced Police Services.....	325
312 Auth. Agrmt. w/ Silver Creek Central School District for School Resource Officer	326
313 Auth. Agrmt. w/ Town of Chautauqua for Court Security Detail	326
314 Auth. Agrmt. w/ Town of Ellery for Court Security Detail.....	327
315 Auth. Agrmt. w/ Town of Kiantone for Court Security Detail.....	327
316 Auth. Agrmt. w/ Town of Mina for Court Security Detail	327
317 Auth. Agrmt. w/ Town of North Harmony for Court Security Detail	328
318 Auth. Agrmt. w/ Town of Stockton for Court Security Detail.....	328
319 Close Accounts for Completed Sheriff Capital Projects as of 12/31/16.....	329
332 Approving Labor Contract with Chautauqua County Sheriff's Supervisors' Association (CCSSA).....	337
333 Approving Labor Contract with Deputy Sheriff's Association of Chautauqua County (DSACC).....	338
334 Authorize Section 552 Retirement Plan for Sheriff, Undersheriff and Deputy Sheriffs.....	338
335 Authorize Section 553 Retirement Benefits for Sheriff, Undersheriff and Deputy Sheriffs	339

T

TAXES

17 Amend Budget for Municipal Sales Tax	15
151 Distribution of Mortgage Taxes	163
260 Distribution of Mortgage Taxes	291
268 Authorize Tax Levy	298
269 Authorize Levy of Town Taxes.....	299
270 Authorize Levy of Unpaid Town Charges.....	299
271 Authorize Levy of Omitted Taxes.....	300
272 Authorize Tax Levy - North Chautauqua Lake Sewer District	300
273 Authorize Tax Levy - Portland-Pomfret-Dunkirk Sewer Districts.....	300

TOURISM

156 Acceptance of NYS Funds for the LECOM Health Challenge.....	168
190 Auth. Chaut. County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by NYS Division of Tourism.....	200

V

VETERANS

69 Acceptance of NYS Funds for the Establishment of PFC Joseph P. Dwyer Peer-to- Peer Veterans Support Program	55
191 Designating Chautauqua County as a Purple Heart County	201

ALPHABETICAL INDEX

RES.	PAGE
252 Auth. Acceptance of Additional NYS Funds and Transfer of Funds in 2016 Budget from Depart. of Mental Hygiene to Veterans Services Agency for the Estb. of PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program.....	282

Y

YOUTH	
94 Authorize County Executive to Execute the Resource Allocation Plan	88
188 Auth. County Executive to Execute the Amended Resource Allocation Plan.....	199

