

2011
JOURNAL OF PROCEEDINGS
OF THE
CHAUTAUQUA COUNTY LEGISLATURE
MAYVILLE, NEW YORK

2010 Census Population
for
Chautauqua County 134,905

Fred C. Croscut, Chairman..... Sherman, NY
James E. Cafilich, Clerk (Resigned 1/26/11).....Clymer, NY
Ronald A. Lemon, Clerk (Resigned 8/25/11).....Frewsburg, NY
Kathy T. Tampio, Clerk.....Silver Creek, NY

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CHAUTAUQUA COUNTY LEGISLATURE

#1	(Tn. Of Dunkirk & Part of City)	Keith D. Ahlstrom	PO Box 254 Dunkirk, NY 14048
#2	(City of Dunkirk)	Shaun Heenan	89 Seel Acres Dunkirk, NY 14048
#3	(Tn. Of Dunkirk & Part of City & Sheridan)	Robert Duff	2024 Laona Rd. Forestville, NY 14062
#4	(Tn. Of Hanover)	George Borrello	12809 Breeze Ave. Irving, NY 14081
#5	(Tns. Arkwright; Villenova Parts of Charlotte, Hanover)	Jerry Park	1664 Rt. 83 Forestville, NY 14062
#6	(Parts of Pomfret & Stockton)	John W. Runkle	223 Dale Drive Cassadaga, NY 14718
#7	(Tns. Cherry Crk. & Ellington Parts of Charlotte & Poland)	Robert Stewart	15 Oak St. Conewango Valley, NY 14726
#8	(Parts of Busti, Carroll & Kiantone)	Tamara Downey	2020 Riverside Rd. Jamestown, NY 14701
#9	(Parts of Ellicott & Gerry)	Larry Barmore	PO Box 245 Gerry, N.Y. 14740
#10	(Parts of Busti & Ellicott)	Mark Tarbrake	3151 Oak Ridge Circle Jamestown, NY 14701
#11	(Parts City of Jamestown)	Victoria R. James	809 Lafayette Street Jamestown, NY 14701
#12	(Parts City of Jamestown)	Lori B. Cornell	20 Dewey Place Jamestown, NY 14701
#13	(Parts City of Jamestown)	Paula DeJoy	219 Barrows Street Jamestown, NY 14701

#14	(Parts City of Jamestown)	Scot W. Stutzman	14 Ellis Avenue Jamestown, NY 14701
#15	(Parts City of Jamestown)	Maria Kindberg	33 Pershing Avenue Jamestown, NY 14701
#16	(Parts City of Jamestown & Tn. of Ellicott)	Chuck Nazzaro	236 Springdale Ave. Jamestown, NY 14701
#17	(Parts of Ellery & Chautauqua)	Richard C. Babbage	P.O Box 398 146 Lakeside Drive Bemus Point, NY 14712
#18	(Parts of Busti)	Rudy Mueller	7 Sunset Avenue Lakewood, NY 14750
#19	(Parts of Harmony, N. Harmony & Busti)	Frank Jay Gould	70 Hoag Road Ashville, NY 14710
#20	(Tn. of Sherman & Parts of Chautauqua)	Fred Croscut	3375 Waits Corners Road Sherman, NY 14781
#21	(Tns. Fr. Creek, Mina & Parts of Clymer & Ripley)	David L. Himelein	P. O. Box 617 Findley Lake, N.Y. 14736
#22	(Parts of Ripley & Westfield)	Douglas. V. Richmond	27 E. Main Street Westfield, NY 14787
#23	(Tn. of Portland)	Thomas DeJoe	14 Fay Street Brocton, N.Y. 14716
#24	(Parts of Pomfret)	Robert Scudder	348 W. Main St. Fredonia, NY 14063
#25	(Parts of Pomfret)	John Gullo	221 Central Ave. Fredonia, NY 14063

2011 Committee AssignmentsAdministrative Services

Larry Barmore
 John Runkle
 Bob Scudder
 Lori Cornell **
 Paula DeJoy

Audit & Control

Jay Gould
 Jerry Park
 John Runkle
 Doug Richmond
 Chuck Nazzaro **
 Tom DeJoe
 John Gullo

Human Services

Mark Tarbrake
 Jay Gould
 Scot Stutzman
 Keith Ahlstrom **
 Vickey James

Planning & Econ. Dev.

Jerry Park
 George Borrello
 Mark Tarbrake
 Maria Kindberg **
 Shaun Heenan

Public Facilities

Dick Babbage
 Bob Stewart
 Larry Barmore
 Tom DeJoe **
 Chuck Nazzaro

Public Safety

Doug Richmond
 Dave Himelein
 Tami Downey
 Robert Duff
 Rudy Mueller **

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

CHAUTAUQUA COUNTY DIRECTORY
 For the Year 2011
 COUNTY GENERAL

COUNTY LEGISLATURE

Fred C. CroscutMayville
 James E. Caffisch, Clerk (Resigned 1/26/11).....Mayville
 Ronald A. Lemon, Clerk (Resigned 8/25/11).....Mayville
 Katherine T. Tampio, ClerkMayville
 Lori J. Foster, Deputy Clerk..... Mayville

COUNTY EXECUTIVE

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

LAW

Stephen Abdella, County Attorney..... Mayville
 Daniel R. Polowy, 1st Assistant County Attorney.....Mayville
 Kurt D. Gustafson, 1st Assistant County Attorney.....Mayville
 Scott F. Harley, Assistant County Attorney.....Mayville
 Shawn M. Corey, Assistant County Attorney (Resigned Feb/2011).....Mayville
 Kristen Wright, Assistant County Attorney (Effective Date March/2011).....Mayville

AGING

Mary Ann Spanos, DirectorMayville

BUDGET, Office of Management and Budget

Kitty Crow, DirectorMayville

DIVISION OF PURCHASING

George Carlson II, Deputy Director.....Mayville

COUNTY CLERK

Sandra Sopak, County Clerk.....Mayville
 Tracie Lorenzo, DeputyMayville
 Daniel Thompson, Director, Sealer Weights & MeasuresMayville

CORONERS

Warren H. Riles.....Forestville
 James Jackson,Jamestown
 John Sixbey.....Jamestown
 Richard Mackowiak, Jr.....Dunkirk

ELECTION BOARD

Brian Abram, (R) Commissioner.....Mayville
 Norman P. Green, (D) Commissioner.....Mayville

FINANCE

Darin A. Schulz, Director.....Mayville
 James E. Caffisch, Director of Real Property Tax ServicesMayville

EMERGENCY SERVICES

Julius Leone, Director.....Mayville

HISTORIAN

Michelle Henry.....Mayville

HUMAN RESOURCES

Joseph Porpiglia, Director.....Mayville

INDUSTRIAL DEVELOPMENT

William Daly, Director.....Jamestown

INSURANCE

Darin A. Schulz.....Mayville

PLANNING & DEVELOPMENT

William Daly.....Jamestown

Deputy Director Mark Geise	Jamestown
PUBLIC FACILITIES	
George Spanos	Falconer
SHERIFF	
Joseph A. Gerace, Sheriff	Mayville
Chuck Holder, Under Sheriff	Mayville
SOCIAL SERVICES	
Steven Wickmark.....	Mayville
VETERANS SERVICES	
Troy Smith, Director.....	Jamestown
HEALTH SERVICES	
Christine Schuyler	Mayville
MENTAL HYGIENE SERVICES	
Patricia A. Brinkman, Director.....	Mayville
COUNTY HOME	
Timothy Hellwig, Director.....	Dunkirk
JUDICIAL	
COUNTY COURT	
Hon. John T. Ward, Judge.....	Mayville
FAMILY COURT	
Hon. Judith S. Claire, Judge.....	Mayville
SUPREME COURT	
Hon. Frederick Marshall, Judge.....	Mayville
SURROGATE COURT	
Hon. Stephen W. Cass, Judge.....	Mayville
COMMISSIONER OF JURORS	
Kathleen D. Krauza, Commissioner	Mayville
DISTRICT ATTORNEY	
David Foley	Mayville
PROBATION	
Linda Shields, Director	Jamestown
PUBLIC DEFENDER	
Richard Thomas Rankin.....	Mayville

Chautauqua County Legislature
Organizational Meeting
Monday, January 3, 2011, 4:00 p.m.
Legislative Chambers, Mayville, New York

Clerk Caflich called the Organizational Meeting to order at 4:05 p.m. and announced a quorum present.

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

ELECTION OF CHAIRMAN

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

Legislator Richmond: I would like to nominate Fred Croscut for Chairman of the Chautauqua County Legislature. Mr. Croscut has served 13 years on the County Legislature representing the Towns of both Chautauqua and Sherman. He has served as the Minority Leader on the Legislature from 2006 until March of 2010 when he began his Chairmanship of this body. During his 10 year on the Legislature, Mr. Croscut has served as ranking member of the Planning & Economic Development committee and has served on the Public Safety Committee. Additionally, he has served on several agricultural boards including Cooperative Extension and Farmland Protection. He also currently serves as Chairman of the Chautauqua Soil & Water Board. Mr. Croscut is also a proud member of the Chautauqua County Farm Bureau, Olive Lodge 575 and is on the Board of the Southwest Chapter of American Red Cross. Prior to his service of the County Legislator Mr. Croscut served as a School Board Member for 23 years. He is also a 30 plus years member of the Chautauqua County Sheriff's Mounted Division. Personally speaking, I know Mr. Croscut to be a good man with a great deal of integrity. Based on these attributes, it gives me great pleasure to put forward the name of Fred Croscut for Chairman of the Chautauqua County Legislature.

Clerk Caflich: Is there a Second to the nomination?

Legislator Babbage: Thank you, I also with a great deal of pleasure Second the nomination for Mr. Croscut for Chairman of the Legislature. I would just like to add that Doug left out grandfather.

Clerk Caflich: Are there any other nominations for Chairman of the Legislature? Seeing none, I will entertain a Motion to close nominations.

Moved by Legislator Barmore, Seconded by Legislator Borrello

Clerk Caflich: All those in favor say aye.

Unanimously Carried

Clerk Caflich: We have 25 votes for Mr. Croscut. Mr. Croscut you are Chairman.
(Applause)

Acceptance Speech by Chairman

Chairman Croscut: Thank you very much. There is one individual here that I would like to acknowledge here this evening and it is a guest and his name is Kyle Scudder and he belongs to a Government Class and he is here doing I guess you could say some research. He happens to be Bob Scudder's son but I do want to welcome you Kyle. I think if nothing else we will all agree to have students learning about what County Government is all about. I have some very brief remarks but I would like to thank everyone that has supported me. I have enjoyed chairing this body since last

March and I look forward to chairing it this next year. It certainly is an honor and a privilege to do this. I would also like to thank the office staff even though they are not here Lori, Jim, Becky, and Mark. It also goes without saying that I owe a debt of gratitude to our Legislative Attorney Steve Abdella. As I said last year, it certainly takes a pretty good person to do the job that he does. He does it very well. As I look back on last year, I see budget issues and financial issues that rise to the top of the pile and it will this year again. I am not going to debate whether we should cut Veterans Services or Office for the Aging but what I am going to encourage is that everyone in this body work to find out the facts before voting on something. Yes, we will have more meeting one way or the other I am sure of that this year or at least longer meetings. We need to disseminate more information and that will come before you to help us set our policy. One thing that I have requested from our caucus and I want to talk to Dr. Mueller afterwards and part of this stems from more information. I do plan to increase the Audit & Control Committee to 7 members and if there is any other committees Rudy that you would like to see increase please let me know. Mr. Runkle has agreed to serve on that committee as the 6th person and I will be talking to Dr. Mueller after the meeting to get the 7th person. I will say that Mr. DeJoe has served on that before and I guess that is up to Dr. Mueller and Mr. DeJoe and your caucus but I would certainly be honored to have Mr. DeJoe back in that capacity on Audit & Control. Of course we can't rule out that we know there will be politics and I urge all of you to do well thought out research before making those decisions. It is not just the County's spending that is the issue of money we also have the State that is out of money and as you know we do need some mandate relief on Medicaid and County Retirement systems. We will be forwarding Motions to that effect I am sure throughout the next several months. One of the other things that we have been working on and we finally have it in place is the Airport Task Force and I have 5 names to give to you this evening. That task force will be shared by Mr. Barmore and Mr. Nazzaro and the members will be Hugh Butler, Dan Reininga, and Scott Schang. I want to make one thing clear with this Airport Task Force the purpose of this is not to close or sell the airport but the purpose is to maximize our airports and minimize our local share dollars. As I said, Mr. Nazzaro and Mr. Barmore will co-chair that with resources from Mr. Spanos and Dave Sanctuary from the executive side. I want to thank County Executive Edwards for pledging the support of these people for that Task Force. From our office, I have asked Mark Deas to be the resource person and I am hoping that we only have to tape these minutes and I am hoping that we don't have to transcribe them. The questions that I have asked from Mr. Barmore and Mr. Nazzaro to meet with Mr. Sanctuary to meet after the meeting to set up the first initial meeting and some of the questions that we are going to ask. I hope that we can have a report back by April but I don't think that most of the people in this county realize the value of those airports with the commerce taking place between Jamestown and Dunkirk. I think that we will find every major corporation around Jamestown and Dunkirk is involved with that airport. I also know that with the help of Legislator Kindberg and this whole body starting with Mr. Ahlstrom and the commission set up several years ago that I was on we will continue somehow to pass a Motion in January after some more discussion not to implement the Chautauqua Lake Management Plan but to help facilitate it. My idea is and I have talked to Lyle Hajdu I would like that commission to continue to work as far as helping to implement the Chautauqua Lake Management Plan and I don't mean going out there with picks and shovels but I mean to just continue to work with us. There is one thing that does concern me is we must somehow have full implementation of some kind of municipal agreement. We have taken the lead so far and we have the County planning Department working with us and I hope somehow over the course of the next several months after we pass a Motion to encourage support of this commission. We can all work as county, municipalities and non-profits also to implement what we need to do to Lake Chautauqua. Last but not least, as I said earlier seek out the facts and do the research and let's make well thought out decisions based on these facts. God Bless all of you and thank you for what you have done last year and thank you for your support this evening. I know that you will continue to do what is right for our County.

RES. NO. 1-11
Appointing Deputy Clerk/Secretary to the Legislature

At the Request of Chairman Fred C. Croscut:

RESOLVED, That Lori J. Foster, P.O. Box 105, Portland, New York be, and hereby is appointed Secretary to the Chautauqua County Legislature for the year 2011, at a salary of \$19.91 per hour; and be it further

RESOLVED, That in addition to Secretary to the Legislature, Lori J. Foster be, and hereby is, appointed Deputy Clerk for the Chautauqua County Legislature for the year 2011, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$3,000, effective January 1, 2011.

Signed: Croscut

Unanimously Adopted – January 3, 2011

RES. NO. 2-11
Confirm Appointment - Public Defender

By Chairman Fred Croscut:

RESOLVED, That Richard Thomas Rankin, 4 Arlington Avenue, Jamestown, New York, be and hereby is appointed Public Defender of Chautauqua County for the year 2011 at an annual salary of \$75,000.00 for 90% time.

Signed: Croscut

Unanimously Adopted – January 3, 2011

RES. NO. 3-11
Designation of Official Newspapers – 2011

At the Request of Chairman Fred Croscut:

RESOLVED, That the Post Journal, 15 West Second Street, Jamestown, NY and the Observer, 10 East Second Street, Dunkirk, NY be and hereby are designated, pursuant to Section 214, paragraph 2 of the County Law, to be the official newspapers of Chautauqua County during the year 2011 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Croscut

Unanimously Adopted – January 3, 2011

RES. NO. 4-11
Delegate Authority to Approve Certain Correction of Errors (Refunds) to
Chairman of Legislature

At the Request of Chairman Fred C. Croscut:

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

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

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

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

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

RESOLVED, That this resolution will be effective from this date until December 31, 2011.

Signed: Croscut

Unanimously Adopted – January 3, 2011

2nd Privilege of the Floor

Chairman Croscut: An individual has 3 minutes and an organization has 5 minutes and you can speak on anything. Is there anyone here to speak to the 2nd Privilege of the Floor?

Ms. Cavaretta: My name is Nancy Cavaretta and my address is 325 Norton Avenue in Jamestown, NY. I thank you for giving me your time. I sent you an emergency correspondence as of December 23rd regarding the circumstances with my real property in Chautauqua County. As all of you know, on October 27th both of those properties were pulled from the final forfeiture of foreclosure to give us an opportunity to be able to after deliberations of October 18th in the Administrative Services Committee meeting which is on the record. But on October 27th both of these were pulled with a number of PA413-2010 and PA414-2010. At that time, I was of the understanding that we were supposed to be able to communicate with you with regard to this and I was surprised of the final outcome and I thank you personally but I was not aware that there was a definite time factor although I realized that there could be. I then followed your procedure with regards to your meetings and your notification process which I am not real familiar with but I did it to the best of my ability between Administrative Services Committee and the Legislative Meetings in which decisions would be made and the communications that take place in-between. My understanding was that November 17th at 5:00pm or the close of that day this issue was not on your agenda nor was it supposed to be and I was told good luck and I thought it was a gift of time so I did not appear on the November 17th meeting. Somehow, legislatively and obviously your process goes through or you maybe weren't aware of my communication and somehow this came back on the agenda and all of a sudden I was out the door. Going forth in good faith, we are trying to retrieve our property I asked for your indulgence in this and my communication tried to explain to you what we were trying to do and I know that you are going forward in good faith as I am as well and I will do my best to keep you apprized in the very near future of what our plans are and what we are doing and we are very close to the close

of this and the retrieval of 30 years worth of property ownership with both of our properties. I am most grateful for your cooperation and your help in this and the advice that you can give.

Chairman Croscut: You will have to wrap up ma'am your three minutes are up.

Ms. Cavaretta: Thank you very much and if you have any questions please don't hesitate to address me. I have a presentation that I would like to make before the Legislature and it involves the property tax statute from New York State and it involves our local statute. I have done a year and a half of research and had my head in law books.

Chairman Croscut: Ma'am your time is up and you can run that past the Administrative Services Committee.

Ms. Cavaretta: I will do that and thank you so much Mr. Croscut.

Chairman Croscut: Is there anyone else to speak to the 2nd Privilege of the Floor? I emailed Rudy and any of you that want to change committees within your caucuses Rudy and I will talk afterwards. If you don't, we have some changes on our side. So with that, I need a Motion to adjourn.

MOVED by Legislator Lemon, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. (4:27 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, January 26, 2011 – 6:30 p.m.
Mayville, N.Y.

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

Clerk Caflich called the roll and announced a quorum present. (Borrello & Stewart absent)

Legislator Richmond delivered the prayer and pledge of allegiance.

MOVED by Legislator Barmore, SECONDED by Legislator Himelein and duly carried the minutes were approved. (12/15/10 & 1/3/11)

Privilege of the Floor

My name is Amy Johnson, I'm a Supervising Public Health Nurse with the Chautauqua County Health Department. I reside at 1428 Clymer Hill Road, Clymer. I come before you in support of the Family Planning grant brought before you tonight. The Chautauqua County Department of Health protects and promotes the health of families within Chautauqua County by preventing disease, preventing unplanned pregnancy, prolonging meaningful life, protecting the environment and providing leadership during health crises. For more than 30 years the Chautauqua County Health Department has offered Family Planning Services to the community through the clinics in both Jamestown and Dunkirk. By providing services to clients and preventing the spread of disease, the Health Department ultimately protects the health of others in Chautauqua County. It is essential that the Health Department continue to provide these services for the next five years. Thank you.

Ms. Rose Conti, I live at 50 Lake Avenue, Brocton, N.Y., and I am the CSEA President so I am here speaking on behalf of my agency. I am also here about Res. 19-11. When we heard that this was coming before you, we thought that it was a prudent thing for the union to do to see what kind of community support there was for this grant. So we very quickly put together a letter and sent it out. I just want to tell you that even though they have only had a week the community support for this grant has been tremendous. We've heard from police agencies, colleges, all three of them in our County, both our BOCES, most of our schools have already sent back their response, many community agencies that work with the same population that the Health Department does and also many of the providers in the community, different doctors offices who feel that the service that is provided by the County is vital and needs to remain that way. It needs to stay with the County and this grant provides a lot of services that you may not think about when you think about it's just the Health Department. So, we're very pleased to get that response and I wanted to make you aware of that response. I am a little concerned on the one part of the resolution so I guess I am also hoping that when it talks about agreements with other agencies that we are only talking about agreements that help the County and the County Health Department fulfill their mission. I think that our Health Department has done an excellent job all of these years providing this service and I can't imagine the time that it would take for anyone else to do that, nor can I imagine it would ever run as smoothly and as cost effectively for the taxpayers of this County if that service were to be taken away from them. So, I am hoping that this is just one of five years that they will be getting the grant for because I believe that if you take a look at what they provide, this County will see that this small amount of money that the County puts forward really means nothing compared to the amount of money that it actually saves us. Thank you.

Mr. Chris Yates, I reside in the City of Jamestown, 800 Lakeview Avenue. I am a member of the Chautauqua Lake Watershed Management Commission and I am here on behalf of the Commission members and I would regret that our Chairman Lyle Hajdu could not be with us.

I am addressing you this evening to encourage your support of the Motion in support of the Chautauqua Lake Watershed Management Plan. This is a combination of five years of effort on

behalf of Commission members that you appointed to develop a strategic set of initiatives to address the health of Chautauqua Lake, one of our valuable resources here in Chautauqua County. I encourage your support of that Motion and I thank you for getting us to this point this evening. Last week, Chairman Hajdu addressed the Planning & Economic Development Committee. I hope that they come forward with their strong endorsement of this Motion that you are considering this evening. You know, when I first came back to Chautauqua County over 16 years ago, one of the things that I marveled at was the beauty and condition of Chautauqua Lake. Unfortunately the kinds of things that are being addressed by this Lake Management Plan have not been dealt with for many, many decades. Regrettably, we're now at a point where it is vital that we take these strategic initiatives to clean up both the out of lake and in lake problems that our children will inherit if we don't remedy the problem today. I encourage your support of this Motion. Thank you so much again for the support that you have given the Commission over the past five years.

COMMUNICATIONS:

1. Letter – Legstr. Lemon Resignation from District 8 – Effective 1/18/11
2. Cert. to Fill Vacancy on Co. Leg. & Cert. of Acceptance – Tamera Downey – District 8
3. Letters (2) – Co. Exec. – Appts. – Traffic Safety Bd. & Soil & Water Bd.
4. Investment Results – Fin. Director Schulz - Dec/2010
5. Faxes (2) – N. Caverretta – Re: Property
6. Resignation Letter – Malinda Stoller from Parks Commission
7. Letter – NYS Dept. of State – Ack. Receipt of LL 3-10
8. Letter – Chamber of Commerce – Re: Reduction of Sales Tax on Clothing & Footwear
9. Letter – NYS Dept. of Ag. & Markets – Re: Ack. Receipt of Res. 63-10 – Review Plan to Consolidate – Ag. Dist. 1
10. NYSDEC Highlights – Fish & Wildlife – 10/15 – 11/15/10

Legislator DeJoe: I would like to request that number 8 be read.

Clerk Caflisch: The communication is from the Chautauqua County Chamber of Commerce addressed to me, Clerk of the County Legislature. Dear Jim; the Chamber of Commerce was approached by the Chautauqua County Legislature to respond to the proposed legislation to reduce the sale tax exemption from \$110 to \$55 on clothing and footwear. We appreciate that the Legislature consulted with us on this issue. The Chamber of Commerce is opposed to the reducing the sales tax exemption from \$110 to \$55 and we ask that you not make any changes to the exemption at this time.

The Chamber of Commerce and Manufacturers Association represent 1,200 businesses in Chautauqua County ranging from the large manufacturing facilities to sole proprietors. We are a privately funded business organization that is driving initiatives and providing services to help support and build stronger businesses and communities in Chautauqua County. The Chautauqua County Chamber of Commerce has a five point focus.

The Five Point Focus:

1. Driving foot traffic into local businesses.
2. Increasing sales and reducing costs for our members through chamber services, events and seminars.
3. Reducing health insurance costs.
4. Advocating with a focus on reducing taxes.
5. Advancing Economic, Workforce and Tourism Development.

In response to the inquiry of the Legislature we reached out to retail establishments, including both Chamber members and non-members, throughout Chautauqua County that sell clothing and footwear. We asked two questions. The first question we asked is, what affect will reducing the County tax exemption from \$110 to \$55, have on your businesses. The second question

we asked is how complex and costly is it for you to reprogram your registers and file the necessary paperwork if the State sales tax exemption is set at a different level than the County?

Here is a summary of our findings.

1. The businesses view the proposed change in the exemption as a sales tax increase.
2. The proposed change in the sales tax will drive more consumers to Erie, PA. Businesses noted that when the State removed their exemption that some of their regular customers went to Erie to purchase footwear and clothing.
3. Handling a different sales tax exemption at the State and County level does not pose any significant problems for the businesses. First of all they are accustomed to dealing with the paperwork involved in processing their receipts. Secondly the technology within modern cash registers allows for a variety of variables such as differing exemptions to be managed. We found that this was true among small retail businesses as well as large corporate retailers.
4. The cost associated with re-programming registers is not a concern. The impact of changing the sales tax exemption and the negative impact it would have on the businesses outweighed any costs or time associated with re-programming registers.
5. The businesses also pointed out that the State plans to return sales tax exemption to \$110 in 2012. Therefore changing the County exemption now and possibly again in a year is aggravating to the business. Essentially the message from the businesses is leave it alone.

Pennsylvania has a competitive advantage over Chautauqua County in both property tax and sales tax. It is impacting retail in Chautauqua County. Comparatively high taxes undermine economic growth. The conversations we have had with Chautauqua County based retailers is consistent with research that has been compiled relating to regional economic competitive factors. Research supports that shopping areas sprout in counties of low-tax states that share a border with a high tax state. Over the past fifteen years there has been significant retail development in Erie, PA, specifically on Peach Street. The tax savings combined with the diversity of shopping options is a lure for Chautauqua based consumers. The snowball effect is that fewer Chautauqua County retail businesses are able to keep their doors open as more consumers take their business to a lower tax more diverse shopping experience. Fewer local retail options within the County pushes consumers outside of the County. The loss of our retail businesses also has impact on future sales tax receipts as well as property tax base implications. To this point we need to keep the sales tax as low as possible if our retailers are going to be able to compete with Erie and Warren, PA.

Again, we appreciate that you have inquired about our position on this issue. We ask that you not change the County tax exemption from \$110 to \$55 as has been proposed. If you have any further questions please feel free to contact me at 716-484-1101 or 716-366-6200. Sincerely, Todd J. Trantum/President/CEO

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 12/15/10 & 1/3/11

MOTIONS: (On file w/ 1/26/11 Leg. Data)

- 1-11 Opposing NYS Takeover of Western Regional OTB Municipality Assets – Unanimously Adopted
- 2-11 Supporting the Chautauqua Lake Watershed Management Plan – Unanimously Adopted

TABLED RES. 264-10, Resolution of the County Legislature of the County of Chautauqua, providing an exemption from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, certain clothing and footwear consisting less than \$55 per item, pursuant to the authority of Article 29 of the Tax Law of the State of New York (See

page 286 in 2010 Journal) – R/C Vote: 11 Yes; 12 No; 2 Absent – (No's: Babbage, Barmore, Downey, Gould, Himelein, Park, Richmond, Runkle, Scudder, Tarbrake, Croscut) – FAILED

RES. NO. 5-11

Appointment of Tamera M. Downey as Legislator from District 8, Towns of Carroll, Kiantone and Part of Busti

At the Request of Legislators Croscut, Barmore, Himelein, Babbage, Gould, Park, Richmond, Runkle, Borrello, Tarbrake, Stewart, and Scudder

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Ronald Lemon District 8; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 8, (Towns of Carroll, Kiantone and Busti) Committees recommending the appointment of Tamera M. Downey, 2020 Riverside Dr., Jamestown, NY; and

WHEREAS, a Certificate of Acceptance has been received from Tamera M. Downey, now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Tamera M. Downey is hereby appointed Legislator from District 8, comprised of the Towns of Carroll, Kiantone and Busti.

Signed: Croscut, Barmore, Himelein, Babbage, Gould, Park, Richmond, Runkle, Borrello, Tarbrake, Stewart, and Scudder

Unanimously Adopted – January 26, 2011

RES. NO. 6-11

Appointing Clerk of the Legislature

At the Request of Legislators Croscut, Barmore, Himelein, Babbage, Gould, Park, Richmond, Runkle, Borrello, Tarbrake, Stewart, and Scudder:

RESOLVED, That Ronald Lemon 49 N. Pearl St., Frewsburg, NY be and hereby is appointed Clerk of the Chautauqua County Legislature, effective January 27, 2011, to serve at the pleasure of the Chairman of the Legislature, at an annual salary of \$36,000.

Signed: Croscut, Barmore, Himelein, Babbage, Gould, Park, Richmond, Runkle, Borrello

Adopted w/ Legislator Gullo voting "no" – January 26, 2011

RES. NO. 7-11

Confirm Appointment & Re-Appointments-Conewango Watershed Commission

By Public Facilities Committee:

At the Request of County executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment & 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.

Robert Stewart
15 Oak Street
Conewango Valley, NY 14726
Term Expires: 11/23/13

Robert Carpenter
1074 28 Creek Road
Kennedy, N.Y. 14747
Term Expires: 12/31/13

Kenneth Chase
646 Pinner Road
Cherry Creek, N.Y. 14723
Term Expires: 12/31/13

Herbert Nobles
7690 Rt. 83
South Dayton, N.Y. 14138
Term Expires: 12/31/13

Carl (Pete) Smallbeck
7276 North Road
Cherry Creek, N.Y. 14723
Term Expires: 12/31/13

Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart

Unanimously Adopted – January 26, 2011

RES. NO. 8-11
Confirm Appointment-Chautauqua County Traffic Safety Board

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

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

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

Lisa Schmidfrerick-Miller
2373 Erickson Road
Ashville, N.Y. 14710
Term Expires: 1/31/14

Replacing Ann Abdella

Signed: Richmond, Himelein, Duff, Mueller

Unanimously Adopted – January 26, 2011

RES. No. 9-11
Confirm Re-Appointments-Chautauqua County Soil & Water Conservation District Board

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following re-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:

Fred Croscut
3375 Waits Corner Rd.
Sherman, N.Y. 14782
Term Expires: 1/31/12

Bruce Kidder
3375 Nutt Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/13

Signed: Park, Heenan, Tarbrake, Borrello

Unanimously Adopted – January 26, 2011

RES. NO. 10-11

Authorizing the South and Center Chautauqua Lake Sewer Districts to Obtain an Engineering Report with Respect to the Enhancement of the Removal of Phosphorus in its Wastewater Treatment Plant

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

WHEREAS, the South and Center Chautauqua Lake Sewer Districts (hereinafter referred to as Districts) have reviewed the report prepared by The Cadmus Group, Inc. for the United States Environmental Protection Agency and the New York State Department of Environmental Conservation dated July, 2010 entitled Total Maximum Daily Load (TMDL) for Phosphorus in Chautauqua Lake; and

WHEREAS, the Districts anticipate being compelled by state and federal regulatory agencies pursuant to applicable laws and regulations to increase significantly the degree of removal of phosphorus from the discharge of its wastewater treatment plant and to incur substantial capital and subsequent operational costs related thereto; and

WHEREAS, the Districts have initiated the acquisition of information with respect to phosphorus in various forms in the influent, process waste stream and effluent of its Wastewater Treatment Plant required to plan and design additional phosphorus removal equipment and processes to avoid unnecessary expenditures for facilities or processes in excess of what is required to meet legal and regulatory mandates; and

WHEREAS, the Board of Directors of the Districts (hereinafter referred to as Board) has recommended the retention of an engineer to prepare a map and plan for consideration by the Chautauqua County Legislature in accordance with procedures established under County Law §268; and

WHEREAS, County Law §268 requires the approval of the Chautauqua County Legislature for the performance of such services; therefore be it

RESOLVED, That the Chairman of the Board of South and Center Chautauqua Lake Sewer Districts is authorized to execute a contract with GHD Consulting Engineers, LLC in the amount \$64,100 to prepare an engineering study of the enhancement of phosphorus removal at the Wastewater Treatment Plant of the Districts satisfactory for proceeding under County Law §268, and be it further

RESOLVED, That the cost of the report shall be paid from the funds of the Districts.

Signed: Babbage, Barmore, Nazzaro, Stewart, Gould, DeJoe, Gullo, Park, Runkle, Richmond

Unanimously Adopted – January 26, 2011

RES. NO. 11-11

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

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

WHEREAS, a project, for the Bemus-Stow Ferry and Facilities Upgrade Project, in the Towns of Ellery and North Harmony, Chautauqua County, PIN 5758.85, (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, Resolution 143-08 appropriated funds in the amount of \$50,000 for the Preliminary Engineering phase of the project; and

WHEREAS, Resolution 191-10 appropriated funds in the amount of \$485,289 for the Construction and Construction Inspection phases of the project; and

WHEREAS, the estimated Federal Share of the additional Construction and Construction Inspection phases is estimated to be \$60,000 and Non Federal Share is estimated to be \$15,000 for a combined total of \$75,000; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the project PIN 5758.85; and:

WHEREAS, the 2011 Budget included \$300,000 for contingency; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the above subject project; and be it further

RESOLVED, That the Chautauqua County Legislature 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 portions thereof; and be it further

RESOLVED, That in the event the amount required to pay 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phases exceeds the amount appropriated, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it 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 be it further

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

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2011 Adopted Budget and Capital Budget:

DECREASE APPROPRIATION ACCOUNT:

A.1990.----.4	Contractual – Contingent Account	\$15,000
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INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$15,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.7110.675.4	Contractual – Parks & Bemus-Stow Ferry/Facilities	\$75,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.7110.675.R459.7000	Transp. Capital – Parks & Bemus-Stow Ferry/Fac	\$60,000
H.7110.675.R503.1000	Inter-fund Transfer - Parks	<u>\$15,000</u>
		\$75,000

Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart, Gould, Park, Runkle, Richmond – (A.C. –Gullo voting "no")

Adopted w/ Legstrs. Gullo, Heenan, Stutzman voting "no" – January 26, 2011

RES. NO. 12-11

Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds therefore

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

WHEREAS, the Project to Improve the Intersections of County Route 88, Versailles Road @ County Route 95, Alleghany-York Road in the Town of Hanover, and County Route 45, Southwestern Drive @ County Route 30, Baker Street in the Towns of Busti and Ellicott, Chautauqua County, PIN 5759.10, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 90% Federal funds and 10% Non-Federal funds; and

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) phase of the project PIN 5759.10 with existing funding in account D.5112.391;

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is hereby further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of

the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

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

RESOLVED, This Resolution shall take effect immediately and that the Director of Finance is hereby authorized and directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual – Highway Improvements	\$ 8,775
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.391.R458.9002	Federal Aid - Surface Transportation Program	\$ 8,775
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Signed: Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart, Gould, Park, Runkle, Richmond, Gullo

Unanimously Adopted – January 26, 2011

RES. NO. 13-11

Establish Budget for use of Chadwick Bay Building by Department of Social Services

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

WHEREAS, the 2011 Adopted budget was predicated on a plan for the Department of Social Service to return to its previous office space at the Graf building in Dunkirk; and

WHEREAS, circumstances have changed whereby the Department of Social Services can be temporarily located in another county owned facility, the Chadwick Bay Building; and

WHEREAS, a budget for the utilities and other costs of maintenance for the use of this space along with shared services revenue to be allocated from Buildings & Grounds to the Department of Social Services must be established; therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.1620.6070.4 Contractual – Chadwick Bay Building \$35,062

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1620.6070.R241.0CHA-Use of Money & Property - Rental:Chad Bay \$35,062

Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart, Tarbrake, Runkle, Richmond, Park, Gould, Stutzman, Ahlstrom, Gullo

Unanimously Adopted – January 26, 2011

RES. NO. 14-11

Amend Rules and Regulations of the Chautauqua County Legislature

By Administrative Services Committee:
At the Request of Legislator Mueller:

WHEREAS, the County Legislature's current rules and regulations were enacted and amended pursuant to Resolutions 142-02, 243-02, 74-03, 160-03, 216-03, 55-05, 86-06, 109-06, 224-07, 82-09, and 82-10; and

WHEREAS, it is appropriate that the standing committees of the County Legislature be reduced and consolidated from six (6) to four (4) committees; therefore be it

RESOLVED, That Paragraphs C and D of Rule 7 of Section II in the Rules and Regulations of the Chautauqua County Legislature is hereby amended by substitution to state as follows:

C. The following standing committees of the County Legislature are hereby created:

- Administrative Services
- Audit and Control
- Human Services and Public Safety Committee
- Planning, Economic Development, and Public Facilities Committee

D. The areas of responsibilities for each of the above named committees are as follows:

ADMINISTRATIVE SERVICES

This Committee shall:

Study and make recommendations to the Policy Conference and Audit & Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with administrative services under the executive branch of county government, and programs associated with the County Clerk and Board of Elections.

- a. Continuously monitor the programs associated with administrative services under the executive branch of county government and the County Clerk and Board of Elections, and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- b. Deal with all matters pertaining to other municipalities involving programs associated with administrative services under the executive branch of county government and programs associated with the County Clerk and Board of Elections.
- c. Review and make recommendations to the Legislature regarding compensation of all officers and employees paid from county funds.
- d. Deal with all matters pertaining to the operation of the Legislature.

- e. Review and recommend proposed changes to the Chautauqua County Charter and review proposed changes to the Chautauqua County Administrative Code.
- f. Act on all appointments not under the jurisdiction of another committee of the Legislature.
- g. Deal with all matters involving county tax sales, county tax liens, and county tax deeds and shall make recommendations to the full Legislature concerning the sale or other disposition of County-owned tax properties.

AUDIT AND CONTROL COMMITTEE

1. This Committee shall:
 - a. Study and make recommendations to the full Legislature on all appropriations for all purposes. It shall work with the County Executive, other elected officials, and the Budget Director in developing the tentative capital budget and the tentative operating and maintenance budget.
 - b. Review the aforesaid tentative budgets after their presentation with the County Executive, other elected officials, the Budget Director, and those department heads requesting revised budgets. It may summon other department heads to testify as it deems necessary. In preparing the tentative capital budget and tentative operating and maintenance budget, the committee shall receive recommendations from the other standing committees relating to priorities within their respective jurisdiction.
 - c. Recommend to the full Legislature such changes in the tentative budgets as it deems appropriate. After the budget has been legally established, it shall review any requested additions or transfers of funds between accounts or departments. No local enactment designated for committee review carrying an appropriation or transfer of money shall be acted upon by the full Legislature until action shall have been taken by this committee, except as otherwise provided herein.
 - d. Approve all capital projects and review performance and actual costs against original commitments.
 - e. Deal with all matters pertaining to other municipalities in areas of tax exemption.
 - f. With the assistance of the Finance Director, Budget Director, and the County Legislature's financial analyst, it shall monitor and recommend to the full Legislature any necessary action regarding the County's investment policies, indebtedness, tax levy, tax rate, tax stabilization, fund balances, long-range financial planning and other financial matters.
 - g. Be responsible for identifying, developing, and recommending general financial policy and related structural changes in County government in order to ensure its financial health and stability.

HUMAN SERVICES AND PUBLIC SAFETY COMMITTEE

This Committee shall:

Study and make recommendations to the Policy Conference and Audit & Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with human services and public safety under the executive branch of county government and under the Sheriff, District Attorney, Public Defender, and Coroners.

- a. Continuously monitor the programs associated with human services and public safety under the executive branch of county government and under the Sheriff, District Attorney, Public Defender, and Coroners, and evaluate the performance of such

- programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- b. Deal with all matters pertaining to other municipalities that involve programs associated with human services and public safety.
 - c. Act as a liaison to the Courts of Chautauqua County and deal with public safety matters involving the courts.

PLANNING, ECONOMIC DEVELOPMENT, AND PUBLIC FACILITIES COMMITTEE

This Committee shall:

Study and make recommendations to the Policy Conference and Audit and Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with planning, economic development, and public facilities under the executive branch of county government, and special purpose districts.

- a. Continuously monitor the programs associated with planning, economic development, and public facilities under the executive branch of county government and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- b. Deal with all matters pertaining to other municipalities that involve programs associated with planning, economic development, and public facilities.
- c. Deal with all matters associated with the Chautauqua County Industrial Development Agency, Chautauqua County Planning Board, and agriculture.
- d. Deal with all matters pertaining to air and water quality and land use.

Signed: Barmore, Scudder, Cornell, DeJoy with Runkle Voting No

Defeated – R/C Vote: 11 Yes; 12 No; 2 Absent (No's: Babbage, Barmore, Downey, Duff, Gould, Himelein, Park, Richmond, Runkle. Scudder, Tarbrake, Croscut – January 26, 2011

RES. NO. 15-11

Authorize Agreement with Town of Hanover for Enhanced Police Services

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

WHEREAS, the Town of Hanover has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Township during the 2011 – 2013 calendar years; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Hanover for the period of January 1, 2011 through December 31, 2013, for an estimated cost not to exceed \$355,703 for 2011, \$365,302 for 2012 and \$375,860 for 2013; therefore be

RESOLVED, That the County Executive is hereby authorized 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: Richmond, Himelein, Duff, Mueller, Gould, Nazzaro, DeJoe, Gullo, Park –
(A.C. – Runkle voting "no")

Unanimously Adopted – January 26, 2011

RES. NO. 16-11

Authorize Agreement with Town of North Harmony for Enhanced Police Services and Court Security Detail

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

WHEREAS, the Town of North Harmony has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Township during the 2011 calendar year and supply 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, 2011 through December 31, 2011, for an estimated cost not to exceed \$6,000.00 based upon an hourly rate of \$27.64; therefore be

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

Signed: Richmond, Himelein, Duff, Mueller, Gould, Nazzaro, DeJoe, Gullo, Park, Runkle

Unanimously Adopted – January 26, 2011

RES. NO. 17-11

Transfer of Health Department Capital Project 32802 Funding to SCOB Nursing Renovation – Capital Project #32876

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

WHEREAS, the Chautauqua County Health Department previously submitted and was granted a capital request for 2010 (Capital Project 32802) that would allow renovation of the Dunkirk nursing clinic in the Graf Building to provide an additional examination room; and

WHEREAS, the fire in Dunkirk has precluded the Health Department from undertaking this project at this time; and

WHEREAS, the Health Department requests that the funds be reallocated to the SCOB nursing clinic location in Jamestown to create storage rooms that are both negatively and positively pressure ventilated to comply with Title 10, Article 28 Diagnostic and Treatment Center regulations and upgrade the nursing stations; and

WHEREAS, the Chautauqua County Planning Board has unanimously recommended that the current funds allocated for Capital Project 32802 be reallocated to the new health clinic project at SCOB (Capital Project 32876); therefore be it

RESOLVED, That that the Director of Finance is directed to make the following adjustments to the Capital budget:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.4010.32876.4	Contractual - SCOB Nursing Renovation	\$10,000
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.4010.32802.4 Contractual - Renovate Clinic (GRAF Bldg) \$10,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.4010.32876.R503.1000-Interfund Transfer – SCOB Nursing Renov. \$10,000

DECREASE CAPITAL REVENUE ACCOUNT:

H.4010.32802.R503.1000-Interfund Transfer – Renovate Clinic (GRAF) \$10,000

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, Nazzaro, DeJoe, Gullo, Park, Runkle, Richmond

Unanimously Adopted – January 26, 2011

RES. NO. 18-11

Adjust Accounts Due to Reallocation of Space within the South County Office Building

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

WHEREAS, the 2011 Adopted budget was predicated on a plan for the Health Department to vacate 6,253 ft² of the South County Office Building (SCOB) and on a plan for the Department of Social Services to move into the space vacated by the Health Department; and

WHEREAS, circumstances have changed whereby the Health Department will vacate only 935 ft²; and

WHEREAS, the Department of Social Services will take over only 935 ft² vacated by the Health Department within the South County Office Building; therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.5 Fixed Contractual – Public Health Nursing \$59,650

DECREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.4 Contractual – Public Health Nursing \$20,877

A.6010.----.5 Fixed Contractual – Social Services \$59,650

DECREASE REVENUE ACCOUNT:

A.6010.----.R361.0000 NYS Aid: Social Services Admin \$20,877

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, Nazzaro, DeJoe, Gullo, Park, Runkle, Richmond

Unanimously Adopted – January 26, 2011

RES. NO. 19-11

Accept Family Planning Grant Funding

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

WHEREAS, the New York State Health Department has awarded grant funding to the Chautauqua County Health Department for the Comprehensive Family Planning Program; and

WHEREAS, the award for the first year of the five-year contract cycle is \$662,913 for the period from January 1, 2011 to December 31, 2011, and the 2011 Budget does not include the funding and revenue for the EC, HPV and HIV components of this award; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Department of Health for funding on an annual basis for so long as the County Department of Health continues to be funded by this program, with work plans and budgets to be amended and revised on a yearly basis; and be it further

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

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

INCREASE APPROPRIATION ACCOUNT:

A.4035.----.4	Contractual – Public Health	\$85,284
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INCREASE REVENUE ACCOUNT:

A.4035.----.R448.9FPL-Federal Aid – Other PH: Family Plan	\$85,284
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Signed: Tarbrake, Gould, Stutzman, Ahlstrom, Nazzaro, DeJoe, Gullo, Park, Richmond – (A.C. - Runkle voting "no")

Adopted w/ Legstrs. Downey, Runkle voting "no" – January 26, 2011

RES. NO. 20-11

Designate Chautauqua as Lead Agency for (SEQRA) Review for Adoption of Chautauqua 20/20 as Chautauqua County's Comprehensive Plan

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

WHEREAS, New York State has granted the authority to Chautauqua County to establish or amend a Comprehensive Plan pursuant to Article 12-B of the New York State General Municipal Law; and

WHEREAS, the adoption of a county comprehensive plan is subject to the provisions of the state environmental quality review act (SEQRA) pursuant to Article Eight of the Environmental Conservation Law and its implementing regulations; and

WHEREAS, the proposed action is a Type I Action pursuant to SEQRA and shall require a lead agency to conduct an environmental review in accordance with SEQRA; and

WHEREAS, the Chautauqua County is the sole involved agency with authority to approve and adopt by resolution the Chautauqua County Comprehensive Plan entitled Chautauqua 20/20; and

WHEREAS, it is the responsibility of the sole involved agency which undertakes such action to be the lead agency in the SEQRA process; therefore be it

RESOLVED, That pursuant to 6 NYCRR Part 617.4, Chautauqua County hereby assumes responsibility to act as the SEQRA lead agency and comply with all SEQRA requirements for the adoption of Chautauqua 20/20 as the Comprehensive Plan for Chautauqua County.

Signed: Park, Heenan, Tarbrake, Borrello

Unanimously Adopted – January 26, 2011

RES. NO. 21-11

Authorize Grant Application through the New York State Office of Community Renewal Community Development Block Grant (CDBG) Program

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

WHEREAS, the New York State Office of Community Renewal (OCR) has grant funding available through its Community Development Block Grant (CDBG) program for economic development programs in Chautauqua County; and

WHEREAS, the County will submit a grant application to OCR to fund financing of the operations of Jamestown MVP LLC; and

WHEREAS, the County Planning and Economic Development Department will hold two public meetings on the funding: the first to elicit public input to the general program; the second, for comments on the final proposal; and

WHEREAS, the County will complete preparation of the proposals for filing; now therefore be it

RESOLVED, That the County Executive is hereby authorized to apply for the CDBG funding and to execute any agreements necessary to secure such funding.

Signed: Park, Heenan, Tarbrake, Borrello

Unanimously Adopted – January 26, 2011

RES. NO. 22-11

Authorize Sale of Property Located at 2 North Erie Street, Mayville

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

WHEREAS, the County owns the property in the Village of Mayville designated on the Chautauqua County Tax Map as Section 262.7, Block 2, Lot 16 consisting of the building formerly known as the Ice Cream Shop and the adjacent building which has most recently housed a restaurant and bakery; and

WHEREAS, in response to a recent RFP the County received two proposals to purchase the aforementioned property; and

WHEREAS, the Department of Public Facilities has reviewed the two proposals and have recommended accepting the proposal of Timothy and Darlene Wendell; and

WHEREAS, it is the desire of the Legislature to apply any surplus from the sale of this property to the contingency account; therefore be it

RESOLVED, That the property, designated on the Chautauqua County Tax Map as Section 262.7, Block 2, Lot 16, is no longer needed public use, and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute any and all documents necessary to sell the aforementioned property to Timothy and Darlene Wendell of Dewittville, NY for the purchase price of \$42,500.

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

INCREASE APPROPRIATION ACCOUNT:

A.1990.----.4	Contractual – Contingent Account	\$10,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1990.R266.0000	Sale of Property/Compensa–Sale of Real Property	\$10,000
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Signed: Barmore, Runkle, Scudder, DeJoy, Cornell, Gould, Nazzaro, DeJoe, Gullo, Park, Richmond

Unanimously Adopted – January 26, 2011

2nd Privilege of the Floor

My name is Nancy Cavaretta. I am asking you to consider, if you would, amending the resolution originally from the end of October, Res. 226-10. The resolution proceeded to the November 17th meeting regarding Quit Claim Deeds. The reason I am asking for this vehicle is in order to be able to conclude our obligations and to fulfill our obligations as we have the ability now to be able to go forward as we were hoping to be able to do. If you would put the vehicle in place and we know that our prospect will be able to go forward with us and we have a timetable pending formally as I can look at it now, reasonably on the upside one and a half weeks to the outside of possibly four weeks. But in any event, I would greatly appreciate you're being able to do this for us. I also would ask you to consider that it would be possible we might be able to expedite our request a little bit sooner if perhaps penalties and interest could be waived to some extent. It might be helpful if it's within your capabilities or within your reasoning. If you need any more information, I would be glad to provide you with that. I am asking you because of a premature letter that we had received. We would not even be in this position at this particular time had the letter that we received from the County Finance Department and (*inaudible*). Also, very constitutional issues and statutory issues that I have available to give to all of you and give you more information so that you can be better informed with regard to how the New York State Statutory Law works with regards to tax foreclosure. I know that you are all very astute with regard to how you handle the process but as I found out, until you actually have your head right into the process of all of it, it's very difficult to know all of the details and you really do need to know the details in order to really realize where the essence of what we're dealing with stems from. Thank you. I would ask you help with this and ask you not to expedite the eroding of your tax base which I would be part of that tax base if you were not to work with me. People are your tax base, not your building. I am a third year taxpayer and I would hope to continue to be so and have the privilege of being so. Thank you for your time tonight.

My name is Laura Damon, 19 Oak, Chautauqua, N.Y. I speaking briefly as North Lake Informed Citizens convener. There were references made to party affiliation at this meeting this evening. Last night at the State of the Union message, he asked us to reach for the future. I think that we saw a bit of the future with the integration of parties sitting mixed. It was remarkable and it set a new tone and I would like to see that filtered down to this Legislature as well. That is for North Lake Informed Citizens. The second thing that I wanted to say is that, January 31st at 10 p.m., if you can stay up that late, it's harder and harder, the Chautauqua WNED program will be on PBS. I have seen it. I would have changed a few things but that is the way I am, as you know. It's wonderful, it's exciting and it does deal with the County. I want to thank the Legislature and the County Executive Edwards for helping with the funding that made this entirely possible. Thank you so much.

Chairman Croscut: Anyone else to speak to the 2nd privilege of the floor?

MOVED by Legislator Runkle, SECONDED by Legislator Gullo to adjourn and duly carried.
(7:33 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, February 23, 2011 – 6:30 p.m.
Mayville, N.Y.

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

Clerk Lemon called the roll and announced a quorum present. (Gould absent)

Legislator Runkle delivered the prayer and pledge of allegiance.

MOVED by Legislator Barmore, SECONDED by Legislator Himelein and duly carried the minutes were approved. (1/26/11)

Privilege of the Floor

No one chose to speak at this time.

COMMUNICATIONS:

1. Letters (7) – Co. Executive – Appts. & Re-Appts. to: Airport Commission, Soil & Water, Fish & Wildlife, Planning, Youth, Fire Advisory, and Southern Tier RR Authority
 2. Letter – Co. Atty. – Re: Disclosure of Interest and Recusal – A. Abdella
 3. Letter – J. Wrigley – Resignation from PPD Sewer District Board
 4. Letter – R. Dawes – Interested in Serving on Parks Commission
 5. Minutes – Chaut. Co. Soil & Water Conserv. District – December/2010
 6. Highlights – NYS Fish & Wildlife (11/15-12/15 – 12/15 – 1/15/11)
 7. Letter – NYS Dept. of State – Ack. Receipt of LL 1 & 2-11
 8. Letter – NYS Assemblyman Kolb – Ack. Receipt of Motion 1-11
 9. Jt. Res. – Inter-County Assn. & Inter-County Legislative Committee of the Adirondacks - Re: Enact Meaningful Relief – Property Tax Cap
 10. Fax – N. Cavarretta – Re: Property
 11. NYS Dept. of Real Property Tax Servs. - Equalization Rates
 12. 2011 Chautauqua County Budget
 13. Report – Fin. Director Schulz – Investment Report – January/2011
 14. Letter – NYS Assemblyman Giglio – Re: Ack. Receipt of Motion 1-11
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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 1/26/11

STATE OF THE COUNTY ADDRESS
BY COUNTY EXECUTIVE GREGORY J. EDWARDS

Chairman Croscut, Majority Leader Barmore, Minority Leader Mueller, Legislators, Co-workers, honored guests and taxpayers of Chautauqua County.

I would like to thank the Legislature for the time that they have offered to me tonight to present my sixth State of the County address for Chautauqua County.

As has been my practice for the past few years, the formal remarks that I will make tonight have been placed on the county web page at www.co.chautauqua.ny.us. I have given the Chairman and the Clerk a printed copy and anyone who would like one can print a full copy from the internet.

In light of the increasingly negative financial picture for federal, state, and county governments, over which we have very little control, we have intensified our focus on economic

development in our county and our efforts have paid off in this area. The County of Chautauqua Industrial Development Agency and the Chautauqua County Department of Planning and Economic Development continuously push ahead with a myriad of projects to help our businesses stay and expand, retain and expand jobs, while never losing sight of the need to create plans to help guide our future to enhance our quality of life.

Just as the mood of the consumer on the national level has a great impact on spending and economic activity, I believe that creating a positive attitude locally is just as important. I will take this opportunity to review the status of recent business developments, and planning initiatives.

These are not mentioned in order of importance, but all of our efforts have had a great impact on the County:

- SKF Aeroengine Heat Treat facility: That \$18 million project in Falconer is right now being constructed and will keep over 600 highly paid jobs in our area for 25 years.
- Cummins Engine: Continues to do internal expansion and all the laid-off workers have been hired back.
- TitanX: A Swedish owned manufacturer of truck radiators has hired back all 70 laid off employees, hired an additional 80 people and is working toward 400 employees.
- Southern Tier Brewing Co.: Is again expanding their square footage and adding new equipment to keep up with demand for their products.
- Truck-Lite Co.: Has added to its workforce to meet demand for substantial military contracts.
- Cott/Cliffstar and Carriage House: These local food processors have stayed extremely busy due to the increased demand for their private label products.
- Nestle Purina in the Town of Dunkirk: Continues to add new product lines and new capital investments in equipment to make those products.
- SUNY Fredonia Technology Incubator: Moving well ahead of its business plan and our region will greatly benefit from the excellent start-up businesses residing there.

The blueprint of future projects I am focusing on and as a direct result of the IDA's hard work are:

- Ripley Interstate Site: The 140-acre site which was developed by the Chautauqua County Industrial Development Agency has achieved the Shovel Ready Certification from New York State.
- Millennium Parkway: We will begin constructing this long awaited project in the City of Dunkirk next summer with bids this year to allow for improved commercial truck traffic and opportunities for the businesses located on this route to expand.
- Gateway Center concept: I am working with Senator Young, the New York State Thruway Authority and the IDA to revive the Gateway Center concept at Ripley on I-90. This would become a welcome center at the western most spot on the Thruway for travelers entering the State.
- The Chautauqua County Visitors Bureau: Must be commended for its hard work to promote our new brand to attract visitors to the county. Our new tourism brand, the *World's Learning Center*, will kickoff this summer with *CHAUTAUQUA IN JUNE* - a three-week celebration of learning with classes in home and garden, sports and recreation, and culinary and wine.

In addition to the great success we enjoyed in 2010, we have also had many challenges, some of which I will highlight:

The collapse at Maplevale, Clymer, NY: Due to the planning of our IDA and the purchase of the SYSCO building after that business closed, we were able to offer Maplevale a facility in move

in condition that allowed them to continue their operation and save the 145 jobs that were in jeopardy. We cannot thank the Neckers family, the owners of Maplevale, enough for their devotion to their business and their employees. My team of county professionals and the IDA leadership had the foresight to seize this opportunity and in addition to the long-term lease by Maplevale of a portion of that building, a new manufacturing operation will begin this summer and bring new jobs to the region.

Fire at Cockaigne: The fire destroyed the famous main chalet at Cockaigne Ski area and once again, my team of county professionals, the IDA, the staff at Cockaigne, and the generous donations from area businesses allowed Cockaigne to complete the ski season.

The lists of accomplishments in Chautauqua County go on and on, including efforts in Dunkirk's waterfront area, in Jamestown with the efforts of the Jamestown Renaissance Corporation, and in the Village of Sherman.

A PBS special on Chautauqua Institution was just seen by 2.5 million TV viewers in North America. Our third Annual Chautauqua County Energy Conference & Expo was a success once again, and we will be enhancing it for 2011. Early this April, we will be announcing another "green" initiative at a conference on sustainability at Jamestown Community College and I apologize for any I have missed. Planning:

It also happens that Cockaigne is right in the middle of an exciting new initiative to develop equestrian trails in our county. The Department of Planning and Economic Development, with help from the IDA, now has an official Chautauqua County Equestrian Trail System Plan. This plan has the goal of creating at least 40 miles of some of the best trail riding in the Eastern United States here in our county. The efforts of all those working on this initiative have not only identified that we can be the home of just such a trail structure, but that we can, with proper planning, have the capacity to double that figure and enjoy economic growth and development that would be virtually impossible in the Eastern portion of the county without this type of planning.

While the previous examples were all projects that have shovels in the ground and people working, an even more important accomplishment was made last year that is being presented to the public next month. The Planning Department and many others of us from the county along with countless volunteers from around the region have helped create the first comprehensive plan for our county since 1975 entitled *Chautauqua 20/20*. This "living" document is the work of our county's residents, and will be the foundation of our efforts in many areas of county life as we move forward. It compliments and builds on the new county branding initiative – *The World's Learning Center*.

We are also developing a Greenways Plan for the county. This effort is to inventory our natural recreation and trail assets county-wide, and see how we can fully utilize them for tourism and economic development while maintaining our commitment to Green growth.

Dealing with the impact of Albany:

Over the past two decades, officials in Albany have been making decisions and handing the bill to Chautauqua County and each of the other 61 counties across the State. Much like the guy who goes to the restaurant and orders hors d'oeuvres, surf and turf, dessert and a bottle of the most expensive wine and then hands the bill to those unfortunate enough to have met him for dinner, the State had been designing programs, increasing benefits, expanding services with an apparent complete disregard for the costs. The result has been and continues to be that counties like ours have had to pay these bills with ever-increasing local taxes and fees. Well, five years ago we began cutting our costs, increasing our ability to generate non-tax revenue, cutting our staff, reducing our insurance costs, and finding virtually every way to reduce our costs to deal with these ever-increasing demands by the State to pay them more and more money. Unfortunately, along with all of these cuts came a requirement by our former Assemblyman that our sales tax rate and thereby our revenue be reduced from 8.25% to 7.5%. In addition, we were forced to pay to the towns, villages, and cities a gift of \$2.1 million each year of county dollars to "hold them harmless" from the cuts in sales tax where their percentage like ours was reduced. That means we no longer collect the sales taxes that a percentage went to these municipalities yet we continue to have to pay them as if we were collecting this money. We just have to gift them \$2.1 million of our dollars and deal with the loss because our Assemblyman said so and put it in his state law. These actions have resulted in the county receiving

over \$55 million less these past five years and we no longer have any efficiencies or cuts that can be made to enable us to pay Albany, and gift these local municipalities \$2.1 million every year.

I am here to tell you that I join with the Chautauqua County Chamber of Commerce, Unshackle Upstate, the Business Council of New York State, the Chamber Alliance of New York State, and many others in their calls for fiscal responsibility in Albany, and an end to unfunded mandates. I agree that much needs to be done to address issues such as the expansion of unsupported social programs and the resulting increases in property tax, which drive away business growth and opportunity. However, I also agree with Governor Scott Walker of Wisconsin who was reported in the New York Times on Monday February 21, 2011 as saying, "We've got a \$3.6 billion budget deficit. We are broke. Just like nearly every other state across the country, we're broke...It's about time somebody stood up and told the truth, and that the only way for us to balance the budget at the state level or at the local level is to make sure that we give those local governments the tools they need to balance the budget..."

I need to take a moment to show what we as a local government referred to by Governor Walker has done over the last five years.

Our spending has increased on average 1.27% per year, our revenue (which is primarily tax dollars) has decreased on average -.25% per year, our property tax levy has increased at a rate of only 1.99% per year, and our property tax rate has gone down on average -1.27% over the past six years!

Chart 1

Chautauqua County Summary of Adopted Budget 2006 - 2011						
	2006	2007	2008	2009	2010	2011
Appropriations (1)	\$196,387,944	\$204,861,628	\$201,182,751	\$202,155,367	\$203,055,935	\$209,180,550
<i>% Inc / (Dec) over prior year</i>		4.3%	-1.8%	0.5%	0.4%	3.0%
<i>5 year average % increase</i>						1.27%
Revenue (1)	\$140,554,365	\$146,600,271	\$139,142,481	\$143,158,415	\$144,673,944	\$138,818,819
<i>% Inc / (Dec) over prior year</i>		1.4%	-5.6%	4.1%	1.2%	-9.4%
<i>5 year average % increase</i>						-0.25%
Fund Balance	\$1,983,090	\$3,154,247	\$5,523,600	\$4,103,600	\$3,783,600	\$10,928,600
<i>% Inc / (Dec) over prior year</i>		59.1%	75.1%	-25.7%	-7.8%	188.8%
<i>5 year average % increase</i>						40.68%
Property Tax Levy	\$53,850,489	\$55,107,110	\$56,516,670	\$54,893,352	\$54,598,391	\$59,433,132
<i>% Inc / (Dec) over prior year</i>		2.3%	2.6%	-2.9%	-0.5%	8.9%
<i>5 year average % increase</i>						1.99%
Valuation (in millions)	\$5,675	\$6,163	\$6,425	\$6,293	\$6,674	\$6,679
<i>% Inc / (Dec) over prior year</i>		8.59%	4.25%	-2.06%	6.05%	0.08%
<i>5 year average % increase</i>						3.31%
Property Tax Rate	\$9.49	\$8.94	\$8.80	\$8.72	\$8.18	\$8.90
<i>% Inc / (Dec) over prior year</i>		-5.8%	-1.6%	-0.8%	-6.2%	8.8%
<i>5 year average % increase</i>						-1.27%

However, despite these significant accomplishments, Albany just keeps demanding 10's of millions more of our tax dollars that show up as "local share".

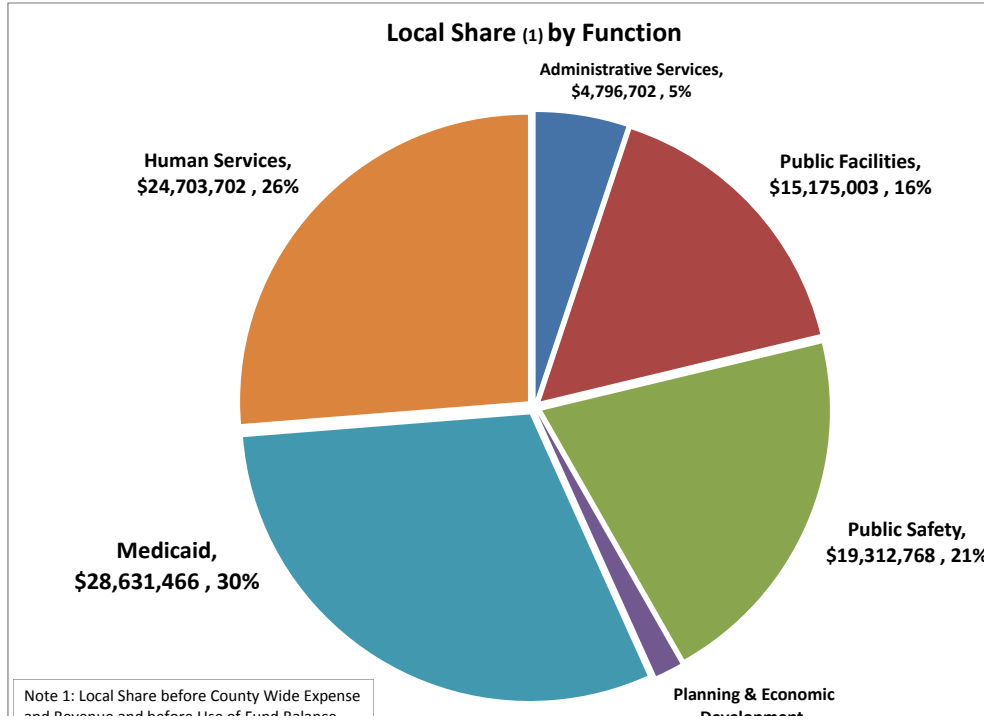
The next graph shows where these local share dollars, that are your tax dollars, are spent by program area from most dollars to least.

Chart 2

Breakdown of Local Share by Program Area before the Allocation of County Wide Revenue and before the Use of Fund Balance and Reserves			
PROGRAM AREA	2011 ADOPTED APPROPRIATIONS	2011 ADOPTED REVENUE	2011 ADOPTED LOCAL SHARE
MEDICAID	\$28,631,466	\$0	\$28,631,466
SOCIAL SERVICES	\$58,449,839	\$40,387,772	\$18,062,067
SHERIFF	\$24,025,726	\$8,091,014	\$15,934,712
DEPARTMENT OF PUBLIC FACILITIES	\$25,045,504	\$9,870,501	\$15,175,003
PUBLIC HEALTH	\$13,485,382	\$9,690,101	\$3,795,281
FINANCE	\$2,497,281	\$405,426	\$2,091,855
PROBATION	\$1,852,813	\$427,610	\$1,425,203
PLANNING & DEVELOPMENT	\$2,805,342	\$1,387,995	\$1,417,347
DISTRICT ATTORNEY	\$1,563,055	\$290,846	\$1,272,209
PUBLIC DEFENDER	\$1,424,293	\$416,500	\$1,007,793
BOARD OF ELECTIONS	\$1,038,413	\$45,241	\$993,172
OFFICE FOR THE AGING	\$4,135,185	\$3,365,166	\$770,019
HUMAN RESOURCES	\$792,863	\$131,783	\$661,080
LEGISLATURE	\$631,489	\$0	\$631,489
JUDICIAL	\$808,118	\$241,000	\$567,118
EMERGENCY SERVICES	\$869,109	\$338,173	\$530,936
COUNTY EXECUTIVE	\$299,833	\$0	\$299,833
MENTAL HYGIENE	\$11,489,852	\$11,219,143	\$270,709
INFORMATION TECHNOLOGY SERVICES	\$1,755,367	\$1,524,554	\$230,813
VETERANS SERVICE AGENCY	\$224,001	\$16,293	\$207,708
YOUTH BUREAU	\$413,303	\$240,590	\$172,713
COUNTY ATTORNEY	\$317,010	\$162,921	\$154,089
COUNTY CLERK	\$2,173,625	\$2,439,255	(\$265,630)
Total Before Use of County Wide Rev and the Use of Fund Balance	\$184,728,871	\$90,691,884	\$94,036,987
COUNTY WIDE EXPENSE AND REVENUE APPROPRIATED FUND BALANCE AND USE OF RESERVES	\$35,249,075	\$58,924,331	-\$23,675,256 -\$10,928,600
PROPERTY TAX LEVY			\$59,433,131

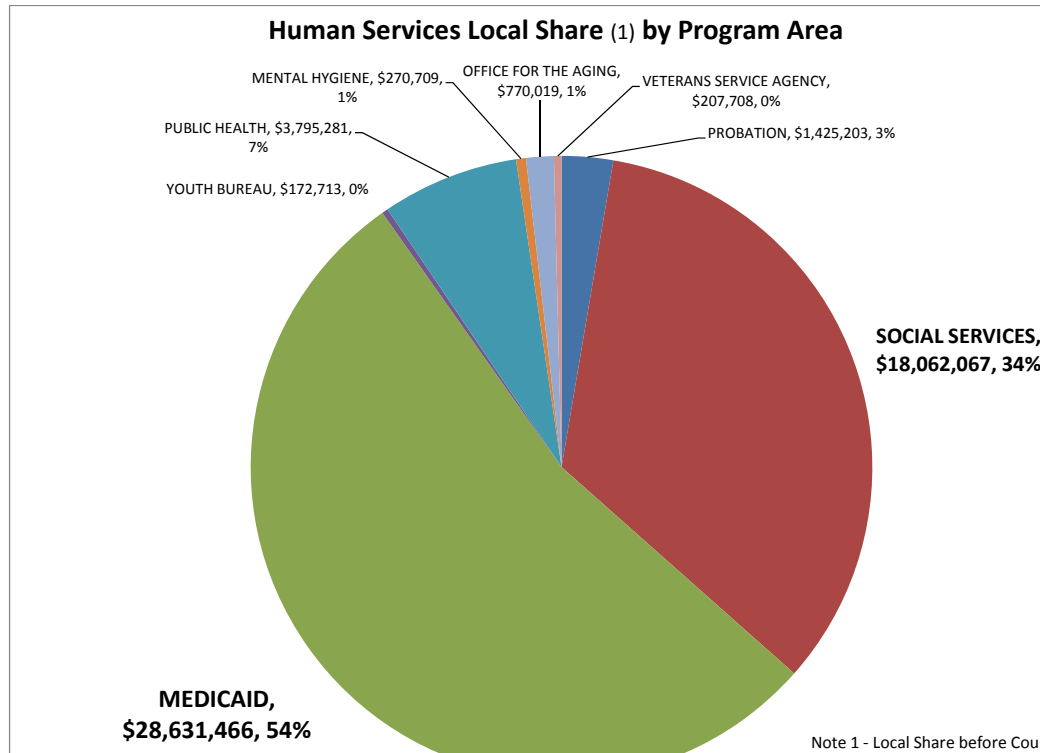
I will now show a pie chart of our local share by functional area:

Chart 3



The total cost of services paid for by local tax dollars are \$94,036,987.00, 56% (\$53,395,168.00) is in Medicaid and Human Services. 21% (\$19,312,768.00) is Public Safety, 16% (\$15,175,003.00) is Public Facilities, 5% (\$4,796,702.00) is Administrative Services, and 2% (\$1,417,347.00) is Planning and Economic Development. The next graph shows that of that Humans Services amount local share for the Youth Bureau is only \$172,713.00, Veterans Service Agency is only \$207,708.00, Mental Hygiene is \$270,709.00, Office for the Aging is \$770,019.00, and Public Health is \$3,795,281.00.

Chart 4



Again, to repeat an undeniable fact based analysis of our past five years (refer to Chart 1):

Total spending from 2006 through 2011 has averaged a 1.27% annual increase

Total revenue from 2006 through 2011 has averaged a -.25% annual decrease

Total Property Tax Levy 2006 through 2011 has averaged a 1.99% annual increase

Total Property Tax Rate 2006 through 2011 has averaged a 1.27% annual **decrease**

We have done this by cutting our workforce (59 positions were eliminated just last year), cutting our insurance costs (we have saved over \$5.5 million in costs compared to similar enterprises), creating non-tax generated income (methane to electric from the landfill net \$1.7 million per year), and finding every other conceivable way to cut our cost of doing business. However, beginning with last year we have run out of viable options other than elimination of essential services, and a return to the sales tax rate that existed in 2006, or a property tax rate increase of over 30%.

Now for the bad news. Albany dictates in large part where our dollars must be spent, and they continue to demand more and more. This next slide shows what we already know will be the demands by Albany for more money from us in 2012.

Chart 5

2012 Projected Budget Gap

Projected Mandated & Contract Labor Increases *

Medicaid	\$2,773,000
NYS Retirement Contribution	\$2,000,000
Community College Chargebacks	\$225,000
Social Services & Public Health Programs	\$1,500,000
Employee Step and Benefit Increases	\$2,000,000

**Assumes No Increase in Contractual Spending Except as Noted*

Total \$8,498,000

Projected Revenue Losses

Use of General Fund Balance	\$2,800,000
Use of Capital Project Reserve	\$1,525,000
Use of Post-Employment Benefit Reserve	\$5,800,000

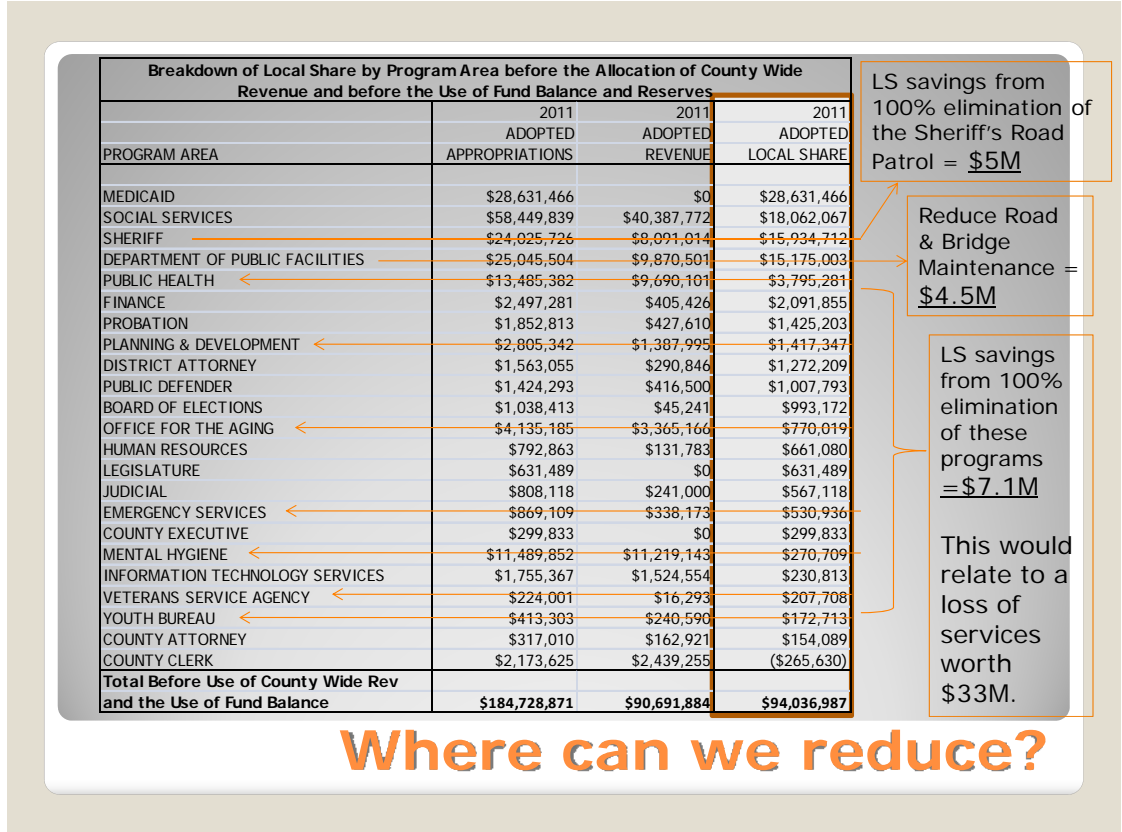
Total \$10,125,000

Net Projected Loss (\$18,623,000)
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These additional demands increase our expenses by over 8.4 million local dollars, and even if our workers did not receive one more dime in salary it would still be \$6.49 million more dollars. However, we also need to pay the money that we have previously used from our fund balance to weather these demands in the past in the amount of \$10,125,000. This means that we need additional tax dollars in a minimum total of \$16,623,000. This would mean an almost 28 % increase in property taxes next year if we just added this burden on our property tax payers.

Looking again at this slide of our local share dollars it is clear that just cutting programs would decimate services to our residents. To find \$16.6 million in local share tax dollars we would have to eliminate all non-required programs from Youth Bureau through Public Health. Next, we would have to have to eliminate our Sheriff's road patrol, and still need to cut \$4.5 million from the repair and replacement of our roads and bridges.

Chart 6



As a result of these facts it is clear to me that we will have to eliminate much of our non-required services, and return our sales tax rate to the level that existed in 2006, 8.25%, or the only other choice is to raise property taxes to make up that share.

Unfortunately, we do not have the luxury of thinking that Albany is going to help us in this situation. The Governor's budget does not reduce the amount of money that is demanded from us; instead, it will increase the total amount of local dollars taken from us by Albany by Millions of dollars. We do not have the luxury of using our "rainy day funds," because those have been taken by Albany in previous years. No, we must create the solutions to these challenges for 2012. To address these issues, and to avoid the budget theatrics that played out during the last two budget meetings of the Legislature I am going to do the following:

1. I have instructed my Department Leaders to implement a "Zero Budget Analysis" of each of their departments. This means that a budget for next year would be built on just what Chautauque County is mandated to do by NYS or the Federal Government. One of my leaders has given me a draft of their first pass and it highlights the services that would have to be cut, and others that would have to be assumed by the private sector to cut our costs.

2. I have asked Budget Director Kitty Crow to develop a "Quarterly Indicator Report" which will include economic indicators, Human Service sector indicators, and budget indicators that will show personnel expenses, sales tax receipts, and other revenue information.

3. I will be examining the viability of the County Home, the Dunkirk Airport, and the Chautauqua County Airport with an intention of determining if these assets have any value in a sale or operation by the private sector.

4. I will continue to analyze all of our physical plants to determine which could be eliminated, space that could be used to merge operations, or be leased to others.

5. Finally, I will continue to work with the 44 other municipalities in our county to exhaust every means of downsizing, cost sharing, or process elimination that is possible. This will continue to include municipalities, and all of our 18 school districts and BOCES.

We have overcome obstacles in the past and we will do so again, however I will need the help and cooperation of everyone in this County to make the best of this situation. There could be no worse time for partisanship, political stunts, or propaganda. Now I am not naïve enough to believe that these will not occur, but I will work to make sure that the taxpayers of our County understand who is working for our collective future and who is working just for their own futures.

To that end, I will be having each of my departments present their zero based budget analysis to the appropriate committees of the County Legislature over the next six months, long in advance of the delivery of my Executive Budget. There will also be the presentation of the Quarterly Indicators, and other factual financial information on a regular basis. These efforts will eliminate the argument that Legislators do not know the cost, value, and impact of the services delivered by County operations to be sure that the impact of any proposed cuts made at budget time are immediately apparent.

I am encouraged by what we have achieved, and confident that we can persevere given the work that my Chautauqua County co-workers have done this past year. In an effort to end on some positive notes, I believe that the following people and departments are entitled to special recognition:

1. Board of Elections: The Chautauqua County Board of Elections has proven it's capacity to deal with change and lead in the adoption of new strategies: This year our Board of Elections has become recognized by it's peers around the State as one of if not the top BOE by delivering a virtually flawless general election. They have also incorporated village and soon school elections into their operations all on optical scan equipment maintained, and assembled by our staff with ballots printed at a significant savings by our print shop.

2. Finance Department Insurance operations: While finding a way to operate with less staff, Darin Schulz and his team have delivered once again. This time I would like to focus on the Insurance portion of this operation where new health insurance plans have been built and delivered that have not only saved us millions, but have improved the health of our co-workers and their families, and cut the insurance costs for our self pay retirees by one half. In 2006, the actual expense of insurance administration was over \$164,000. Even with increased wage and benefit costs over the past 5 years, the actual administration expense in 2010 was \$149,000!

From these examples and too many more to recount tonight, I am encouraged about our capacity, and our proven record of improvements that we will bring to bear on the challenges that face us in this upcoming year.

MOTIONS: (On file w/ 2/23/11 Leg. Data)

3-11 Proclaiming February Black History Month – Unanimously Adopted

4-11 Opposing Sealand Waste LLC Expansion of the Dodge Road C&D Dump in the Town of Carroll
Unanimously Adopted

5-11 In Support of Property Tax Cap in New York State – Unanimously Adopted

6-11 Supporting Mandate Relief – Unanimously Adopted

RES. NO. 23-11

Confirm Appointment & Re-Appointments - Chautauqua County Planning Board

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

REGULAR SESSION

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Planning Board:

Theodore Bogdan
57 Parkdale Drive
Jamestown, NY 14701
Term Expires 12/31/13

Douglas Bowen
5811 Welch Hill Road
Ripley, N.Y. 14775
Term Expires: 12/31/13

Linda M. Fairbanks
9265 Putnam Road
Forestville, New York 14062
Term Expires: 12/31/2013

(New Appt.)
Dr. John P. Hamels
5996 Welch Hill Rd.
Ripley, N.Y. 14775
Term Expires: 12/31/2013

Signed: Park, Kindberg, Heenan, Tarbrake, Borrello

Unanimously Adopted – February 23, 2011

RES. NO. 24-11

Confirm Re-Appointments – Southern Tier West Regional Planning Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Southern Tier Extension Railroad Authority.

William (Bill) Daly
321 Arlington Avenue
Jamestown, N.Y. 14701
Term Expires: 2/28/14

William (Bill) Euliano
12933 Bone Run Road.
Frewsburg, N.Y. 14738
Term Expires: 2/28/14

Signed: Park, Kindberg, Heenan, Tarbrake, Borrello

Unanimously Adopted – February 23, 2011

RES. NO. 25-11

Confirm Appointment & Re-Appointments - Chautauqua County Youth Board

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

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

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

New Appointment:

Breeanne Neal
 100 East St.
 Sherman, N.Y. 14781
 Term Expires: 12/31/13

Re-Appointments:

Susan Drago
 9 Brook Street
 Lakewood, N.Y. 14750
 Term Expires: 12/31/13

Raymond Rushboldt
 3719 Middle Rd.
 Dunkirk, N.Y. 14048
 Term Expires: 12/31/13

Linda Shields
 227 Seymour St.
 Fredonia, N.Y. 14063
 Term Expires: 12/31/13

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James

Unanimously Adopted – February 23, 2011

RES. NO. 26-11
 Confirm Appointments & Re-Appointments - Chautauqua County Fire Advisory Board

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

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following 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 Fire Advisory Board.

Re-Appointments: - 1st Battalion

Lawrence Barter
 9 Pine Drive
 Fredonia, N.Y. 14063
 Term Expires: 1/31/12

Brian Puroi
 3681 New Road
 Dunkirk, N.Y. 14048
 Term Expires: 1/31/12

Michael Przbycien
 PO Box 111
 Sheridan, N.Y. 14135
 Term Expires: 1/31/12

Steve Lehnen
 9791 Rt. 60
 Fredonia, N.Y. 14063
 Term Expires: 1/31/12

New Appointment:
 Allen G. Parker
 8562 Shumla Rd.
 Cassadaga, N.Y. 14718
 Term Expires: 1/31/12

New Appointment:
 Kyle Barthel, Alternate
 27 Center St.
 Forestville, N.Y. 14062
 Term Expires: 1/31/12

Re-Appointments – 2nd Battalion

Al Akin
 PO Box 1001

Scott Cummings
 PO Box 234

Matthew Oehlbeck
 PO Box 352

Chautauqua, N.Y. 14722
Term Expires: 1/31/12

Mayville, N.Y. 14757
Term Expires: 1/31/12

Sherman, N.Y. 14781
Term Expires: 1/31/12

Raymond Lawson
21 Pleasant Avenue
Westfield, N.Y. 14787
Term Expires: 1/31/12

Ronald Trippy
6755 S. Portage Road
Westfield, N.Y. 14787-9614
Term Expires: 1/31/12

Mark Smith, Alternate
9473 East Main Rd.
Ripley, N.Y. 14775
Term Expires: 1/31/12

Re-Appointments - 3rd Battalion

Randy Shampoe
PO Box 173
Clymer, N.Y. 14724
Term Expires: 1/31/12

Jackson Knowlton
2141 Shadyside Road
Lakewood, N.Y. 14750
Term Expires: 1/31/12

Ronald Johnson
1265 Norby Road
Jamestown, N.Y. 14701
Term Expires: 1/31/12

Sam Salemme
217 Dearing Ave.
Jamestown, N.Y. 14701
Term Expires: 1/31/12

New Appointment:
Chet Harvey, Alternate
27 Vinnie St.
Jamestown, N.Y. 14701
Term Expires: 1/31/12

4th Battalion – Reappointments:

Peter Samuelson
4696 Maple Grove Rd.
Bemus Point, N.Y. 14712
Term Expires: 1/31/12

Bradley Rodgers
6044 Rt. 83
Cherry Creek, N.Y. 14723
Term Expires: 1/31/12

James A. Shephard
3669 Crestview Dr.
Bemus Point, N.Y. 14712
Term Expires: 1/31/12

Greg Scott
3517 Cemetery St.
Kennedy, N.Y. 14747
Term Expires: 1/31/12

Thomas Fairbanks
PO Box 11
Gerry, N.Y. 14740
Term Expires: 1/31/12

New Appointment:
John Griffith, Alternate
3659 Dean School Rd.
Falconer, N.Y. 14733
Term Expires: 1/31/12

Signed: Richmond, Himelein, Mueller, Downey, Duff

Unanimously Adopted – February 23, 2011

RES. NO. 27-11

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

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Soil and Water Conservation District Board:

Shaun Heenan
89 Seel Acres

Legislative Appointment

Dunkirk, N.Y. 14048 Term Expires: 2/29/12

Signed: Babbage, Nazzaro, DeJoe, Barmore, Stewart

Unanimously Adopted – February 23, 2011

RES. NO. 28-11

Confirm Appointments & Re-Appointment – Parks Commission

By Public Facilities Committee:

At the Request of Chairman Fred C. Croscut & Legislators Gould and Babbage:

WHEREAS, Chairman Fred C. Croscut, has submitted the following appointments and re-appointment for action by the Legislature; now therefore be it

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

New Appointments

Tom Erlandson
26 Valleyview Dr.
Frewsburg, N.Y. 14738
Term Expires: 12/31/14

Tom Dawes
8 Alburus Ave.
PO Box 126
Bemus Point, N.Y. 14712
Term Expires: 12/31/14

Re-Appointment

Ainsley Smith
PO Box 466
Sinclairville, N.Y. 14782
Term Expires: 12/31/14

Signed: Babbage, Nazzaro, Barmore, DeJoe, Stewart

Unanimously Adopted – February 23, 2011

RES. NO. 29-11

Confirm Re-Appointments – New York State Fish & Wildlife Management Board

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following re-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 Fish and Wildlife Management Board:

James Rizzo
PO Box J
8000 Thayer Rd.
Portland, N.Y. 14769
Term Expires: 12/31/12

Zenon Olow
23 Bernett Drive
Fredonia, N.Y. 14063
Term Expires: 12/31/13

Signed: Babbage, Nazzaro, Barmore, DeJoe, Stewart

Unanimously Adopted – February 23, 2011

RES. NO. 30-11
Confirm Re-Appointments - Chautauqua County Airport Commission

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

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

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

Richard Babbage
PO Box 398
146 Lakeside Drive
Bemus Point, N.Y. 14712
Term Expires: 12/31/12

Jerry Park
1664 Rt. 83
Forestville, N.Y. 14062-9651
Term Expires: 12/31/12

Signed: Babbage, Nazzaro, Barmore, DeJoe, Stewart

Unanimously Adopted – February 23, 2011

RES. NO. 31-11
CARTS –Section 5311 Consolidated Operating and Capital Grant Application Request

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

WHEREAS, the County of Chautauqua is submitting a request for a consolidated grant to the New York State Department of Transportation pursuant to Section 5311 of Title 49 of the United

Stated Code for a project(s) to provide public mass transportation service for fixed routes, rural deviated and demand responsive service in Chautauqua County by Chautauqua Area Regional Transit System (CARTS) and for the purchase of replacement buses and other bus related equipment as well as on-board technology and software together with facility and grounds improvements for fiscal years 2011-2012; and

WHEREAS, the County of Chautauqua and the State of New York have entered into a continuing agreement C003655 (county #02-25-08) that authorizes the undertaking of the project(s) and the advance payment of the Federal share; and

WHEREAS, the Federal operating share is expected to be \$307,900 for 2011 and the 2012 Federal operating has yet to be determined; and

WHEREAS, the Federal share of the capital grant will be 80%, the State share will be 10% and the local share will be 10%; therefore be it

RESOLVED, That the County Executive is authorized to act on behalf of the County of Chautauqua to sign the application and progress and complete the project(s) upon approval of New York State Department of Transportation.

Signed: Park, Richmond, Babbage, Nazzaro, Barmore, DeJoe, Stewart, Gould, Gullo (A.C. Runkle voting "no")

Adopted w/ Legislators Gullo, Ahlstrom, Kindberg, Duff, Heenan, Runkle voting "no" – February 23, 2011

RES. NO. 32-11

Approve JCC Capital Projects – Jamestown Campus

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

WHEREAS, the JCC five-year Capital Improvement Plan for the Jamestown Campus provides for needed updating, renovation, and preventative maintenance for College buildings and grounds that are now thirty or more years old; and

WHEREAS, said plan includes the following projects:

- (1) Acquisition of property adjacent to the Jamestown Campus;
- (2) Renovation of the Carnahan Building; and

WHEREAS, the JCC Regional Board of Trustees has approved the listed projects with a capital budget totaling \$1,599,500.00; and

WHEREAS, the State of New York has matching funds potentially available for one-half of the cost of the projects, and JCC has sufficient funds for one-quarter of the costs of the projects, and there is a remaining one-quarter of the costs of the projects required of Chautauqua County for projects taking place on the Jamestown (Chautauqua County) Campus only; and

WHEREAS, the adopted 2011 budget for Chautauqua County includes the necessary appropriations for the aforementioned projects; and

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the construction of college facilities be approved by the legislative body of all local governments appointing members to such board of trustees; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the aforementioned JCC capital project programs for Jamestown Community College's Jamestown (Chautauqua County) Campus, numbered (1) and (2) above, with a financial commitment of \$399,875.00 as previously appropriated in the 2011 County budget.

Signed: Babbage, Nazzaro, Barmore, DeJoe, Stewart, Gould, Gullo, Park, Richmond (A.C. Runkle voting "no")

Adopted w/ Legstrs. Ahlstrom, Barmore, Duff, Heenan, Himelein, Runkle, Scudder, Stutzman voting "no" – February 23, 2011

RES. NO. 33-11

Adoption of Identity Theft Prevention Policy

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

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules require certain businesses to implement an identity theft program and policy; and

WHEREAS, the Chautauqua County Legislature has determined that the following policy is in the best interest of the County and its citizens; therefore, be it

RESOLVED, That the following policy is hereby adopted as the Chautauqua County Identity Theft Prevention Policy:

CHAUTAUQUA COUNTY
IDENTITY THEFT PREVENTION POLICY

SECTION 1: BACKGROUND

The risk to the County, its employees, customers, clients or patients from data loss and identity theft is of significant concern to the County and can be reduced only through the combined efforts of every employee and contractor.

SECTION 2: PURPOSE

2.1 Chautauqua County adopts this sensitive information policy to help protect employees, customers, clients, patients, and the County from damages related to the loss or misuse of sensitive information.

2.2 This policy:

- 2.2.1 Defines sensitive information;
- 2.2.2 Describes the physical security of data when it is printed on paper;
- 2.2.3 Describes the electronic security of data when stored and distributed; and
- 2.2.4 Places the County in compliance with federal law regarding identity theft protection.

2.3 This policy enables the County to protect existing customers, clients and patients, to reduce risk from identity fraud, and to minimize potential damage to the County from fraudulent accounts. The policy will help the County:

- 2.3.1 Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
- 2.3.2 Detect risks when they occur in covered accounts;
- 2.3.3 Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
- 2.3.4 Update the policy periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SECTION 3: SCOPE

This policy applies to employees, contractors, consultants, temporary workers, and other workers at the County, including all personnel affiliated with third parties.

SECTION 4: SENSITIVE INFORMATION POLICY

4.1 Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format:

- 4.1.1 Credit card information, including any of the following:
 - .1 Credit card number (in part or whole)
 - .2 Credit card expiration date
 - .3 Cardholder name
 - .4 Cardholder address.

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- 4.1.2 Tax identification numbers, including:
 - .1 Social Security number
 - .2 Business identification number
 - .3 Employer identification numbers.
 - 4.1.3 Payroll information, including, among other information:
 - .1 Paychecks
 - .2 Pay stubs.
 - 4.1.4 Cafeteria plan check requests and associated paperwork.
 - 4.1.5 Medical information for any employee or customer, client or patient, including but not limited to:
 - .1 Doctor names and claims
 - .2 Insurance claims
 - .3 Prescriptions
 - .4 Any related personal medical information.
 - 4.1.6 Other personal information belonging to any customer, client, patient, employee or contractor, examples of which include:
 - .1 Date of birth
 - .2 Address
 - .3 Phone numbers
 - .4 Maiden name
 - .5 Names
 - .6 Account, customer, client or patient number
 - .7 Medicaid and Medicare numbers.
 - 4.2 Supervisor Review
 - 4.2.1 County personnel are encouraged to use common sense judgment in securing confidential information to the proper extent.
 - 4.2.2 Furthermore, this section should be read in conjunction with Article 6 of the New York State Public Officers Law.
 - 4.2.3 If an employee is uncertain of the sensitivity of a particular piece of information, then he/she should contact their supervisor.
 - 4.3 Hard Copy Distribution

Each employee and contractor performing work for the County will comply with the following policies:

 - 4.3.1 File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be closed when not in use.
 - 4.3.2 Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
 - 4.3.3 Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
 - 4.3.4 Whiteboards, dry-erase boards, writing tablets, and similar items in common shared work areas will be erased, removed, or shredded when not in use.
 - 4.3.5 When documents containing sensitive information are discarded, they will be placed inside a shred bin or immediately shredded using a mechanical shredding device. A cross-cut device is preferable. County records, however, may only be destroyed in accordance with the County's Records Retention and Disposition Schedule available from the County Clerk or designee.
 - 4.4 Electronic Distribution

Each employee and contractor performing work for the County will comply with the following policies:

 - 4.4.1 Internally, sensitive information may be transmitted using approved County e-mail.

- 4.4.2 Any sensitive information sent externally must be sent only to approved recipients. Additionally, a statement such as this should be included in the e-mail:
 "This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

SECTION 5: RED FLAG IDENTITY THEFT PREVENTION PROGRAM

5. Definitions.

5.1 Covered accounts

A covered account includes any account that involves or is designed to permit payments or transactions. Every new and existing account that meets the following criteria is covered by this program:

- 5.1.1 Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
 5.1.2 Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the County from identity theft, including financial, operational, compliance, reputation, or litigation risks.

5.2 Red flags

5.2.1 The following red flags are potential indicators of fraud:

- .1 Alerts, notifications or warnings from a consumer reporting agency;
- .2 A fraud or active duty alert included with a consumer report;
- .3 A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
- .4 A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

5.2.2 Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of a person, such as:

- .1 A recent and significant increase in the volume of inquiries;
- .2 An unusual number of recently established credit relationships;
- .3 A material change in the use of credit, especially with respect to recently established credit relationships; or
- .4 An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

5.2.3 Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

5.3 Suspicious documents

- 5.3.1 Documents provided for identification that appear to have been altered or forged.
 5.3.2 The photograph or physical description on the identification is not consistent with the appearance of the person presenting the identification.
 5.3.3 Other information on the identification is not consistent with information provided by the person opening a new covered account or person presenting the identification.
 5.3.4 Other information on the identification is not consistent with readily accessible information that is on file with the County, such as a signature card or a recent check.
 5.3.5 An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

5.4 Suspicious personal identifying information

- 5.4.1 Personal identifying information provided is inconsistent when compared against external information sources used by the County. For example:
- .1 The address does not match any address in the consumer report;

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- .2 The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
 - .3 Personal identifying information provided is not consistent with other personal identifying information provided. For example, there is a lack of correlation between the SSN range and date of birth.
 - 5.4.2 Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the County. For example, the address on an application is the same as the address provided on a fraudulent application.
 - 5.4.3 Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the County. For example:
 - .1 The address on an application is fictitious, a mail drop, or a prison; or
 - .2 The phone number is invalid or is associated with a pager or answering service.
 - 5.4.4 The SSN provided is the same as that submitted by other persons opening an account or other accounts on file.
 - 5.4.5 The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other persons opening accounts or other accounts on file.
 - 5.4.6 The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - 5.4.7 Personal identifying information provided is not consistent with personal identifying information that is on file with the County.
 - 5.4.8 When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
 - 5.5 Unusual use of, or suspicious activity related to, the covered account
 - 5.5.1 Shortly following the notice of a change of address for a covered account, the County receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.
 - 5.5.2 A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the account holder fails to make the first payment or makes an initial payment but no subsequent payments.
 - 5.5.3 A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - .1 Nonpayment when there is no history of late or missed payments;
 - .2 A material change in purchasing or usage patterns.
 - 5.5.4 A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
 - 5.5.5 Mail sent to the account holder is returned repeatedly as undeliverable, although transactions continue to be conducted in connection with the account holder's covered account.
 - 5.5.6 The County is notified that the account holder is not receiving paper account statements.
 - 5.5.7 The County is notified of unauthorized charges or transactions in connection with a covered account.
 - 5.5.8 The County receives notice from account holders, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the County.

- 5.5.9 The County is notified by an account holder, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

SECTION 6: RESPONDING TO RED FLAGS

- 6.1 Once potentially fraudulent activity is detected, an employee must act quickly, as a rapid appropriate response can protect account holders and the County from damages and loss.
- 6.1.1 Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the immediate supervisor for determination.
- 6.1.2 The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.
- 6.2 If a transaction is determined to be fraudulent, then appropriate actions must be taken immediately. Actions may include:
- 6.2.1 Canceling the transaction;
- 6.2.2 Notifying and cooperating with appropriate law enforcement;
- 6.2.3 Determining the extent of liability of the County;
- 6.2.4 Notifying the actual person that fraud has been attempted; and
- 6.2.5 Notify County Department Head.
- 6.3 See attached chart for protocol.

SECTION 7: PERIODIC UPDATES TO PLAN

- 7.1 At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up-to-date and applicable in the current environment.
- 7.2 Periodic reviews will include an assessment of which accounts are covered by the program.
- 7.3 As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.
- 7.4 Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the County and its account holders.

SECTION 8: POLICY ADMINISTRATION

- 8.1 Involvement of management
- 8.1.1 The Identity Theft Prevention Policy is the responsibility of the Chautauqua County Executive or his or her designee(s).
- 8.2 Staff training
- 8.2.1 Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the County or its account holders.
- 8.2.2 To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.
- 8.2.3 This policy shall be reviewed with new County employees as part of the orientation process.
- 8.3 Oversight of service provider arrangements
- 8.3.1 A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
- 8.3.2 Any specific requirements should be specifically addressed in the appropriate contract arrangements.

Attachment A

Relevant Identity Theft Red Flags Mitigation and Resolution Procedures

IDENTITY THEFT RED FLAG	PREVENTION/MITIGATION PROCEDURE	RESOLUTION OF RED FLAG
Documents provided for identification appear to have been altered or forged.	Stop the admissions/billing process and require applicant to provide additional satisfactory information to verify identity. Contact immediate supervisor.	Additional documentation must be provided to resolve discrepancy and continue admissions/billing process.
Personal identifying information provided is not consistent with other personal identifying information provided. For example, there is a lack of correlation between the Social Security Number (SSN) range and date of birth.	Stop the admissions/billing process and require applicant to provide additional satisfactory information to verify identity. Contact immediate supervisor.	Additional documentation must be provided to resolve discrepancy and continue admissions/billing process.
The SSN provided is the same as that submitted by other persons opening an account or other accounts on file.	Stop the admissions/billing process and require additional satisfactory information to verify identity. Contact immediate supervisor.	Additional documentation must be provided to resolve discrepancy and continue admissions/billing process.
Patient has an insurance number but never produces an insurance card or other physical documentation of insurance.	Stop the admissions/billing process and require applicant to provide additional satisfactory information to verify identity. Contact immediate supervisor.	Additional documentation must be provided to resolve discrepancy and continue admissions/billing process. Contact insurance company as necessary. If the results of the investigation do not indicate fraud, then all contact and identifying information is re-verified with patient
Records showing medical or other treatment that is inconsistent with a physical	Investigate complaint, interview individuals as appropriate, review previous files for potential inaccurate	Depending on the inconsistency and review of previous file, either delay/do

examination or with a medical history as reported by the patient (e.g. inconsistent blood type.)	records. Items to consider include: blood type, age, race, and other physical descriptions may be evidence of medical identity theft. Contact immediate supervisor.	not open a new covered account, or terminate services. If the results of the investigation do not indicate fraud, then all contact and identifying information is re-verified.
Complaint/inquiry from an individual based on receipt of: - a bill of another individual - a bill for a product or service that the individual denies receiving - a bill from a health care provider that a patient never patronized - a notice of insurance benefits (or Explanation of Benefits) for health services never received.	Investigate complaint, interview individuals as appropriate. Contact immediate supervisor.	Terminate treatment/credit until identity has been accurately resolved; suspend attempting to collect on the account until identity has been resolved. Notify law enforcement as appropriate. If the results of the investigation do not indicate fraud, then all contact and identifying information is re-verified.
Complaint/inquiry from an individual about information added to a credit report	Investigate complaint, interview individuals as appropriate. Contact immediate supervisor.	Terminate treatment/credit until identity has been accurately resolved or suspend attempting to collect on the account until identity has been resolved. Notify law enforcement as appropriate. If the results of the investigation do not indicate fraud, then all contact and identifying information is re-verified.
Complaint or question about the receipt of a collection notice from a bill collector.	Investigate complaint, interview individuals as appropriate. Contact immediate supervisor.	Terminate treatment/credit until identity has been accurately resolved or suspend attempting to collect on the account until identity has been resolved.

		<p>Notify law enforcement as appropriate.</p> <p>If the results of the investigation do not indicate fraud, then all contact and identifying information is re-verified.</p>
<p>Patient or insurance company report that coverage for legitimate services is denied because insurance benefits have been depleted or a lifetime cap has been reached.</p>	<p>Investigate complaint, interview individuals as appropriate. Contact immediate supervisor.</p>	<p>Additional documentation must be provided to resolve discrepancy and continue admissions/billing process. Contact insurance company as necessary.</p> <p>Notify law enforcement as appropriate.</p> <p>If the results of the investigation do not indicate fraud, then all contact and identifying information is re-verified with patient.</p>
<p>Mail sent is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the covered account.</p>	<p>Skip-tracing procedures are used to find the current mailing address. Contact immediate supervisor.</p>	<p>Individual is found and contact information is updated.</p>
<p>County is notified by an account holder, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identify theft</p>	<p>Investigation to determine if billing was made fraudulently. Contact immediate supervisor.</p>	<p>Additional documentation must be provided to resolve discrepancy and continue admissions/billing process. Contact insurance company as necessary.</p> <p>Notify law enforcement as appropriate. If the results of the investigation do not indicate fraud, then all contact and identifying information is re-verified.</p>
<p>Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-</p>	<p>Investigate complaint, interview individuals as appropriate. Contact immediate supervisor.</p>	<p>Terminate credit until identity has been accurately resolved, or suspend attempting to collect on the account until identity has</p>

<p>party sources used by the County. For example:</p> <ul style="list-style-type: none"> - The address on an application is the same as the address provided on a fraudulent application; or - The phone number on an application is the same as the number provided on a fraudulent application. 		<p>been resolved.</p> <p>Notify law enforcement as appropriate. If the results of the investigation do not indicate fraud, then all information is re-verified.</p>
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Signed: Barmore, Cornell, Runkle, Scudder, DeJoy

Unanimously Adopted – February 23, 2011

RES. NO. 34-11

Authorizing Agreement w/ Village of Silver Creek for Tax Exemption of Village-Owned Property in the Town of Hanover

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards & Legislator Borrello:

WHEREAS, the Village of Silver Creek intends to purchase real property not within its corporate limits in the Town of Hanover located at 1318 Routes 5 and 20; and

WHEREAS, pursuant to Section 406(2) and 406(3) of the New York Real Property Tax Law ("RPTL"), property owned by a municipal corporation not within its corporate limits for highway, fire protection, and water/sewer purposes is exempt from taxation by any municipal corporation in which it is located if the governing board thereof shall so agree in writing; and

WHEREAS, the Village of Silver Creek has requested that the County of Chautauqua approve tax exemption from County taxes for the proposed Village facility that will be utilized as the Village of Silver Creek Department of Public Works building for the purposes set forth in Section 406 of the RPTL referenced above; and

WHEREAS, it has been the past policy of the County of Chautauqua to approve such exemptions for other local governments in the County; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves tax exemption from County taxes for the Village of Silver Creek pursuant to the parameters of Section 406 of the RPTL upon the Village's acquisition of the real property located at 1318 Routes 5 and 20 in the Town of Hanover that is designated as tax parcels 32.15-1-7, 32.15-1-8, and 32.15-1-9 on the Chautauqua County Tax Map; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Village of Silver Creek and take such other steps necessary to implement the tax exemption approved by this resolution.

Signed: Barmore, Runkle, Scudder, DeJoy (A.S. Cornell voting "no")

Unanimously Adopted – February 23, 2011

RES. NO. 35-11

Authorizing Annual Renewal of Agreement with New York State Unified Court System to Provide Court Security

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

WHEREAS, the Office of the Chautauqua County Sheriff provides security services for Family Court, County Court, Supreme Court, and the Family Court Support Magistrates in Chautauqua County pursuant to a five (5) year agreement with the New York State Unified Court System; and

WHEREAS, the Sheriff's Department has negotiated a current five (5) year agreement with the New York State Unified Court System to provide such security services subject to annual renewals for adjustments for staffing and revised reimbursement amounts; and

WHEREAS, the New York State Unified Court System has approved the Sheriff's provision of suitable part-time Court Officers and Deputy Sheriffs with reimbursement to the County in the amount of \$728,870.00 for the period of April 1, 2010 through March 31, 2011; therefore be it

RESOLVED, That the County Executive and Sheriff are hereby authorized to execute an agreement with the New York State Unified Court System for court security services including adjustments to staffing schedules and reimbursement to the County by the State in the amount of \$728,870.00 for part-time Court Officers and Deputy Sheriffs for the period of April 1, 2010 through March 31, 2011 as well as addenda or amendments for additional sums, if any, hereinafter due for services rendered during such period.

Signed: Richmond, Himelein, Mueller, Downey, Duff, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Adopted w/ Legstrs. Cornell, James voting "no" – February 23, 2011

RES. NO. 36-11

Authorize Execution of the New York State Office of Homeland Security for Explosive Detection Canine Team

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

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

WHEREAS, the State of New York will provide funding in the amount of \$50,000 for the initial contract period from November 22, 2010 to July 31, 2013 without any local funding; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security Program Grant in the initial amount of \$50,000 with no local share; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110. ---.1	Personal Services - Sheriff Operations	\$20,000
A.3110. ---.3	Depreciable Equipment - Sheriff Operations	\$ 7,000
A.3110. ---.4	Contractual - Sheriff Operations	\$18,000
A.3110. ---.8	Fringe Benefits - Sheriff Operations	<u>\$ 5,000</u>
		\$50,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.3110.R438.9K9T	Other Public Safety Aid:	
	Explosive Detection Canine Team	\$50,000

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Adopted w/ Legstr. Ahlstrom voting "no" – February 23, 2011

RES. NO. 37-11

Increase Appropriation Accounts and Establish Revenue Account for New York State Office of Homeland Security Funding Grant – Bomb Detection

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

WHEREAS, the Chautauqua County Sheriff has been awarded grant funding by the State of New York Office of Homeland Security for the further implementation of Bomb detection; and

WHEREAS, the amount of the grant award is \$133,216 with no local funds for a contract period from August 1, 2009 to July 31, 2012; and

WHEREAS, the 2011 Chautauqua County budget does not include any funding for these expenditures since the grant became available after the budget was released; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.2	Equipment - Sheriff Operations	\$ 7,899
A.3110.----.4	Contractual - Sheriff Operations	<u>\$22,477</u>
		\$30,376

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB	Federal Aid: Bomb Detection	\$30,376
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Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Adopted w/ Legstr. Ahlstrom voting "no" – February 23, 2011

RES. NO. 38-11

Authorize Agreement with Erie II Chautauqua-Cattaraugus BOCES and Appropriate Funds for Secure our Schools Program

By Public Safety & Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of the Sheriff has entered into a grant agreement with the U.S. Department of Justice – Office of Community Oriented Policing (COPS) for Technology; and

WHEREAS, Erie II-Chautauqua-Cattaraugus BOCES will advance payment for equipment approved in this grant agreement; and

WHEREAS, the County will receive funds thru this grant reimbursement for the equipment purchase; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to enter into an agreement with Erie II-Chautauqua-Cattaraugus BOCES to authorize reimbursement and to execute any other agreements necessary to facilitate implementation of the aforementioned grant, and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2011 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3020.TECH.----.4 Contractual - Technical Services	\$151,222
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3020.TECH.R438.9COP Federal Aid - COPS Grants	\$151,222
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Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Adopted w/ Legstr. Ahlstrom voting "no" – February 23, 2011

RES. NO. 39-11
2008 Citizen Corps Grant Award Appropriation of Funds

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

WHEREAS, the Department of Homeland Security appropriations provided \$532,253.60 to New York State to be used to fund grants relating to Citizen Corps Councils; and

WHEREAS, Chautauqua County Office of Emergency Services applied to the New York State Emergency Management Office (SEMO) for the use of the Citizen Corps Council funds; and

WHEREAS, SEMO has approved Chautauqua County Office of Emergency Services application for the use of the Citizen Corps Council funds, up to \$79,838.04, for the period September 1, 2008 thru August 31, 2011 of which \$62,260.54 was used in 2010 (Res.58-10), the remainder of \$17,577.50 will be used in 2011; and

WHEREAS, the Chautauqua County Office of Emergency Services will continue to develop and implement a jurisdiction wide strategic plan for Citizen Corps Councils, which will include the process of forming a local Citizen Corps Council; training, public education, and citizen outreach; and volunteer opportunities that promote community and family safety; and

WHEREAS, the County Executive, with Res. No. 41-09, was authorized to enter into a contract (09-14-03) with New York State Emergency Management Office to accept funds for Citizen Corps Councils; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$17,578
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid - Homeland Security	\$17,578
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Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Adopted w/ Legstr. Ahlstrom voting "no" – February 23, 2011

RES. NO. 40-11

Authorize Acceptance of Distribution of Funds from Sale of Seized Weapons

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

WHEREAS, the Chautauqua County Office of the District Attorney has received a check in the amount of \$14,438 from the New York County District Attorney's Office from Deferred Prosecution Agreements with local retailers; and

WHEREAS, such funds will enable the District Attorney's Office to hire a part-time temporary secretary; and

WHEREAS, when the proceeds of \$14,438 have been expended, the part-time temporary secretarial position shall be eliminated: therefore be it

RESOLVED, That the County is hereby authorized to accept such revenue; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services - District Attorney	\$ 11,779
A.1165.----.8	Employee Benefits- District Attorney	<u>2,659</u>
		\$ 14,438

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.1165.R308.9003	Other State Aid: Crime Victims	\$ 14,438
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Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Adopted w/ Legstr. Ahlstrom voting "no" – February 23, 2011

RES. NO. 41-11

Appropriating Surplus Revenues from Sheriff's and Fire Service Academies

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

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

WHEREAS, the Fire Service Academy did generate a surplus of revenue over expenses in 2009 and 2010 for the County and it is appropriate that any such surplus be appropriated to capital account(s) for improvement of fire service training centers; therefore be it

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

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

INCREASE CAPITAL PROJECT ACCOUNT:

H.3410.510.4 Contractual-Training Center Enhancement \$62,021

INCREASE CAPITAL REVENUE ACCOUNT:

H.3410.510.R226.0001 Charges: Other Gov't-JCC Reimbursement \$62,021

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – February 23, 2011

RES. NO. 42-11

Authorize CCVB for Matching Funds for NYS Division of Tourism

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

WHEREAS, the New York State Legislature has authorized the New York State Department of Commerce to match funds expended by local and regional organizations promoting tourist travel, resorts and vacation businesses in this State; and

WHEREAS, the New York State Legislature has made appropriations for such purposes; and

WHEREAS, to participate in this program, the Chautauqua County Legislature must designate a not-for-profit corporation; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates Chautauqua County Visitors Bureau as the local tourist promotion agency for the Matching Funds Program sponsored by the Division of Tourism and authorizes said designated agency to make application for matching tourism funds, to receive such matching fund, and to represent the County of Chautauqua in tourism promotion efforts; and be it further

RESOLVED, That in making the aforesaid designation, the Chautauqua County Legislature hereby certifies that Chautauqua County Visitors Bureau has been in operation for at least three (3) years immediately prior to making this year's application; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau comply with the following criteria for implementing the Matching Funds Program:

1. That all interest earned from the Matching Funds Program monies be expended for generic County advertising according to the New York State guidelines for the Program, and
2. That all discounts, refunds and advertising agency commissions earned through the Matching Funds Program be reflected in the respective participant's account, and
3. That all of the participant's accounts be reconciled monthly and at the end of the program, and that Chautauqua County Visitors Bureau collect from or refund to participant's such local share as necessary to balance their respective accounts, provided that any local share less than \$50.00 be maintained by the Chautauqua County Visitors Bureau in the matching Funds account and expended for additional generic advertising for the County, and
4. That the above requirements be stated in the Program agreement with each participant; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$429,000.00 for the state fiscal year from April 1, 2011 through March 31, 2012.

Signed: Park, Kindberg, Tarbrake, DeJoe, Heenan, Richmond, Borrello, Gould, Nazzaro, Gullo, Runkle

Unanimously Adopted – February 23, 2011

RES. NO. 43-11

Authorize Extension of Leases for Temporary Office Space Due to Dunkirk Fire

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

WHEREAS, due to last year's fire in Dunkirk several County departments are in need of temporary office space, and

WHEREAS, various leases for temporary office space were authorized by the Legislature by Resolutions 72-10, 73-10, 74-10, 75-10, 76-10, 77-10 and 109-10; and

WHEREAS, the current temporary office space is needed until permanent facilities in Dunkirk are ready for occupancy, now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute extensions of the existing leases for temporary office space for three (3) month increments until permanent facilities in Dunkirk are secured.

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James

Unanimously Adopted – February 23, 2011

RES. NO. 44-11

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

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

WHEREAS, the County Department of Planning and Economic Development, in cooperation with the Chautauqua County Industrial Development Agency, has encouraged and

supported the development of an industrial incubator project in the Riverside Industrial Center in Jamestown, New York; and

WHEREAS, the County entered into a lease agreement for such office space that was thereafter assigned to the Chautauqua Region Industrial Development Corporation as owner of the premises; and

WHEREAS, the County is desirous of extending the lease agreement for an additional year upon the following terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of a lease agreement with Chautauqua Region Industrial Development Corporation (CRIDC) for office space in the Riverside Industrial Center on substantially the following terms and conditions:

Division of Planning:

- 1.) Premises. 2,465 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York
- 2.) Rent. At \$2.41 a square foot, an annual sum not to exceed \$5,946.96 to be paid monthly at the rate of \$495.58 per month.
- 3.) Utilities. Landlord to pay utilities.
- 4.) Term. One year term commencing on January 1, 2011 and terminating December 31, 2011 Subject to termination by prior notice.
- 5.) Other. As negotiated by the County Executive.

Division of Economic Development:

- 1.) Premises – 2,280 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York.
- 2.) Rent – At \$1.72 a square foot, an annual amount not to exceed \$3,921.00 payable at the rate of Three Hundred Twenty-six and 75/100 (\$326.75) Dollars per month.
- 3.) Utilities - Landlord to pay utilities.
- 4.) Term - One year commencing on January 1, 2011 and terminating on December 31, 2011 Subject to termination by prior notice.
- 5.) Other - As negotiated by the County Executive.

Signed: Park, Kindberg, Tarbrake, DeJoe, Heenan, Richmond, Borrello, Gould, Nazzaro, Gullo, Runkle

Unanimously Adopted – February 23, 2011

RES. NO. 45-11

Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program

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

WHEREAS, the Chautauqua County Industrial Development Agency has the expertise and knowledge to conduct a Business Assistance Program and has operated such program to, among other things, develop business sites and properties as well as identify and catalog critical business information, and establish, enhance and share a business profile database; and

WHEREAS, the County of Chautauqua desires to assist the Chautauqua County Industrial Development Agency in this endeavor to encourage the development of new businesses in the area as well as the expansion of existing local businesses and industries; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its annual budget; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program for the current fiscal year in the amount of Sixty-one Thousand Five Hundred Sixty-seven and 00/100 (\$61,567.00) dollars.

Signed: Park, Kindberg, Heenan, Tarbrake, Borrello, Gould, Nazzaro, Gullo, Runkle, DeJoe, Richmond

Unanimously Adopted – February 23, 2011

RES. NO. 46-11

Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion

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

WHEREAS, the County of Chautauqua Industrial Development Agency was formed pursuant to Section 895-h of the New York State General Municipal Law to promote, develop, encourage, and assist in economic development throughout Chautauqua County; and

WHEREAS, pursuant to Article 11 and Section 11.01 of the Chautauqua County Code the County of Chautauqua Department of Planning and Economic Development is responsible for originating programs and activities to improve the economy of Chautauqua County by stimulating job retention, job creation and growth and capital improvements, as well as seeking funds to be used for development, and working with private interests and public agencies of all types; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose for the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development and promotion in the amount of One Hundred Thirty-two Thousand Five Hundred Eighty-one and 00/100 (\$132,581.00) dollars.

Signed: Park, Kindberg, Heenan, Tarbrake Borrello, Gould, Nazzaro, Gullo, Runkle, DeJoe, Richmond

Unanimously Adopted – February 23, 2011

RES. NO. 47-11

Authorize Agreement with Small Business Development Center at Jamestown Community College

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

WHEREAS, the County Department of Planning and Economic Development is striving to increase the viability of businesses within the County by providing a technical assistance program for start-up businesses in the County which will track and assist businesses in their early stages of development; and

WHEREAS, the Jamestown Community College has established a Small Business Development Center at its Jamestown Campus in cooperation with the State University of New York which center 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 Thirty-six Thousand Four Hundred Seventy-seven and 00/100 dollars (\$36,477.00) for the term commencing as of January 1, 2011 through December 31, 2011.

Signed: Park, Kindberg, Heenan, Tarbrake, Borrello, Gould, Nazzaro, Gullo, Runkle, DeJoe, Richmond

Unanimously Adopted – February 23, 2011

RES. NO. 48-11

Requesting Amendment of State Legislation Regarding Imposition of Occupancy Tax

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

WHEREAS, pursuant to Chapters 405 and 686 of the Laws of 2007, and Chapter 130 of the Laws of 2009 adopted by the New York State Legislature, the County was authorized to impose a 5% occupancy tax for the period of December 1, 2007 through November 30, 2011, with three-fifths of the net collections dedicated to the promotion of tourism and two-fifths of the net collections to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County; and

WHEREAS, it is desirable to continue a dedicated occupancy tax for the promotion of tourism and the enhancement of the lakes and streams of Chautauqua County at no expense to County property taxpayers; therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Section 1202-j of the New York State Tax Law and any other applicable law to continue the County of Chautauqua's authorization to impose an occupancy of tax of 5% subject to the same requirements in Chapters 405 and 686 of the Laws of 2007, to take effect December 1, 2011 and continuing through November 30, 2013; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator Catharine Young, Assemblyman Andrew Goodell, and Assemblyman Joe Giglio.

Signed: Gullo, Barmore, Runkle, Scudder, DeJoy, Cornell, Gould, Nazzaro, Park, DeJoe, Richmond

Unanimously Adopted – February 23, 2011

EMERG. RES. NO. 49-11
Amend 2010 Budget to Adjust Accounts for Year End Reconciliation

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

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

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

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.909	Fund Balance	\$1,816,765
MS.----.----.909	Fund Balance	<u>\$420,470</u>
		\$2,237,235

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2010 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1040.----.1	Personal Services – Clerk, Legislative Board	\$495
A.1162.1180.4	Contractual – Unified Court Costs – Justices & Constables	\$90
A.1162.1145.5	Fixed Contractual – Unified Court Costs – Surrogate Ct.	\$1,479
A.1162.1135.5	Fixed Contractual – Unified Court Costs – Supreme Court	\$3
A.1162.1120.4	Contractual – Unified Court Costs – Assigned Counsel	\$202,191
A.1165.----.1	Personal Services – District Attorney	\$9,441
A.1165.----.8	Employee Benefits – District Attorney	\$15,794
A.1165.1169.8	Employee Benefits – District Attorney – Crime Victims	\$734
A.1170.----.5	Fixed Contractual – Public Defender	\$2,573
A.1170.----.8	Employee Benefits – Public Defender	\$18,981
A.1170.1172.1	Personal Services – Aid To Defense	\$125
A.1170.1172.8	Employee Benefits – Aid To Defense	\$1,224
A.1185.----.8	Employee Benefits – Medical Examiners & Coroners	\$2,271
A.1230.----.8	Employee Benefits – County Executive	\$2,299
A.1310.----.4	Contractual – Finance	\$20,661
A.1310.----.8	Employee Benefits – Finance	\$32,284
A.1330.----.2	Equipment – Real Property Tax	\$3,208
A.1330.----.4	Contractual – Real Property Tax	\$6,266
A.1330.----.5	Fixed Contractual – Real Property Tax	\$27,917
A.1362.----.4	Contractual – Tax Advertising & Expense	\$80,110
A.1362.----.5	Fixed Contractual – Tax Advertising & Expense	\$47,789

A.1410.----.2	Equipment – County Clerk	\$200
A.1420.----.8	Employee Benefits – County Attorney	\$8,266
A.1430.----.5	Fixed Contractual – Human Resources	\$1,241
A.1450.----.1	Personal Services – Board of Elections	\$64,180
A.1450.----.2	Equipment – Board of Elections	\$84,450
A.1450.----.8	Employee Benefits – Board of Elections	\$16,955
A.1460.----.1	Personal Services – Records Management	\$1,888
A.1460.----.4	Contractual – Records Management	\$8,300
A.1460.----.5	Fixed Contractual – Records Management	\$16
A.1460.----.8	Employee Benefits – Records Management	\$1,229
A.1610.----.1	Personal Services – Office Services	\$241
A.1610.----.8	Employee Benefits – Office Services	\$1,555
A.1620.----.2	Equipment – Buildings & Grounds	\$1,500
A.1620.----.4	Contractual – Buildings & Grounds	\$1,759
A.1620.----.5	Fixed Contractual – Buildings & Grounds	\$12,079
A.1620.----.8	Employee Benefits – Buildings & Grounds	\$15,458
A.1620.6070.4	Contractual – Buildings & Grounds	\$4,979
A.1620.5070.4	Contractual – Buildings & Grounds	\$3,443
A.1620.5070.5	Fixed Contractual – Buildings & Grounds	\$10,124
A.1650.----.1	Personal Services – Communications System	\$1,433
A.1650.----.4	Contractual – Communications System	\$5,329
A.1650.----.5	Fixed Contractual – Communications System	\$926
A.1670.----.4	Contractual – Print Shop	\$6,569
A.1670.----.5	Fixed Contractual – Print Shop	\$23
A.1670.----.8	Employee Benefits – Print Shop	\$3,004
A.1680.----.4	Contractual – Information Technology	\$5,805
A.1680.----.8	Employee Benefits – Information Technology	\$7,855
A.1710.----.1	Personal Services – Insurance Administration	\$692
A.1985.----.4	Contractual – Municipal Sales Tax	\$1,238,571
A.1989.----.1	Personal Services – Tax Rolls Maint & Process	\$293
A.1989.----.8	Employee Benefits – Tax Rolls Maint & Process	\$22
A.2490.----.4	Contractual – Community College Tuition	\$1,173,294
A.2960.TUIT.4	Contractual – Ed: Handicapped Children-Tuition	\$1,235,880
A.2960.TRAN.4	Contractual – Ed: Handicapped Children-Transportation	\$81,113
A.3010.----.2	Equipment – Emergency Services	\$4,864
A.3010.----.3	Depreciable Equipment – Emergency Services	\$1,318
A.3010.----.8	Employee Benefits – Emergency Services	\$5,984
A.3020.W911.2	Equipment – E-911 Wireless	\$46,308
A.3020.W911.5	Fixed Contractual – E-911 Wireless	\$465
A.3020.IECG.1	Personal Services – Interoperable Emer Comm	\$55,210

A.3020.IECG.4	Contractual – Interoperable Emer Comm	\$653
A.3020.IECG.8	Employee Benefits – Interoperable Emer Comm	\$19,381
A.3020.E911.5	Fixed Contractual – E911 System	\$35
A.3020.E911.8	Employee Benefits – E911 System	\$1,449
A.3110.3118.1	Personal Services – Juvenile Aid	\$2,331
A.3110.3118.4	Contractual – Juvenile Aid	\$854
A.3110.3118.5	Fixed Contractual – Juvenile Aid	\$4
A.3110.3118.8	Employee Benefits – Juvenile Aid	\$148
A.3110.3114.1	Personal Services – Pistol Permit	\$41
A.3110.3114.4	Contractual – Pistol Permit	\$4,359
A.3140.----.8	Employee Benefits – Probation	\$6,649
A.3150.----.1	Personal Services – Jail	\$360,823
A.3150.----.5	Fixed Contractual – Jail	\$20,127
A.3189.3112.8	Employee Benefits – Snowmobile	\$6,392
A.3189.3111.5	Fixed Contractual – Navigation	\$253
A.3310.----.1	Personal Services – Traffic Safety Enforcement	\$851
A.3310.----.8	Employee Benefits – Traffic Safety Enforcement	\$7,137
A.3315.VICT.4	Contractual – Victim Impact Panel	\$155
A.3315.----.5	Fixed Contractual – Stop DWI	\$1,112
A.3410.----.4	Contractual – Basic Fire Academy	\$15,043
A.3410.3412.4	Contractual – Basic Fire Academy – Fire Board	\$208
A.3625.----.1	Personal Services – Technical Rescue	\$83
A.3625.----.5	Fixed Contractual – Technical Rescue	\$3
A.3640.----.1	Personal Services – Hazardous Materials	\$83
A.3640.----.4	Contractual – Hazardous Materials	\$735
A.3640.----.8	Employee Benefits – Hazardous Materials	\$5
A.3989.----.1	Personal Services – Emergency Medical Service	\$477
A.3989.----.8	Employee Benefits – Emergency Medical Service	\$426
A.4010.NURS.5	Fixed Contractual – Public Health – Nursing	\$691
A.4010.----.1	Personal Services – Public Health Admin	\$27,489
A.4010.----.8	Employee Benefits – Public Health Admin	\$41,696
A.4017.MOMS.8	Employee Benefits – Prenatal Clinic – MOMs	\$1,000
A.4025.----.1	Personal Services – Laboratories	\$155
A.4025.----.8	Employee Benefits – Laboratories	\$735
A.4035.----.5	Fixed Contractual – Family Health/Plan Services	\$3,187
A.4059.----.4	Contractual – Early Intervention Prog	\$44,602
A.4059.----.8	Employee Benefits – Early Intervention Prog	\$24,033
A.4082.----.4	Contractual – WIC Program	\$162,737
A.4082.----.5	Fixed Contractual – WIC Program	\$1,266

A.4090.----.4	Contractual – Environmental Health	\$7,672
A.4250.----.2	Equipment – Alcohol Addiction Control	\$106
A.4310.----.2	Equipment – Mental Hygiene Admin	\$1,445
A.4320.----.2	Equipment – Mental Hygiene Programs	\$106
A.5630.5625.1	Personal Services – CARTS	\$31,921
A.5630.5625.2	Equipment – CARTS	\$645
A.5630.5625.8	Employee Benefits – CARTS	\$25,163
A.5630.MED.1	Personal Services – CARTS/Medicaid	\$4,051
A.5630.MED.5	Fixed Contractual – CARTS/Medicaid	\$605
A.6010.----.3	Depreciable Equipment – Social Services Admin	\$3,667
A.6010.----.8	Employee Benefits – Social Services Admin	\$50,284
A.6100.----.4	Contractual – Medicaid	\$298,808
A.6109.----.4	Contractual – Family Assistance	\$551,438
A.6119.----.4	Contractual – Child Care (Foster/Inst)	\$220,607
A.6140.----.4	Contractual – Safety Net	\$1,344,968
A.6420.----.1	Personal Services – Promotion of Industry	\$17,089
A.6420.----.8	Employee Benefits – Promotion of Industry	\$6,248
A.6510.----.2	Equipment – Veterans Service Agency	\$2,000
A.6510.----.8	Employee Benefits – Veterans Service Agency	\$16,877
A.6610.----.1	Personal Services – Weights and Measures	\$1,939
A.6610.----.8	Employee Benefits – Weights and Measures	\$1,779
A.6772.----.1	Personal Services – Office for the Aging	\$46,700
A.6772.----.2	Equipment – Office for the Aging	\$3,048
A.6772.----.5	Fixed Contractual – Office for the Aging	\$705
A.6772.----.8	Employee Benefits – Office for the Aging	\$8,392
A.7020.----.1	Personal Services – Youth Bureau	\$6,561
A.7020.----.8	Employee Benefits – Youth Bureau	\$4,769
A.7110.----.4	Contractual – Parks	\$4,115
A.7510.----.4	Contractual – Historian	\$223
A.7510.----.5	Fixed Contractual – Historian	\$84
A.8020.WTRS.4	Contractual – Watershed Administration	\$88
A.8020.WTRS.8	Employee Benefits – Watershed Administration	\$2,714
A.8020.GIS.4	Contractual – Geographic Info System	\$7,452
A.8020.----.1	Personal Services – Planning	\$1,591
A.8020.----.4	Contractual – Planning	\$109,570
A.8020.----.5	Fixed Contractual – Planning	\$7,316
A.8020.----.8	Employee Benefits – Planning	\$10,510
A.8020.8037.5	Fixed Contractual – Busti Environmental Grant	\$77
A.8668.----.4	Contractual – Home Rehabilitation	\$7,300
A.8730.----.4	Contractual – Forestry	\$8,530

A.9950.----.9	Interfund Transfer – Interfund Transfer	\$1,816,765
A.9950.----.9	Interfund Transfers – Transfer to Capital	\$123,701
CS.1930.----.4	Contractual – Judgments & Claims	\$363,356
D.5010.----.5	Fixed Contractual – Public Facilities Admin	\$10,919
D.5110.----.4	Contractual – Maintenance of Roads	\$129,279
D.5110.----.8	Employee Benefits – Maintenance of Roads	\$48,205
D.5142.----.4	Contractual – Snow Removal: Co Roads	\$66,603
EE.8410.----.1	Personal Services – Electric Generation	\$3,719
EE.8410.----.8	Employee Benefits – Electric Generation	\$1,860
ESN.8110.8112.1	Personal Services – NCLSD Administration	\$225
ESN.8110.8112.4	Contractual – NCLSD Administration	\$7,951
ESN.8110.8112.5	Fixed Contractual – NCLSD Administration	\$1,580
ESN.8110.8112.8	Employee Benefits – NCLSD Administration	\$564
ESN.8120.8122.8	Employee Benefits – NCLSD Sanitary Sewers	\$3,383
ESN.8130.8132.4	Contractual – NCLSD Sewage Treatment	\$19,346
ESP.8110.8114.4	Contractual – PPDS Administration	\$95
ESP.8120.8124.4	Contractual – PPDS Sanitary Sewers	\$8,499
ESS.8110.----.8	Employee Benefits – Administration	\$2,782
ESS.8130.----.8	Employee Benefits – Sewage Treatment	\$651
EW.8310.----.1	Personal Services – No Co Ind Water Dist #1	\$24
EW.8310.----.4	Contractual – No Co Ind Water Dist #1	\$9,035
M.1930.HMO.4	Contractual – Judgmt. & Claims-Alternative Plans-HMO	\$166,155
M.1930.----.4	Contractual – Judgments & Claims	\$1,132,720
M.1930.----.8	Employee Benefits – Judgments & Claims	\$9,554
MS.1720.----.4	Contractual – Benefits & Awards	\$625,370
		\$12,715,668

DECREASE APPROPRIATION ACCOUNTS:

A.1040.----.8	Employee Benefits – Clerk, Legislative Board	\$495
A.1162.1140.5	Fixed Contractual – Unified Court Costs – Family Court	\$1,572
A.1165.----.4	Contractual – District Attorney	\$25,235
A.1165.1169.4	Contractual – District Attorney	\$734
A.1170.----.1	Personal Services – Public Defender	\$29,235
A.1170.----.4	Contractual – Public Defender	\$18,162
A.1170.1174.1	Personal Services – Alternatives to Incarceration	\$6,419
A.1170.1174.4	Contractual – Alternatives to Incarceration	\$2
A.1170.1174.5	Fixed Contractual – Alternatives to Incarceration	\$45
A.1170.1174.8	Employee Benefits – Alternatives to Incarceration	\$289
A.1170.1172.5	Fixed Contractual – Aid To Defense	\$21
A.1185.----.1	Personal Services – Medical Examiners & Coroners	\$2,271

A.1230.----.1	Personal Services – County Executive	\$2,299
A.1310.----.1	Personal Services – Finance	\$5,512
A.1330.----.1	Personal Services – Real Property Tax	\$37,391
A.1410.----.1	Personal Service – County Clerk	\$3,133
A.1410.----.4	Contractual – County Clerk	\$200
A.1420.----.1	Personal Services – County Attorney	\$3,060
A.1420.----.4	Contractual – County Attorney	\$3,286
A.1420.----.5	Fixed Contractual – County Attorney	\$1,920
A.1430.----.4	Contractual – Human Resources	\$1,241
A.1440.----.4	Contractual – Engineers	\$4,200
A.1450.----.3	Depreciable Equipment – Board of Elections	\$21,270
A.1450.----.4	Contractual – Board of Elections	\$118,838
A.1450.----.5	Fixed Contractual – Board of Elections	\$6,529
A.1610.----.4	Contractual – Office Services	\$1,796
A.1620.----.1	Personal Services – Buildings & Grounds	\$15,654
A.1620.7010.4	Contractual – Buildings & Grounds, SCOB	\$4,979
A.1620.5060.4	Contractual – Buildings & Grounds, GOB	\$28,709
A.1670.----.1	Personal Services – Print Shop	\$7,939
A.1680.----.1	Personal Services – Information Technology	\$16,441
A.1680.----.2	Equipment – Information Technology	\$6,563
A.1710.----.8	Employee Benefits – Insurance Administration	\$692
A.1989.----.4	Contractual – Tax Rolls Maint & Process	\$315
A.2960.ADMN.1	Personal Services – Ed: Handicapped Children-Admin	\$12,389
A.2960.ADMN.4	Contractual – Ed: Handicapped Children-Admin	\$940
A.2960.ADMN.5	Fixed Contractual – Ed: Handicapped Children-Admin	\$300
A.2960.ADMN.8	Employee Benefits – Ed: Handicapped Children-Admin	\$4,948
A.3010.----.4	Contractual – Emergency Services	\$12,166
A.3020.W911.4	Contractual – E-911 Wireless	\$46,773
A.3020.E911.4	Contractual – E-911	\$1,484
A.3110.----.1	Personal Services – Sheriff	\$205,219
A.3110.3118.1	Personal Services – Juvenile Aid	\$858
A.3140.----.5	Fixed Contractual – Probation	\$6,649
A.3150.----.4	Contractual – Jail	\$101,630
A.3150.----.8	Employee Benefits – Jail	\$80,980
A.3189.3111.4	Contractual – Navigation	\$253
A.3189.3111.8	Employee Benefits – Navigation	\$6,392
A.3315.VICT.1	Personal Services – Victim Impact Panel	\$155
A.3315.----.4	Contractual – Stop DWI	\$1,112
A.3625.----.4	Contractual – Technical Rescue Team	\$86
A.3640.----.5	Fixed Contractual – Hazardous Materials	\$823

A.3989.----.4	Contractual – Emergency Medical Service	\$16,153
A.4010.NURS.4	Contractual – Nursing	\$691
A.4010.----.4	Contractual – Public Health Admin	\$56,504
A.4010.----.5	Fixed Contractual – Public Health Admin	\$78,254
A.4017.MOMS.4	Contractual – Medicaid Obstet/Maternal	\$137,053
A.4025.----.4	Contractual – Laboratories	\$890
A.4035.----.4	Contractual – Family Health/Plan Services	\$91,597
A.4059.----.1	Personal Services – Early Intervention Prog	\$15,675
A.4059.----.5	Fixed Contractual – Early Intervention Prog	\$447
A.4082.----.2	Equipment – WIC Program	\$20,000
A.4082.----.3	Depreciable Equipment – WIC Program	\$20,000
A.4250.----.4	Contractual – Alcohol Addiction Control	\$106
A.4310.----.4	Contractual – Mental Hygiene Admin	\$1,445
A.4320.----.4	Contractual – Mental Hygiene Programs	\$106
A.5630.5625.4	Contractual – CARTS	\$54,715
A.5630.5625.5	Fixed Contractual – CARTS	\$3,014
A.5630.MED.4	Contractual – CARTS/Medicaid	\$4,656
A.6010.----.1	Personal Services – Social Services Admin	\$178,686
A.6010.----.4	Contractual – Social Services Admin	\$1,263,310
A.6055.----.4	Contractual – Day Care	\$1,027,776
A.6420.----.4	Contractual – Promotion of Industry	\$49,271
A.6510.----.1	Personal Services – Veterans Service Agency	\$4,532
A.6510.----.4	Contractual – Veterans Service Agency	\$14,345
A.6610.----.5	Fixed Contractual – Weights & Measures	\$3,718
A.6772.----.4	Contractual – Office for the Aging	\$19,278
A.7020.----.4	Contractual – Youth Bureau	\$11,330
A.7110.----.1	Personal Services – Parks	\$5,387
A.7110.----.5	Fixed Contractual – Parks	\$2,647
A.7110.----.8	Employee Benefits – Parks	\$411
A.7510.----.8	Employee Benefits – Historian	\$307
A.8020.WTRS.5	Fixed Contractual – Watershed Administrant	\$2,802
A.8020.GIS.1	Personal Services – Geographic Info System	\$544
A.8020.GIS.5	Fixed Contractual – Geographic Info System	\$3,719
A.8020.GIS.8	Employee Benefits – Geographic Info System	\$9,660
A.8020.8037.4	Contractual – Planning Busti Environmental Grant	\$77
D.5110.----.1	Personal Services – Maintenance of Roads	\$224,439
D.5110.3310.4	Contractual – Maint of Roads – Pavement Marking	\$30,567
EE.8410.----.4	Contractual – Electric Generation	\$5,579
ESN.8120.8122.2	Equipment – NCLSD Sanitary Sewers	\$20,000

ESN.8120.8122.4	Contractual – NCLSD Sanitary Sewers	\$13,049
ESP.8130.8134.4	Contractual – PPDSO Sewage Treatment	\$8,594
ESS.8110.----.4	Contractual – Administration	\$2,782
ESS.8130.----.4	Contractual – Sewage Treatment	\$651
EW.9710.----.6	Principal – Debt Service/Serial Bonds	\$9,059
MS.1710.----.4	Contractual – Insurance Administration	\$204,900
		\$4,478,330

INCREASE REVENUE ACCOUNTS:

A.1170.1172.R308.9000	NYS Aid: Other State Aid	\$6,912
A.1170.----.R338.9009	NYS Aid: Other Public Safety: AID INDIG	\$19,384
A.1310.9999.R111.0000	Sales Tax – Sales Tax	\$1,178,146
A.1310.9999.R111.OCTY	Sales Tax – Sales Tax-County Share	\$177,661
A.1310.----.R123.OCCTC	Departmental Income: Fees: Credit Card Transactions	\$4,790
A.1310.----.R269.0000	Sale of Property/Compensa: Tobacco Settlement	\$15,000
A.1362.----.R123.0002	Departmental Income: Fees: Treas-Admin Tax Chg	\$251,600
A.1450.----.R266.5000	Sale of Property/Compensa: Sale of Equipment	\$16,007
A.1460.----.R221.OMIC	Shared Services: Shared Serv-Microfilming	\$8,300
A.1985.----.R111.OMUN	Sales Tax: Sales Tax-Muni Make Whole	\$1,238,571
A.2960.4410.R327.7000	NYS Aid: Ed Handicapped Children	\$840,585
A.3020.IECG.R438.9IEC	Federal Aid: Interoperable Emer Comm Grnt	\$75,244
A.3310.----.R438.9000	Federal Aid: Other Public Safety Aid	\$7,988
A.4059.----.R460.1EIM	Federal Aid: Early Intervention Medicaid	\$222,020
A.4082.----.R448.2000	Federal Aid: WIC Program	\$99,846
A.4090.----.R478.9WSA	Federal Aid: Wastewater & Well Assist	\$30,117
A.6772.----.R377.2000	NYS Aid: OFA	\$39,567
A.8020.----.R388.9002	NYS Aid: Oth State Aid: Snow Trail	\$96,580
CS.1931.9999.R268.000	Sale of Property/Compensa: Ins. Recoveries	\$363,356
M.1930.----.R270.9000	Departmental Income: Participant Assessments	\$102,500
M.9060.9999.R270.9001	Departmental Income: Employer Pd Prem-County	\$418,286
M.9060.9999.R270.9002	Departmental Income: Employer Pd Prem-Retiree	\$787,643
		\$6,000,103

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.1310.621.4	Contractual – Tax Collection/Enforcement	\$123,701
H.6420.531.4	Contractual – Chadwick Bay Ind Park Imp	\$1,816,765
		\$1,940,466

INCREASE CAPITAL REVENUE ACCOUNTS:

H.1310.621.R503.1000	1000 – Interfund Transfers: Interfund Transfer	\$123,701
H.6420.531.R503.1000	1000 – Interfund Transfers: Interfund Transfer	\$1,816,765
		\$1,940,466

Unanimously Adopted – February 23, 2011

2nd Privilege of the Floor

Mr. Greg DeCinque: President of Jamestown Community College and proudly so. I won't take long. I just want to say thank you. I know and I say that on behalf of all of the students, faculty, and staff of the college. Also, appreciative of Mr. Croscut's offer to allow me to come back to the Legislature and do some more bragging if you will, about the (*inaudible*) college and also provide you with some needed information about the operations of the college. I was struck as Mr. Edward's was speaking this evening, that we have done many of those same things in order to accommodate those kinds of reduction that we have also seen in the State funding. We join with you in asking Albany to provide some relief. We took a 15% cut in base aid last year from Albany. As proposed right now, we'll take another 10% cut this year but through the same kind of efforts that I think you are exhibiting here in this body and with the County leadership, we are all attempting to be, absolutely the most prudent we can be with the taxpayer dollar. We are fond of JCC of saying our job is very simple. To provide the highest quality education and training that we can for our community at the lowest possible cost to the taxpayer and that what we continue to pledge to do here. I also want to say here, I thank the members of the Finance and Audit committee and the Public Facilities for about the hour and 20 minutes of intense questioning and appropriate probing into the issue that we brought before this group as we are requesting your support for the projects. I think sometimes the public is not always aware of how much work goes into bringing these resolutions before the full body to be voted on. As you know, much of the work is done in that committee and we are appreciative of what went on there. Just a quick fact. The 34% percent of the high school graduates who chose to attend JCC this year, thank you. The thousands of non-traditional or adults students who are in our classrooms, thank you, and the seven thousand plus individuals who have taken advantage of our personal enrichment, skill enhancement, and job preparation career development programs, also thank you. We view JCC as part of the solution, we are the human capital component of economic development for this County and with that I say thank you and good evening and I certainly appreciate your support.

Legislator Duff: When I was coming up here about 6:00, I noticed that the deer now are traveling in deer pack and there are a lot of deer out there running. I hope that everybody remembers that when they go home.

MOVED by Legislator Gullo, SECOND by DeJJoe and duly carried, the meeting was adjourned. (8:26 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, March 23, 2011 – 6:30 p.m.
Mayville, N.Y.

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

Clerk Lemon called the roll and announced a quorum present.

Legislator Scudder delivered the prayer and pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator Stutzman and duly carried the minutes were approved. (2/23/11)

Privilege of the Floor

My name is Minda Rae Amarin – I am the (*inaudible*) Chair of Chautauqua County League of Women Voters. We understand that the Legislature will vote tonight on the County Reapportionment Commission. Mr. Croscut has proposed a commission consisting of Mr. Barmore, Dr. Mueller, and himself. The League of Woman Voters doesn't question the ability of these three men or Mr. Croscut's power to propose members of the commission as he sees fit. But we are more than disappointed that he has chosen not to include any qualified non-political members of the public on this commission. Especially when the Legislature is likely to reduce the number of its members, redistricting becomes a potentially contentious and partisan procedure. And, as a matter of good government, it seems to us that independent people who are neither elected officials nor party advocates should be involved. To the argument that redistricting is a legislative responsibility that incumbents were elected to perform, we reply that in forming a committee and accepting or rejecting the districts it proposes, the Legislature will be fulfilling those responsibilities. With the argument that speed is necessary, we strongly agree but add that there is little reason to believe a committee of five would be slower to act than a committee of tee. Accordingly, I would urge the Legislature to direct Mr. Croscut to add at least two independent persons to his proposed commission. Thank you.

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

COMMUNICATIONS:

1. Letters (3) – County Executive – Appts. to: Housing & Neighborhood Revitalization Task Force; Fire Advisory Bd.; Planning Board
2. Report – Fn. Director Schulz – Re: February 2011 Investment
3. Minutes- Chaut. Co. Soil & Water Conservation District
4. Steuben County Res. – Re: Opposing Takeover of OTB
5. State of the County – 2011
6. Letter – Assemblyman Giglio – Ack. Receipt of Motions 4, 5, & 6-11
7. (20) Foil Request – RE: County Employee Numbers - Gender/Ethnic Backgrounds

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 02/23/11

RES. NO. 50-11
Confirm Appointment – Chautauqua County Fire Advisory Board

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Fire Advisory Board.

Scott Bailey
PO Box 385
Celoron, N.Y. 14720
Term Expires: 1/31/12

Signed: Richmond, Himelein, Duff, Mueller, Downey

Unanimously Adopted – March 23, 2011

RES. NO. 51-11
Confirm Re-Appointments – Off Track Betting

By Planning & Economic Development:
At the Request of Chairman Fred C. Croscut:

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 12/31/12:

Legstr. Jerry Park 1664 Rt. 83 Forestville, N.Y. 14062	Legstr. Frank "Jay" Gould 70 Hoag Road Asheville, N.Y. 14710
--	--

Fran Lus
71 Peerless Street
Brocton, N.Y. 14716

Signed: Park, Kindberg, Heenan, Tarbrake, Borrello

Unanimously Adopted – March 23, 2011

RES. NO. 52-11
Confirm Appointment – Chautauqua County Housing & Neighborhood Revitalization Task Force

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

WHEREAS, Resolution 193-08 established the Chautauqua County Housing and Neighborhood Revitalization Trust Fund; and

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Housing and Neighborhood Revitalization Task Force.

Mark Geise
 121 Hamlet Street
 Fredonia, N.Y. 14063

Term Expires: 3/31/13

Signed: Park, Kindberg, Heenan, Tarbrake, Borrello

Unanimously Adopted – March 23, 2011

RES. NO. 53-11

Confirm Appointment – Portland/Pomfret/Dunkirk Sewer District

By Public Facilities Committee:
 At the Request of Chairman Fred C. Croscut:

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

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

WHEREAS, there currently exists a vacancy due to a resignation and the PPD Board has recommended the following appointment; therefore be it

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

Patrick Wheeler
 10427 Shore Acres
 Dunkirk, N.Y. 14048

Term Expires: 11/17/12

Signed: Croscut, Babbage, Barmore, Nazzaro, DeJoe, Stewart

Unanimously Adopted – March 23, 2011

RES. NO. 54-11

Confirm Appointments – Chautauqua County Planning Board

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Planning Board:

David T. Thomas
 601 Forest Ave.
 Jamestown, N.Y. 14701

Replacing George Holt
 Term Expires: 12/31/13

Jeffrey E. Gossett
 8 Sunset Drive
 Fredonia, N.Y. 14063

Replacing Stuart Williams
 Term Expires: 12/31/13

Paul J. Gavin
14 W. Beach Rd.
Dunkirk, N.Y. 14048

Replacing Rod Pennica
Term Expires: 12/31/12

Signed: Park, Kindberg, Heenan, Tarbrake, Borrello

Unanimously Adopted – March 23, 2011

RES. NO. 55-11

Modification of Membership of the Chautauqua Lake Management Commission

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua Lake is a unique and invaluable asset for Chautauqua County that enhances the environment and quality of life, provides recreational and tourism opportunities, and spurs economic development; and

WHEREAS, the health and usability of Chautauqua Lake have been threatened by numerous factors at various times, including, but not limited to, introduction of non-native species and excessive erosion in the lake watershed; and

WHEREAS, the Chautauqua County Legislature found it would be advantageous to have a single County commission to examine Chautauqua Lake issues and annually recommend and monitor a comprehensive lake management plan; and

WHEREAS, the Chautauqua County Legislature formed the "Chautauqua Lake Management Commission" by Resolution No. 133-05 to address this need; and

WHEREAS, such resolution established the Commission membership at ten (10) members consisting of a single representative from each of nine specific member entities and a Chairman; and

WHEREAS, "Save Our Lake Environment" (SOLE), one of the original nine entities, has formally requested to be removed from the Commission; and

WHEREAS, the Chautauqua Lake Management Commission has accepted its letter of resignation from the Commission and has recommended replacement of that entity with the Chautauqua County Soil and Water Conservation District and the Conewango Creek Watershed Association thereby increasing its size; therefore be it

RESOLVED, That Resolution No. 133-05 and the original organizational composition of the Chautauqua Lake Management Commission is hereby modified as follows:

A. Membership. The Committee shall be composed of eleven (11) members and a Chairman with two (2) year terms whose appointment shall be subject to confirmation by the County Legislature, with Lyle Hajdu, of Lakewood, New York, continuing to serve as the current Chairman of the Commission, and ten (10) members appointed by the following entities:

1. Chautauqua Watershed Conservancy (CWC);
2. Chautauqua Lake Partnership (CLP);
3. Chautauqua Lake Association (CLA);

4. Chautauqua County Soil and Water Conservation District (CCSWCD);
5. Chautauqua County Visitors Bureau (CCVB);
6. Chautauqua County Water Quality Task Force (WQTF);
7. Chautauqua County Farm Bureau;
8. Chautauqua County Federation of Sportsmen;
9. Chautauqua County Conference of Mayors and Chautauqua County Supervisors' Association (joint appointment)
10. Conewango Creek Watershed Association (CCWA)

Signed: Park, Kindberg, Heenan, Tarbrake, Borrello

Unanimously Adopted – March 23, 2011

RES. NO. 56-11

Appointing Reapportionment Commission for 2010 Census

By Chairman Fred C. Croscut:

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

RESOLVED, That the Chautauqua County Legislature hereby appoints the following individuals to the Reapportionment Commission for the 2010 census:

Fred Croscut
3375 Waits Corners Road
Sherman, N.Y. 14781

Larry Barmore
P.O. Box 245
Gerry, N.Y. 14740

Rudy Mueller
7 Sunset Avenue
Lakewood, N.Y. 14750

Signed: Croscut

MOVED by Legislator Borrello, SECONDED by Legislator Babbage to amend by adding two more members, Legislators' Cornell and Himelein – then MOVED by Legislator Cornell, SECONDED by Legislator Runkle to amend by adding Legislator Gullo in place of Legislator Cornell. – Carried w/ Duff voting "no".

Adopted - R/C Vote: 17 Yes; 8 No (No's: Ahlstrom, DeJoe, Duff, Gullo, Heenan, James, Nazzaro, Stutzman – March 23, 2011

RES. NO. 57-11
Recognition of Earth Day

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

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

WHEREAS, the County Executive and the County Legislature desire to encourage community and civic groups to clean public parks, roadways 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 and other public areas for the period from Saturday April 16, 2011 through Saturday May 21, 2011, 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: Babbage, Barmore, Nazzaro, DeJoe, Stewart

Unanimously Adopted – March 23, 2011

RES. NO. 58-11

Authorize Short Term Extension of Lease of Office Space at the Chautauqua County Airport by the US General Services Administration (GSA) for the Transportation Security Administration (TSA)

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

WHEREAS, by Resolution No. 247-02 the County authorized a lease of office space at the Chautauqua County Airport at Jamestown to the General Services Administration for a multi year term and such term has expired; and

WHEREAS, the General Services Administration has requested an interim short term lease for a period from March 15, 2011 through June 14, 2011 under the same terms and conditions in order to prepare and submit an offer for a longer term lease; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute a supplemental lease agreement to extend the terms of the above referenced lease for the period from March 15, 2011 through June 14, 2011.

Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart

Unanimously Adopted – March 23, 2011

RES. NO. 59-11

Authorize Public Hearing on Proposed Extension of Lease of Office Space at the Chautauqua County Jamestown by the General Services Administration for the Transportation Security Administration

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

WHEREAS, the County Legislature by Resolution No. 271-07 authorized an extension of a lease 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 two year supplemental term and extension; 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 a 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 April 27, 2011 at 6:50p.m.in Legislative Chambers, Gerace Office Building, Mayville, New York 14757 upon substantially the following proposed terms and conditions:

- 1) Rent: Government Services Administration shall pay the County annual rental in the amount of \$5,696.25 or \$474.69 per month or pro-rated portion thereof.
- 2) Term: Two years commencing on March 15, 2011 with option to terminate the lease during the third year of the term upon 90 days written notice.
- 3) 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: Babbage, Barmore, Nazzaro, DeJoe, Stewart

Unanimously Adopted – March 23, 2011

RES. NO. 60-11

Authorize Director of Finance to Increase Appropriations for Sprague Avenue Bridge (BIN 2258350) Replacement Project (PIN 5757.39)

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

WHEREAS, Resolution 202-06 approved a project for the Replacement of the Sprague Avenue Bridge over the Chadakoin River and committed 100% of the funds to cover the project's Non-Federal Share of the Preliminary Engineering and constructions phases; and

WHEREAS, the project's Preliminary Engineering (Design I-VI), Right of Way Incidentals, Right of Way Acquisition, and Construction and Construction Inspection Phases, are currently estimated at \$3,747,888 and are expected to be funded 80% from Federal funds and 20% from Non-Federal funds; and

WHEREAS, New York State Department of Transportation requires that the County commit 100% of the Non-Federal Share, \$749,578 for the project's Preliminary Engineering (Design I-VI), Right of Way Incidentals, Right of Way Acquisition, and Construction and Construction Inspection Phases; and

WHEREAS, it is anticipated that New York State will reimburse the County 75% of the Non-Federal share; and

WHEREAS, the County's share to complete the project's Preliminary Engineering (Design I-VI), Right of Way Incidentals, Right of Way Acquisition, and Construction and Construction Inspection Phases is currently estimated to be \$187,395; and

WHEREAS, Resolution 202-06 did not include the appropriate budget adjustments; and

WHEREAS, the local funds committed under resolution 202-06 have been carried forward in account D.5112.390.4 and no new local funds are needed; therefore be it

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Project Expenses	\$3,560,493
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R358.9003	NYS Aid: Marchiselli Funds	\$ 562,183
D.5112.390.R458.9002	Federal Aid: Surface Transportation Prgm.	<u>\$2,998,310</u>
		\$3,560,493

Signed: Gould, Gullo, Runkle, Park, DeJoe, Babbage, Richmond, Barmore, Nazzaro, Stewart

Adopted w/ Legislator Duff voting "no" – March 23, 2011

RES. NO. 61-11

Authorizing Agreement with NYS Thruway Authority for Sale of EZ-Passes

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

WHEREAS, the County Clerk desires to offer County residents the convenience of purchasing a New York State EZ-Pass at the County Clerk's Office and Department of Motor Vehicle and License Bureaus; and

WHEREAS, by agreement between the County and the New York State Thruway Authority, the County will be authorized to sell EZ-Passes through County offices; therefore be it

RESOLVED, That the Chautauqua County Executive and Chautauqua County Clerk are hereby authorized to enter into an agreement with the New York State Thruway Authority to sell New York State E-ZPasses at all of the County's Department of Motor Vehicle and License Bureaus and the County Clerk's office, and to take such other and further action to implement this Resolution.

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Adopted w/ Legstr. Duff voting "no" – March 23, 2011

RES. NO. 62-11

Authorizing Legislature to Prioritize List of Budgetary Services

By Administrative Services Committee:
At the Request of Legislator Maria Kindberg:

WHEREAS, the Chautauqua County Legislature is a policy-making body; and

WHEREAS, the Chautauqua County Legislature should craft a more comprehensive budget policy than currently exists; therefore be it

RESOLVED, That each of the legislature’s standing committees shall produce a complete list of services provided, overseen, or funded by departments that report to that committee prior to the release of the County Executive’s budget each year; and be it further

RESOLVED, That said list will include the current year’s budget allocation for each service; and be it further

RESOLVED, That each standing committee, having produced a complete list of services provided, overseen, or funded by departments that report to that committee, including the current year’s budget allocation for each service; shall prioritize the list of services.

Signed: Kindberg (Tabled – A.S. 3-2)

MOVED by Legstr. Himelein, SECONDED by Legstr. Tarbrake to table - R/C Vote:13 Yes; 12 No (No’s: Ahlstrom, Cornell, DeJoe, DeJoy, Duff, Gullo, Heenan, James, Kindberg, Mueller, Nazzaro, Stutzman) – TABLED

RES. NO. 63-11
Approve and Authorize Distribution of Dog License Revenue

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

BE IT RESOLVED, That the Director of Finance be authorized and directed to distribute that proportion of dog license funds due the several Towns and Cities pursuant to subdivision 3 of section 111 of the Agriculture and Markets per the following schedule:

Remitting Municipality	Amount Remitted	Seventy-Five Percent of Surplus Apportioned
Arkwright	\$ 419.55	\$ 271.79
Busti	\$ 2,537.79	\$ 1,644.04
Carroll	\$ 653.39	\$ 423.28
Charlotte	\$ 731.60	\$ 473.95
Chautauqua	\$ 1,968.08	\$ 1,274.97
Cherry Creek	\$ 271.40	\$ 175.82
Clymer	\$ 738.54	\$ 478.44
Dunkirk	\$ 328.45	\$ 212.78
Ellery	\$ 1,375.91	\$ 891.35
Ellicott	\$ 2,129.16	\$ 1,379.32
Ellington	\$ 1,018.96	\$ 660.11
French Creek	\$ 220.92	\$ 143.12
Gerry	\$ 827.47	\$ 536.06
Hanover	\$ 1,181.47	\$ 765.39
Harmony	\$ 518.13	\$ 335.66
Kiantone	\$ 259.82	\$ 168.32
Mina	\$ 474.79	\$ 307.58

North Harmony	\$ 822.38	\$ 532.76
Poland	\$ 1,030.04	\$ 667.29
Pomfret	\$ 3,120.23	\$ 2,021.36
Portland	\$ 1,572.77	\$ 1,018.88
Ripley	\$ 1,038.67	\$ 672.88
Sheridan	\$ 796.97	\$ 516.30
Sherman	\$ 638.64	\$ 413.73
Stockton	\$ 685.12	\$ 443.84
Villanova	\$ 468.79	\$ 303.69
Westfield	\$ 1,282.80	\$ 831.03
Dunkirk (City)	\$ 2,653.11	\$ 1,718.75
Jamestown (City)	\$ 3,278.28	\$ 2,123.75
Chaut Co Humane	\$ 377.16	\$ 244.33
TOTAL	\$33,420.39	\$ 21,650.55

Signed: Gould, Gullo, Park, Barmore, Runkle, Scudder, DeJoy, Cornell, Nazzaro, DeJoe, Richmond

Unanimously Adopted – March 23, 2011

RES. NO. 64-11
Accept 2010 Citizen Corps Grant Award

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

WHEREAS, the Office of Emergency Services was awarded funds in the amount of \$76,131.89 from the New York State Emergency Management Office for Citizen Corps Grant for Fiscal Year 2010; and

WHEREAS, the objectives of this program are to enhance citizen preparedness efforts and train Citizen Emergency Response Teams (CERT); and

WHEREAS, the grant period runs from August 1, 2010 through July 31, 2013; and

WHEREAS, the Office of Emergency Services intends to utilize this funding in its 2012 and 2013 budgets; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign the necessary contracts to accept the grant award.

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – March 23, 2011

RES. NO. 65-11
Appropriate Funds – COPS for Technology Grant

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

WHEREAS, the Office of the Sheriff has successfully applied for a grant from the U.S. Department of Justice – Office of Community Oriented Policing (COPS) for Technology; and

WHEREAS, the Sheriff has been approved to receive \$100,000.00 from the COPS grant program to assist in funding the purchase of fiber optic cable and installation for the benefit of the Mayville County complex; and

WHEREAS, it is necessary to appropriate funds in the 2011 budget to allow for expenditures; therefore be it

RESOLVED, That the Director of Finance is authorized to make the following 2011 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3020.TECH.2	Depreciable Equipment –Technical Services	\$ 20,000
A.3020.TECH.4	Contractual – Technical Services	\$ 80,000
		\$100,000

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3020.TECH.R438.9COP	Federal Aid: COPS Grants	\$100,000
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Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – March 23, 2011

RES. NO. 66-11

Close Accounts for Completed Capital Projects as of 12/31/2010

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

WHEREAS, Department Heads have notified the Department of Finance that the capital projects listed below have been completed or canceled;
Completed Capital Projects:

Capital Acct.		Estimated (Surplus)/Deficit
H-1010 637	Legislature Chambers	-\$2,960.65
H-1680 611	Microfilming of Records	-758.18
H-1680 633	Building Security Upgrade	-\$3,101.97
H-1680 676	Document Mgt. Implement	-\$2,067.83
H-3150 610	Jail Expansion	-\$32,566.27
H-3150 640	Replace Old Jail Elevator	-\$ 13.72
H-4010 647	Health Dept. Labs	-\$2,193.31
H-5610 135	Security Improve – Design	-\$753.63
H-5610 139	Terminal concrete Repair	-\$9,129.72
H-5610 143	Security Improvements	-\$1,250.00
H-5610 153	Rehab Roof Bay	-\$5,500.00
H-5610 236	Runway 6-24 LPV Survey	\$109.25
H-5630 624	2004/2005 Sect. 5311 Buses	\$471.81
H-5630 631	Hopkins Parking/Drainage	-\$12,462.98
H-5630 632	Dispatch Software	-\$224.16
H-5630 687	Van – Non-Emerg. Medicaid	-\$1,479.60

H-6010 683	New Security Door – DSS	-\$9,376.31
H-1680 20810	Enterprise Software	\$0.00
H-5610 234	NYS Air 99 Security Grant	\$0.00
H-4250 672	NCOB MH Renovations	\$0.00
ESS-8130 703	S&CCLSD GIS Database	\$0.00
ESS-8130 27808	Ashville Area Sewer Extension	\$0.00
ESN-8130 28801	Grinder Pump Rehab	<u>\$0.00</u>
TOTAL ADJUSTMENT TO RESERVE FOR CAPITAL		-\$74,734.99

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, 2010 and begin capitalization as necessary; and be it further

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

Signed: Gould, DeJoe, Nazzaro, Gullo, Runkle, Park, Richmond

Unanimously Adopted – March 23, 2011

RES. NO. 67-11
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens 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. 137-09; therefore, be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer #	Munic.	S/B/L	Purchaser	Offer Amt.	Taxes Owing
QC 4150	Tn/Dnk	95.03-1-11	West Town of Dunkirk Land Company	\$ 385,540.31	\$ 385,540.31
QC-72-2009	Jmst.	387.06-1-43	Web-Jmst. Corp	\$ 12,074.88	\$ 12,074.88
QC-417-2009	Jmst.	387.06-1-44	Web-Jmst. Corp	\$ 93,610.78	\$ 93,610.78
QC-73-2009	Jmst.	387.06-1-45	Web-Jmst. Corp	\$ 38,980.24	\$ 38,980.24
QC-74-2009	Jmst.	387.06-1-46	Web-Jmst. Corp	\$ 20,594.46	\$ 20,594.46
QC-75-2009	Jmst.	387.06-1-47	Web-Jmst. Corp	\$ 24,558.67	\$ 24,558.67
PA-58-2010	Jmst.	370.03-1-10	Salvatore Liuzzo	\$ 2,000.00	\$ 33,471.57
PA-60-2010	Jmst.	370.03-1-8	Salvatore Liuzzo	\$ 60,000.00	\$116,381.71
PA-61-2010	Jmst.	370.03-1-9	Salvatore Liuzzo	\$ 2,000.00	\$ 2,729.89

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – March 23, 2011

RES. NO. 68-11

Authorizing Pilot Project for Intake and Arraignment of Criminal Defendants

At the Request of Legislator Rudy Mueller:

WHEREAS, the County Jail appropriations continue to climb approximately \$400,000 to \$500,000 every year since 2005 reaching \$10.2 million in the 2011 budget with a local share of over \$7.4 million; and

WHEREAS, the 2002 Chautauqua County 10-year Criminal Justice Master Plan, "the Huskey Report," found that annual admissions to the County Jail grew between 4-5% a year; nearly 50% of all admissions were misdemeanors; over 80% of offenders admitted to County jail were awaiting trial; the majority of inmates had no prior incarcerations, many pre-trial defendants were low risks of flight and yet were confined in medium to maximum security cells; nearly 2 out of every 3 defendants receive security bonds of \$1,000-\$10,000; 80% of detainees were residents of Chautauqua County; and 40% were steadily employed; and

WHEREAS, the average daily cost of a defendant placed in confinement (the County Jail) is \$62 per day while the average daily cost of a defendant released under supervision (RUS) in a community program is approximately \$1 per day; and

WHEREAS, the County Jail currently receives revenues of \$94 a day for each Federal prisoner housed in the County Jail generating revenues of \$34,310 a year for every one bed filled by a Federal prisoner; and

WHEREAS, the City Court of Jamestown is the busiest Court in the County with nearly 20,000 cases coming before the court in 2010 and 2400 cases for the month of January 2011 alone, with 50% or more of pre-trial defendants placed in the County Jail being arraigned from this Court; and

WHEREAS, additional staffing for intake and arraignments of defendants in Jamestown City Court by the Probation Department, Public Defender's office, and District Attorney's office would

likely reduce the number of beds needed for local prisoners and increase the number of beds available for revenue-generating federal prisoners; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes an eight month pilot program beginning May 1, 2011 to allocate additional staffing for the Probation Department, Public Defender's office, and District Attorney's office to provide enhanced intake and arraignment services in Jamestown City Court that will potentially lead to reduced jail incarcerations for misdemeanor and non-violent defendants and thereby create additional space for revenue-generating federal prisoners; and be it further

RESOLVED, That on a quarterly basis the Chautauqua County Legislature and its Public Safety Committee will assess the success and cost effectiveness of this pilot program, with ongoing appropriations and additional staffing to be continued, modified, or terminated as needed with the goal of assuring that the jail's budget is not adversely impacted; and be it further

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

Signed: Mueller

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services - District Attorney	\$18,993
A.1170.----.1	Personal Services - Public Defender	\$28,371
A.3140.----.1	Personal Services - Probation	\$8,954
A.1165.----.8	Employee Benefits - District Attorney	\$4,340
A.1170.----.8	Employee Benefits - Public Defender	\$6,386
A.3140.----.8	Employee Benefits - Probation	\$2,046
		\$69,090

INCREASE REVENUE ACCOUNT:

A.3150.----.R226.0MHS	Shared Services - Chgs: Oth Gov-Marsh Housing	\$69,090
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Adopted – R/C Vote: 19 Yes; 6 No – (No: Ahlstrom, Gould, Gullo, Heenan, Runkle, Croscut) – March 23, 2011

RES. NO. 69-11

Requesting Amendment of State Legislation Regarding a County Sales Tax Swap for Local Medicaid Costs in Chautauqua County

At the Request of Legislator Rudy Mueller:

WHEREAS, pursuant to Chapter 174 of the Laws of 2009 adopted by the New York State Legislature, the County was authorized to impose a three-quarters of one percent (0.75%) additional sales tax for the period of December 1, 2009 through November 30, 2010, and Chapter 174 further provided that the amount of additional sales tax the County was authorized to impose for the period December 1, 2010 through November 30, 2011, was reduced to one-half of one percent (0.5%); and

WHEREAS, failure to continue the additional 0.5% sales tax beginning December 1, 2011 will produce yearly revenue decreases of approximately \$5.2 million to the County and \$2.1 million (the County's "hold harmless obligation") to the local Cities, Towns, and Villages; and

WHEREAS, the New York Legislature recognized the excess administrative costs and bureaucracy with local Medicaid administration and passed legislation in 2010 calling for the transfer of Medicaid administration from the counties to the State to be fully implemented by the end of 2014, and currently Chautauqua County local taxpayers pay Medicaid administrative costs approximating \$2 million dollars per year; and

WHEREAS, the vast majority of Medicaid cost responsibilities rest on the individual states and the Federal government and not local county taxpayers, except for New York State; and

WHEREAS, New York State requires a significant local share from each county for Medicaid funding and over the past few decades has created a significant hardship on county budgets; and

WHEREAS, Chautauqua County local property taxes in effect provide significant funds to the medical care of the poor (Medicaid) which in this County is a significant form of regressive taxation; and

WHEREAS, Chautauqua County property owners face some of the highest property taxes in the country which are being driven higher by this large unfunded mandate and the continued increase in Medicaid local costs that are still rising approximately \$774,000 every year under the State's Medicaid "cap" legislation; and

WHEREAS, Chautauqua County total sales tax revenues are dependent on the economy and the local sales tax rates approved by New York State, and the County has sustained significant reductions in sales tax revenues that was further exacerbated by the sales tax rate reduction from 7.75% to 7.5% in late 2010; and

WHEREAS, raising sales taxes in Chautauqua County to meet State unfunded mandates could be extremely detrimental to local retailers who face significant competition from the large bordering state of Pennsylvania with its 6% sales tax rate; and

WHEREAS, Chautauqua County property taxpayers face local Medicaid costs that will outpace total County sales tax revenues at current rates by approximately four million dollars a year forcing the County to raise taxes, continue high property taxes and reduce necessary services to meet this excessive unfunded mandate; and

WHEREAS, our citizens demand tax relief and our retail businesses require low sales taxes to compete and succeed, and the Chautauqua County Legislature calls for the State and the Federal government to fully fund the New York Medicaid program and not pass the costs onto local property taxpayers; and

WHEREAS, in 2011 should the New York State Legislature fail to fully reform Medicaid and leave essentially unchanged the current funding mechanisms, it will include the significant local County responsibility and the largest unfunded mandate placed on Chautauqua County taxpayers; and

WHEREAS, if Chautauqua County and New York State agreed to "swap" County sales taxes with local Medicaid costs by transferring the County's entire local share of sales tax revenues to New York State in exchange for the State assuming the full administration and the entire local cost of Medicaid, then Chautauqua County consumers and retailers would face no sales tax increases for the

next two years and the largest unfunded mandate would be removed from County property taxpayers; and

WHEREAS, this "swap" would also allow the State to administer and reform Medicaid and the County and local governments would also be more likely to reduce spending and reform since raising sales tax would no longer be a major revenue source for County and local governments; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to continue to impose a sales tax of one-half percent (0.5%) for the period of December 1, 2011 through November 30, 2013, subject to the same requirements set forth in Chapter 174 of the Laws of 2009, except that the County's obligation to "hold harmless" the cities, towns and villages from the impact of the sales tax exemption for residential energy shall be terminated commencing December 1, 2011, and be it further

RESOLVED, That the County of Chautauqua also requests that the New York State Legislature provide in such legislation that the County shall agree to transfer its entire share of local sales tax revenues to the State of New York (50% County share of 3% local sales tax, 100% of 0.5% local additional sales tax) in exchange for the State of New York assuming all Medicaid local costs and administration responsibilities.

Signed: Mueller

MOVED by Legislator Nazzaro, SECONDED by Legislator Gullo to amend by deleting from the 1st RESOLVED; "except that the County's obligation to "hold harmless" the cities, towns, and villages from the impact of the sales tax exemption for residential energy shall be terminated commencing December 1, 2011"

Carried - R/C Vote: 13 Ye; 12 No - (No's: Babbage, Barmore, Borrello, Gould, Heenan, Himelein, Park, Richmond, Scudder, Stewart, Tarbrake, Croscut)

Defeated - R/C Vote on resolution as amended: 11 Yes; 14 No – (No's: Babbage, Barmore, Borrello, Downey, Gould, Heenan, Himelein, Park, Richmond, Runkle, Scudder, Stewart, Tarbrake, Croscut) – March 23, 2011

EMERG. RES. NO. 70-11

Authorize Agreement for Use of Election Machines by School Districts for School Board Elections

At the Request of County Executive Gregory J. Edwards:

WHEREAS, provisions of the Education Law authorize the use of the County's voting machines for school district elections with the consent of the Chautauqua County Board of Elections; and

WHEREAS, several school districts, including the Cassadaga Valley Central School District, have expressed interest in the use of such machines for school district elections at times when such machines are not required under the Election Law; and

WHEREAS, the County Board of Elections has considered the matter and determined that such use is feasible and consents to such use at the cost and expense of the various school districts pursuant to Section 2035 of the Education Law; and

WHEREAS, a municipal cooperation agreement may be used to establish the terms and conditions of such use; now therefore be it

RESOLVED, That the County Executive is authorized to enter into municipal cooperation agreements with schools districts of Chautauqua County to permit the use of County of Chautauqua election machines and equipment provided the expense of delivery, setting up and return of the equipment and any other incidental expense is defrayed by the participating school districts.

Unanimously Adopted – March 23, 2011

EMERG. RES. NO. 71-11
Standard Workday and Reporting Resolution

At the Request of Fred C. Croscut:

BE IT RESOLVED, That the County of Chautauqua hereby establishes the standard work days for elected and appointed officials as set forth on the attached schedule, and will report the days

worked set forth therein to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body.

Name	Standard Wk Day (Hrs/day)	Hire Date Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Mth Record of Activities)	Tier 1	Not Submitted (Check box if no record of activities completed or timekeeping system)
Ahlstrom, Keith	6	1/1/2010-12/31/2011	N	1.35		
Barmore, Larry	6	1/1/2010-12/31/2011	N	9.29		
Borrello, George	6	1/1/2010-12/31/2011	N	6.47		
Cornell, Lori	6	1/1/2010-12/31/2011	N	4.31		
Croscut, Fred	6	1/1/2010-12/31/2011	N	8.17		
DeJoy, Paula	6	1/1/2010-12/31/2011	N	1.36		
Downey, Tamera	6	1/27/2011-12/31/2011	N			X (ROA Pending)
Edwards, Gregory	7	1/1/2010-12/31/2013	Y			
Foley, David	7	1/1/2010-12/31/2013	N	23.86		
Gerace, Joseph	8	1/1/2011-12/31/2014	N	26.42		
Gould, Frank	6	1/1/2010-12/31/2011	N	10.39		
Gullo, John	6	1/1/2010-12/31/2011	N	1.51		
Heenan, Shaun	6	1/1/2010-12/31/2011	N	2.17		
James, Victoria	6	1/1/2010-12/31/2011	N	1.28		
Kindberg, Maria	6	1/1/2010-12/31/2011	N	2.42		
Mueller, Rudolph	6	1/1/2010-12/31/2011	N	3.72		
Nazzaro, Charles	6	1/1/2010-12/31/2011	N	5		

Park, Jerry	6	1/1/2010-12/31/2011	N	13.89	
Richmond, Douglas	6	1/1/2010-12/31/2011	N	7.72	
Scudder, Robert	6	1/1/2010-12/31/2011	N		X
Sopak, Sandra	7	1/1/2010-12/31/2013	Y		
Tarbrake, Mark	6	1/1/2010-12/31/2011	N	2	
Abdella, Stephen	8	9/30/1999-12/31/2013	Y		
Abram, Brian	7	1/1/2009-12/31/2012	Y		
Barron, Jo Ann	7	9/9/1985-11/2/2013	Y		
Bentley, David	8	2/28/1985-12/31/2014	N	22.14	
Bova, Martin	8	3/9/1981-12/31/2014	N	21.88	
Braley, Darryl	8	3/25/1985-12/31/2014	N	26.22	
Bremmer, John	8	10/20/1988-12/31/2013	Y		
Brinkman, Patricia	7	7/6/2000-12/31/2013	Y		
Brumagin, Alexey	8	6/7/1993-12/31/2013	Y		
Button, Todd	8	11/12/2009-12/31/2013	Y		
Cafilisch, James	8	1/26/2011-10/19/2013	Y		
Cala, Philip	7	3/7/1989-12/31/2011	N		X (ROA pending)
Carlson, George	8	2/16/1995-12/31/2013	Y		
Carlson, Thomas	8	3/3/1980-12/31/2011	Y		
Cerrie, Michael	7	2/26/2007-12/31/2011	N	16.3	
Cohen Brown, Randi	7	7/21/2005-12/31/2013	N	18.98	
Crossley, John	8	4/24/1985-12/31/2014	N	21.67	
Crow, Kitty	8	7/5/2006-12/31/2013	Y		
Crowell, James	8	7/26/1985-12/31/2014	N	23.96	
Daly, William	7	1/1/2006-12/31/2013	Y		X
Deangelo, Jonathan	8	9/11/2006-12/31/2013	Y		
Deas, Mark	7	9/12/2005-12/31/2011	Y		
Dorey, Thomas	7	2/12/1990-11/2/2013	Y		
Drab, Gregory	7	9/9/2010-12/31/2013	N		X (ROA pending)
Duncanson, Mark	7	5/23/2005-12/31/2011	N	17.43	
Duncanson, William	7	4/25/1988-12/31/2011	N	20.95	
Emley, Francine	7	4/24/2006-5/4/2011	Y		
Galecki-Kuropas, Alicia	7	3/10/2005-12/31/2013	Y		
Geise, Mark	7	4/20/2009-12/31/2013	Y		
Green, Norman	7	1/1/2009-12/31/2012	Y		
Gregory, Derek	7	7/22/2002-12/31/2013	N	26.2	
Gustafson, Cheryl	8	9/8/1986-12/31/2013	Y		

Gustafson, Kurt	8	4/19/1999-12/31/2013	Y		
Hanlon, Grace	7	1/19/2006-12/31/2013	N	23.39	
Harley, Scott	8	10/20/1994-12/31/2013	Y		
Hellwig, Timothy	8	9/3/1997-12/31/2013	Y		
Hewitt, Julie	7	10/2/2009-11/2/2013	Y		
Hlosta, Carmen	7	9/2/1993-11/2/2013	Y		
Hodgens, Lynn	7	3/8/2007-12/31/2013	N	25.02	
Holder, Charles	8	2/4/1988-12/31/2014	N	28.76	
Holder, Lori	8	4/23/1987-12/31/2014	N	23.63	
Hyde, Sheila	7	2/7/2000-12/31/2011	N	21.91	
Jackson, James	6	1/1/2009-12/31/2011	N	11.28	
Johnson, Patrick	8	2/17/1983-12/31/2014	N	25.05	
Kehrer, Andrew	7	2/23/2009-12/31/2013	N	18.38	
Kindberg, Timothy	8	9/3/1987-12/31/2014	N	23.81	
Kirst, Patti	7	11/17/1986-11/2/2013	Y		
Lemon, Ronald	7	1/1/2008-12/31/2011	Y		
Leone, Julius	7	3/2/2002-12/31/2013	Y		
Lornezo, Tracie	7	5/17/2004-12/31/2013	Y		
Love, Jane	7	11/28/1988-11/2/2013	Y		
Mackowiak, Richard	6	1/1/2011-12/31/2013	N	10.89	
Mesmer, Ludwig Rachel	7	2/22/2005-12/31/2013	Y		
Mitchell, Dennis	8	7/23/1979-12/31/2014	N	21.67	
Moore, Rhonda	8	6/8/1998-12/31/2013	Y		
Murphy, James	7	2/7/2000-12/31/11	Y		X
Nelson, William	8	2/25/1980-12/31/2014	N		X (ROA pending)
Panteli, Pantelis	8	9/1/1994-12/31/2013	Y		
Pelletter, James	7	2/21/1980-12/31/2011	N	25.35	
Polowy, Daniel	8	1/15/2001-12/31/2013	Y		
Porpiglia, Joseph	7	5/5/2005-5/4/2011	Y		
Price, Joseph	7	6/30/1999-12/31/2011	N		X (ROA pending)
Quattrone, James	8	6/11/1987-12/31/2014	N	27.88	
Rhinehart, Kelly	8	4/10/1989-12/31/2013	Y		
Rice, John	7	9/3/2002-12/31/2011	N	22.54	
Riles, Warren	6	1/1/2009-12/31/2011	N	17	
Robbins, Mark	8	6/5/2000-12/31/2013	Y		
Roberts, Rachel	7	5/13/2002-12/31/2013	N	21.67	
Sanctuary, David	8	1/30/2007-12/31/2013	Y		
Schulz, Darin	8	5/10/2006-12/31/2013	Y		
Schuyler, Christine	7	7/7/2008-7/6/2011	Y		

Shields, Linda	7.5	12/19/1983-12/31/2013	Y	
Sixbey, John	6	1/1/2011-12/31/2013	N	9.62
Slaton, Janice	7	1/17/2002-12/31/2011	N	29.6
Smith, Michael	7	1/5/2006-12/31/2013	N	25.86
Ssmith, Troy	7	8/4/2008-12/31/2013	Y	
Snyder, Paul	8	8/1/2002-12/31/2013	Y	
Spanos, George	8	3/23/1987-12/31/2013	Y	
Spanos, Mary Ann	7	2/20/2007-12/31/2013	Y	
Stetson, Carter	7.5	7/26/1983-12/31/2013	Y	
Szot, Ronald	7	4/7/2008-12/31/2011	N	22.19
Telford, Richard	8	4/29/1991-12/31/2014	N	21.79
Vendel, Daniel	7	9/28/1987-5/4/2011	Y	
Westphal, Kenneth	7	5/1/1995-5/4/2011	Y	
White, Betsy	7	1/1/1984-11/2/2013	Y	
Wickmark, Steven	7	11/3/2008-11/2/2013	Y	
Widrig, Barbara	7	1/19/1993-11/2/2013	Y	
Wright, Colleen	8	4/24/2009-12/31/2013	Y	
Young, Martha	7.5	2/24/1978-12/31/2013	Y	
Zuroski, John	7	2/5/2001-12/31/2013	N	24.73

Unanimously Adopted – March 23, 2011

EMERG. RES. NO. 72-11

Authorize Special Meeting and Public Hearing Relating to Reapportionment of County Legislature Districts

At the Request of Chairman Fred. C. Croscut:

RESOLVED, That the Chautauqua County Legislature shall hold a special meeting of the full County Legislature to occur at 6:30 P.M. on Wednesday, April 20, 2011 in the County Legislature chambers on the 3rd floor of the Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the purpose of said special meeting shall be to consider a proposed local law to be prepared by the Chautauqua County Reapportionment Commission (established pursuant to Resolution 56-11) for the apportionment of Chautauqua County Legislature districts based upon the 2010 census; and be it further

RESOLVED, That the Chautauqua County Legislature hereby authorizes a public hearing pursuant to Section 10 of the New York State Municipal Home Rule Law to be held on said proposed local law to be prepared by the Chautauqua County Reapportionment Commission at 6:35 P.M. during said special meeting of the Chautauqua County Legislature to be held Wednesday, April 20, 2011; and be it further

RESOLVED, That the Clerk of the Chautauqua County Legislature is hereby authorized and directed to publish notice of said public hearing in the official newspapers of Chautauqua County upon at least five (5) days' notice as required by the Municipal Home Rule Law, provided that such proposed local law prepared by the Chautauqua County Reapportionment Commission is filed with the Clerk of the County Legislature and directed to be mailed to all County Legislators by a County Legislator sponsor on or before April 8, 2011.

Adopted – R/C Vote: 24 Yes; 1 No (No – Duff) - March 23, 2011

LOCAL LAW
INTRODUCTORY NO. 1-11
CHAUTAUQUA COUNTY

A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX

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

1. Purpose. The purpose of this Local Law is to continue the additional mortgage tax imposed pursuant to Local Law 8-08 of the County of Chautauqua without interruption. Section 253-o of New York State Tax Law provides that a local law imposing the additional mortgage tax authorized by Section 253-o may be for a period of no greater than three (3) years from the date of enactment.

2. Additional Mortgage Tax. Pursuant to Section 253-o of New York State Tax Law and other applicable law, there is hereby imposed 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 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 imposed pursuant to this Local Law shall be administered, collected, and paid over to the County of Chautauqua in the manner provided in Section 253-o of New York State Tax Law and other applicable law.

4. Time Period of Imposition of Additional Mortgage Tax. The additional mortgage tax adopted pursuant to this Local Law shall be imposed for a period of three (3) years from the date of the enactment of this Local Law.

5. Effective Date. This local law shall take effect upon filing with the Secretary of State. A certified copy of this local law shall be mailed by certified mail to the New York State Commissioner of Tax and Finance and shall be filed with the County Clerk and the Office of State Comptroller.

Mailed: 3/11/11

Adopted by Legislature: 3/23/11

Public Hearing: 4/04/11

Adopted as: Local Law 3-11

R/C Vote: 20 Yes; 5 No (No's: Ahlstrom, Gullo, Heenan, James, Stewart)

2nd Privilege of the Floor

Mrs. Andrea Figueroa, 24 Beverly Place, Jamestown, N.Y. I am a resident of Jamestown, I am a member of the Jamestown Teachers Association and a member of the New York State United Teachers. Tonight however, I am speaking as a member of the Chautauqua Labor Coalition. I would like to tell you a little bit about myself. I am not originally from Chautauqua County. I grew up in Buffalo and had no plans to ever live here. I attended SUNY Fredonia and as much as I enjoyed it I planned on moving to a big city. When I finished my education, my first job offer was in Jamestown. My plans were to stay for a year to get some experience and then to move someplace bigger and better. My original plan didn't work. Eleven years later I stand here in front of you. I quickly discovered that I really like it here. I found a strong sense of community that I didn't expect. I have a good job and a good standard of living. I was able to buy a home three years into my career. I am pleased to live in a community whereas a teacher, I feel I can make a real difference. This is a place where I feel safe. It's a place where people know your name and invite you into their lives. In the years that I have spent here, I am concerned to see our County changing. The middle class is leaving. The attack on our labor unions is only going to make this worse. Our union members are the fabric of our community.

They have more jobs than I can name. Union members work 24 hours a day around our County. They keep us safe as police officers and fire fighters, they plow our streets, keep the sewers running, pick up our garbage and keep our lights on. They build our schools, clean our schools, and teach in our schools. We need to protect these valuable people. This County has always had strong labor unions. The labor union members are the active members of every aspect of our community. They volunteer their time to countless organizations and do the jobs that make us strong. They are also the ones that pay the taxes that we need to continue to survive as more and more of our tax base leaves. They are the hard workers that make Chautauqua County a great place to live. I am really proud to be one of those members.

We are here today as labor unionist because we are angry. The current attack on our nations state and county on collective bargaining could put an end to labor unions and to the middle class. It's your responsibility to stop this from happening. We have elected you. We have trusted you with the future of our County, the future of the place that we all home. Our jobs keep us here. Our unions negotiated the benefits and salaries that we have. We work hard for everyone of those benefits and for every dollar that we earn. Our salaries are the reasons we can afford to be productive members of this community. Without my job, I wouldn't stay here and I wouldn't be able to pay my taxes. Without the middle class, I don't want to stay here. I work hard and I really care about what I do as do the other members of the coalition. I like to believe that I am one of the people that makes this County a better place to live. I am here tonight ask you to support our unions. We stand today in solidarity to share our message with each of you. We want our County to survive this recession. We want our middle class to continue to exist. We want to raise our children here and hope that they will want to come back some day to the strong community that we have helped not only to create but also to preserve. You are our elected officials.

Chairman Croscut: Could you wrap up please?

Mrs. Figueroa: Yes. We'll continue to do our part if you continue to do yours. With your permission, one of my fellow brothers would like to pass out our message to you. Thank you for your time.

My name is Nolan Akin, 290 Broadhead Ave., Jamestown, N.Y. I am here representing the Chautauqua County Labor Coalition. I am an apprentice with the International Brotherhood of Electrical Workers through Local 106 in Jamestown. When I became aware of the proceedings here tonight, I contacted those responsible for orchestrating the rally because I wanted to be involved. I speak not only for myself but also for my fellow apprentices in Jamestown and abroad. I grew up in a rural Kennedy, New York, attended Robert H. Jackson Elementary School and then Frewsburg Central School. The teachers of the Frewsburg District did their jobs well, teaching not only the course material but also the often overlooked skill of how to learn. Through their motivation, I

developed a deep seeded desire to always continue learning. After graduation in 2005, I attended Jamestown Business College. When I received my Associates Degree I knew that I wanted to better myself in a different direction but was unsure of what direction that may be. All I was certain of is that I had no intention of using the collegiate system as my means of betterment. Many reasons formed this decision. As a young member of the working middle class, it can be very taxing to live independently in today's Chautauqua County or anywhere in New York State for that matter. For a person in that position, affording tuition can be out of the question. Aside from not being able to pay for tuition and books, enrolling in college equates to a lowered availability for work, further decreasing the funds available to a young person struggling to get by. Last I knew that if I want to college I would spend the first several years of my career paying off the debt I incurred to get my degree. In light of all of this, when I heard about the apprenticeship programs offered by our construction unions I began to have hope for my future. Speaking with the tradesmen further (*inaudible*) my resolved to take on a trade and help determine which trade I wanted to learn. Having the chosen the electrical work, as a skill I intended to develop, I contacted Local 106 and began proceedings for entrance into the program. Once accepted I was booked to work full time at a fair rate of pay. Classes began a few months later and they were everything for which I could have hoped. Their scheduled around work which allows students the ability to have a full 40 hour work week and to be able to help support themselves and in some cases a family. The curriculum is a self motivated course. Thanks to the (*inaudible*) by the educators of my past, this was a challenge that I gladly took head on.

The apprenticeship was a turning point for me similar to that which had been experienced by several of my direct family members. I came from a family that was not born union. Many of my family had started out finding employment through non-union sources. However, when the plummeting economy began to make life very difficult for them, they turned to unions and found security. I, like them, had found that through unity, my life could be improved. In the last two years, I have grown to love every aspect of what it means to be union, we are all encouraged to be involved, there are many ways to do so. Members are welcome at monthly meetings where issues that affect us are discussed and voted on. You may also have noticed recently that we do community service, we helped out at the Lucille Ball/Desi Arnez Center and provided invaluable labor resources. Being union also means learning about and developing honor –

Chairman Croscut: Would you begin to wrap up please.

Mr. Akin: Certainly. We developed honor for the victories of our brothers and sisters before us. You may be familiar with some of these. Eight hour work day, the five day work week, the weekend, health and safety standards in the workplace, fair rates of pay and life improving benefits. If you ever enjoy your weekend, just remember that collective bargaining works and will continue to work as I enthusiastically look to forward in participating in future victories.

Chairman Croscut: Thank you.

Mr. Akin: Workers of all occupations deserve to have fair pay. They deserve to have life improving benefits. More importantly, they deserve the right to negotiate and bargaining for justice rewards.

Chairman Croscut: Thank you sir. To answer the pervious question, when we are done, you are more than welcome to pass out your information.

Ladies and Gentleman, Brother and sister union members and fellow Veterans, my name is Joseph Sequill III, 5497 E. Main Road, Brocton, N.Y., USA. I have been a member of the NCFO 266 for 10 years, the United Steel Workers of America for 25 years and another great union the Armed Forces of the United States of America for 27 years having the honors of being the first Army Reservist from Chautauqua County to deploy to the Theater of Ops, Southwest Asia, Afghanistan, from our great Chautauqua County. Let it be known that thanks to Mr. Greg Edwards that our flag flew next to our national colors in both theaters of Afghanistan and Iraq. Chapter 266 is one of the largest private sector labor units in Chautauqua County and a member of the Chautauqua County Labor Coalition. About one fifth of our members are members of minority groups. One third if you

count women as minority. The wages we earn enables our members to be members of the middle class. This past November we ratified a new contract and the main battle was over keeping our pension. The company wanted it gone like it had done to the company pension for non-union employees in favor of its 401K plan. Our Negotiation Committee found that only 11% of our members are in the 401K plan. Our union pension covers all of the members of our bargaining unit and will be there for them when they retire. We did not move on any of the other issues facing us until we got them to agree not only to keep contributing to our union pension but increase the companies contribution to it by 5% a year. This ensures the funds continue security. Remember this is a pension which is available to every union member when they retire. A pension that will supplement the social security benefits they have been contributing towards their whole working life plus we got raises in every year of contract and continued our health care benefits. The good wages that we made at Red Wing or Carriage House as we are now called, allows our members to be part of the middle class. I have seen how my union has helped its members in dealing with management. The union helps keep the work rules fair and equal, it helps those members who are unjustly blamed for problems to keep their jobs and works to straighten out those problems. It is not one sided because our company and our union work together in a labor management setting. Together this working relationship has helped the growth of our company. This is a benefit to both sides and to the local community. In getting working wages and benefits at Carriage House enables our members to be active members of our community. The local Muscular Dystrophy Association is an example. The local telethon is run out of our union hall and has members of our union and company working on it every year together. Our members are sports coaches, scout leaders, National Guardsman, Army Reservist, EMT, volunteer firefighters, and the list goes on that are all involved in our community activities.

Chairman Croscut: Would you begin to wrap up please.

Mr. Sequell: In closing, I thank you very much for your time in listening and absorbing what we are out there for. God Bless you all and may God continue to bless this America that we love and cherish for very, very much.

Reverend E.G. Waller, Pastor of Friendship Missionary Baptist Church, Dunkirk, N.Y., 18 E. 2nd Street. I am here this evening to present petitions on behalf of citizens of Chautauqua County to say that we are not happy with what has happened to one of the attorneys who were working in the DA's Office, Janice D. Slaton, in Chautauqua County, or the Public Defender's office. We are requesting that Ms. Slaton be immediately reinstated to the position as an Assistant Public Defender of Chautauqua County. As you all know Mrs. Slaton is a voice for the voiceless in Chautauqua County and all of us who are here this evening. We are here on behalf to give our voice to those who is without a voice. We would like to ask that Mrs. Slaton be reinstated to her position. So, I would like to present you with these petitions that supports this effort.

Roosevelt Haynes, 155 W. 2nd Street, Dunkirk, N.Y. One question in regards to personnel matters in Chautauqua County, how are they handled? Privately, behind closed doors, or by way of some kind of public settings?

Sandra Lewis, 25 Curtis Place, Fredonia, N.Y. Could anyone provide any documentation of the selection criteria that was used? Any of the interview questions, responses, the notes, the summaries, and the ranking of all of the candidates that applied for the Public Defenders position?

Zacary Torain, 415 Mullet St., Dunkirk, N.Y. What message are you trying to send to the County's youth if you terminate someone willing to stay here to defend it's people?

Willie Roses, 768 Central Ave., Dunkirk, N.Y. We are here tonight in support of attorney Janice D. Slaton. We believe that what was done to her by Chautauqua County's Public Defender's office was an injustice. No employee should be treated the way that she was. For those of you who don't know me, I am also a retired New York State Trooper. I became a Trooper about 25 years ago. I

retired about two and a half years ago. In my professional capacity, I had the honor and privilege of working with Attorney Slaton, both when she was with the District Attorney's office and also with the Public Defender's office. She always displayed knowledge and professionalism. We as a group are here tonight because we believe in the process that is in place and we urge and hope that you folks look into this situation and to do what is right.

LaPearl Haynes, 155 W. 2nd Street, Dunkirk, N.Y. I just have one question, can you tell me how many cases Janice was involved with during her tenure with the Public Defender's office?

Frank Torain, 415 Mullet St., Dunkirk, N.Y. I have been a resident in Dunkirk for over 28 years. I just have a question for you. Two questions. How many people are employed by the County of Chautauqua and of those, what percentage of those employees are people of color? And we would like to hear the answers to these questions and have these answers come forth. Whether you answer them tonight, we would like the answers to all the questions that we are asking. Thank you.

Jackie Simon, 120 S. Beagle St., Dunkirk, N.Y. I have a combination of two questions. How many people of color currently sit on the County boards or commissions and how many of these persons were appointed by County Executive Edwards? Thank you.

Latasha Coleman, 60 Lincoln Ave., Dunkirk, N.Y. I am a 15 year resident. My question is, since the application process has not been completed for the Human Resources Director, can applicants and their resume be open to the public?

Good evening, Mr. Chairman, Members of this Legislature. My name is Walter Rutland, 184 W. 2nd Street, Dunkirk, N.Y. I am here to give 100% support for Janice Slaton. She is an American icon. Not only that, she is my hero and she is also my mentor. I am a community organizationist. I am also a community organizer, simple because of Janet. Janet is a wonderful person and she doesn't want any pity, she just wants to represent our City. Right now adversity has set in. She has breast cancer and the courage she is going through to get through this – men as well get breast cancer, but she has it and we're fighting for her. We want justice. Martin Luther King said, "injustice anywhere is a threat to justice everywhere". We come in peace. We simply want this woman to be reinstated to her job as a Public Defender. She has worked for over 10 years here in Mayville as well as in Dunkirk. She has represented the human race. There are many ethnic groups but when I say the human race that is everyone. Her personality is good, she has always been true to everything that she wanted to do for everyone. There are college students that have changed what they wanted to study to become a lawyer. Janice Slaton is number one, an American icon. Thank you.

Paul William, 348 Townsend, Dunkirk, N.Y. My question is, has the County of Chautauqua done a customer satisfaction survey since the fire at the Dunkirk DSS, the clients?

Lori Williams, 248 Townsend St., Dunkirk, N.Y. I would like to know in regards to the Department of Social Services Roving Team, is there a published time and place where they will be meeting? Is there a schedule so the community can know in advance where they will be and if it on the web site, what about the people who do not have access to the Internet? Is it published anywhere for the average person in the community so they know dates and times and places where the Roving Team will be?

Mr. Matt Furmer, I live at 6048 Dalhberg Road, Brocton, N.Y. I come here today to talk about the issue of high volume, high density horizontal drilling also known as hydraulic fracturing. I am sure you are all aware of the 2005 energy policy exempted this process from being regulated by the Safe Water Drinking Act, the Clean Air Act, the Clean Water Act, and as such is a huge public threat to our public health. The three main issues that I want to make are the waste water removal, the radiation that comes out of the Marcellus shale as they drill and of – sorry, lost my thought. The waste water that comes out, one percent of it is chemicals. Chesapeake Energy has admitted they use at least one million gallons of water to frack a well and they can frack it 10 times to 18 times in its life, I have heard. There is some speculation on that. That is 10,000 gallons of chemicals that they

use including 2B carcinogen that is known to cause nerve damage as well as bone cancers and skin cancers. Being of that magnitude, even though its only one percent, if you are fracking 400,000 wells in the next decade, which they plan to do in this area, that is millions of gallons of chemicals that they will be dumping and treating. We do not have 11,000 waste water treatment plants like Texas and Louisiana and Oklahoma do to treat these. We only have a few. So, by accepting – and our New York State does not regulate the treatment removal of radiation from these chemicals and from these wells that are being fracked. Marcellus shale contains radium 226, 222, 228, and the smallest amount of those chemicals are radiation components are only things that are suppose to be disposed into rivers and streams. The latest study that came out from the DEC show they took 13 brine samples from Marcellus shale and they came to find out that they levels of radiation of these components coming out the shale were 3200 times the legal allowed limit to be disposed of in our water systems and in our waste water treatment plants. The traffic that it would take to move these chemicals back and forth to these treatment plants would be astronomically cost effective to our highway departments and our roadways. We would see massive traffic of these tractor trailer trucks and we would not be able to keep up and maintain our roads with these tractor trailer trucks going in and out. They take thousands of truck loads every day to these waste water treatment plants and even one spilling over on the road can cause an entire aquifer life stream river to die. I ask that you please consider this when you make your decision to pass the SGIS this year and recognize that building a well a 150 feet from a stream or river is not acceptable.

Mr. Ellicott Hall, Forestville, N.Y. I am also concerned with the hydraulic fracturing. I am concerned with the fact that they need excessive amounts of water which will be drawn from our water tables when we need it. They are saying that there has been no problems and there has been problems. They are not admitting to it. There is radiation problems, there is disposal problems and it is going to cost a lot more to do this than what they are telling us. I think that it should be considered before any action. Many places have banned it around here. I don't believe that that is going to make a lot of difference but it is a statement and I think that everyone should be concerned. After all, water is going to be one of the most valuable resources on the planet here very soon.

Ms. Laura Damon, 19 Oak Ave., Chautauqua. Different topic, but also one that I think we all feel passionately about. Earlier this evening you were discussing the value of having outside people sitting in on committee meetings and I remember one committee meeting I was at 9 years or so ago and I put my hand up until there was no blood circulating. Remember when you were in 3rd grade and you knew the answer and the teacher wouldn't call on you? Well, finally Mr. Ahlstrom said, Laura, this is a closed committee meeting and the public is not suppose to speak, and I said, please just one sentence and he said, go ahead. The meeting was facilities and you were talking about the need for a new court building because New York State was telling you that you needed to have one or you would seize to get funding. I reported to that committee that the Town had exactly the same meeting. Happily since then, communication has happened between the Town and the County and you now jointly own a building and it's worked out very iambically at a great savings to the County taxpayer. Subsequent to that, there was a vote taken in this room about the funding source for Jamestown Community College. Again, I had been to the committee meetings and taken with me a document and

I am speaking for the North Lake Conformed Citizens so if I go five minutes, that is o.k. They were discussing how to continue funding Jamestown Community College. As you all know, I am sure, when community colleges were started, a third was suppose to be funded by State, a third by the community by which that college was located, and a third by tuition. Chuck McCall who was then the State Comptroller came out with a 19 page document arguing for various sources of funding for community colleges. But, and I am not quoting directly but it was certainly his theses that the last place to go was property tax. If you look closely at your property tax bill that came from your Town and County this last January, our funding for Jamestown Community College went up 30.6%. I go back to McCall document. It's old but it is still valid. The State has never done its third and it's time for us not to go to property tax, but as McCall recommend, turn to the State and make them pay what they are suppose to legal signed on to pay, for the support of the community colleges. Thank you.

Chairman Croscut: Is there anyone else to speak to the 2nd privilege of the floor?

Legislator Ahlstrom: Number 7 on communications is a foil request for County employee numbers. I would like to add my name to that list as a participant in requesting that information and ask that it be gathered and given not only to me as a Legislator but to the others have requested it as soon as possible. Also there were a number of questions that were asked this evening in regards to personnel issues. All of those that can be answered legally, I would also like to add my name to them and ask that we have responses back. If those responses came back to me, I will make sure that they get to the people that those questions tonight. Thank you.

Chairman Croscut: Anyone else?

MOVED by Legislator Tarbrake, SECONDED by Legislator DeJoe and duly carried the meeting adjourned. (8:30 p.m.)

Special Meeting
Reapportionment
Chautauqua County Legislature
Wednesday, April 20, 2011
Mayville, N.Y.

Chairman Croscut called the meeting to order at 6:30 p.m. (Absent: Scudder)

Deputy Clerk Foster called the roll and announced a quorum present.

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

Public Hearing:

My name is Marcia Merrins, 42 Roslyn Ct., Fredonia, N.Y. I am representing the League of Women Voters of Chautauqua County and also I sit on the National Board of Directors of the League of Women Voters of the United States in Washington, D.C. I saw this because the League of Women Voters works extremely hard nationwide to convince our Legislators that the process that we use to determine electoral lines as a result of the recent census should be determined by a process which means the following criteria. Creates a new independent citizens redistricting commission that is fairly chosen to draw district lines. Creates an independent redistricting commission that would remove the inherent conflict of interest of elected officials drawing their own districts and gives responsibility to an independent party charged with drawing the district lines in a fair and sensible way. These lines must not favor any incumbent or political party and must employ even handed and sensible redistricting guidelines that provide for fair and effective representation of racial and language minority groups. Districts should be roughly equal in population and as compact as contiguous as possible and requires ample public hearings and other opportunities for public comments including full access to data, maps, criteria, software, and proposed plans. If you were a citizen like me, I am sure you will agree, but in fact you are not. You are my elected officials. You are my representatives and I am so disappointed in the way my representatives have agreed to this closed door type of politics. I am appalled at how this closed process excluded your constituents from your process. I am amused that the only thing missing from your process was the cigar smoke.

Minda Rae Ameron, 12 Lowell Place, Fredonia, N.Y, from the League of Women Voters. I want to make it clear that what we object to is the process of redistricting that we have witnessed in the past few weeks. It has been misconceived from the start. It has been reapportionment of the Legislature by the Legislature and for the Legislature. The public has not been consulted in any significant way. Instead, the process has been conducted along the lines of a prize fight. Each contestant trains with his own specialist or not as the case may be and then decides to meet once and once only to determine the outcome. Much of the side chat on April 2nd concerned whose current district was being divided, how many seats the Democrats should get in Jamestown and who would have to run against whom in a consolidated district. In other words, the process was thoroughly political in the narrowest sense. We have been told that the last release of the census figures made our commissions process so rushed since the goal was to reapportion in time for election procedures for November. We note that between the time the Commission was appointed and it's first and only meeting almost 10 days past. Had everyone sat down together at once with figures the County Planning Department has always been able to supply in the past a more considered plan might have been produced. In fact, Mr. Croscut told the League representative early this year that independent GIS and similar experts from our colleges were not needed on the perspective commission because the County Planning Department could supply that expertise. A number of Legislators have implied that the process they followed was the obvious and traditional way of redistricting. A glance at other counties in our State shows a variety of processes, some involving independent commissions, all involving more discussion and more public input than ours. We consider our Legislators' process fatally flawed.

Tilly Saulmenson, 2 Waldemere Way, Lakewood, N.Y. I'm with the League of Women Voters. There has been explicit disregard for the requirements to keep communities of interest together. Not to split towns, villages, and minority groups insofar as possible. The advise on this point of the Legislature's own attorney has been ignored. We are not clear on one legal point at the April 2nd meeting. We asked Mr. Barmore whether the plan under discussion had removed prison inmates from its count. By law, inmates must be considered residence of their home district for purposes of reapportionment. Lakeview Shock is in our County and any portion of the Gowanda prison. We were told that we were wrong about the law but we are not. Our question above. Some people have urged passage of the April 2nd plan because it reduces the number of Legislators to 19. Since both principal parties have agreed to the number 19, we consider it a number the County can rely on for the future. We ask whether its worth adopting a defective redistricting plan in order to get 19 Legislators at once. Rather than getting 19 Legislators and a redistricting plan properly arrived at in time for the 2013 election. We wish to be clear that our concern is good government and transparency procedures not only specific numbers of Legislators or any particular reapportionment boundaries, much less the advantage of any political party.

Mr. Jack Jones, Town of Carroll Supervisor. I want to thank you for this opportunity to address this Legislature board. My main complaint is that you split my town right down the middle. My residents are not happy at all. I hear that full faced. We did have a public meeting that Legislator Downey had for us in the Kiantone Fire Hall. There were 40 or 50 people there and it was 100% were not in favor of this plan. We had residents from Busti, Carroll and Kiantone there. I think myself, there is a better way to do it than split our village right down the middle. I know some places have to be split up. Our town is very close nit. The way that these lines are drawn, I don't believe that part of the people would have a clue who their legislators were. I have always had a very good relationship with all the Legislators that we have had. Bob Anderson, Ron Lemon, Ken Dahlgren, and now Tami Downey. I would like to continue with that. Having two Legislators is not a view that I would love to have. I don't have a problem with Mr. Stewart. I don't care who we have as long as we are held together. That is my main goal. I want to thank you again for this opportunity.

Mr. Alan Hendrickson, Chairman of the County Republican Party. I live at 21 Winsor Place, West Ellicott. I resent the implication by certain people that the Republicans have done something sinister in our legislator's effort to reduce the size of the Legislature to 19 members and formulate a plan that meets that criteria. We maintained all along that as soon as the census figures were available, we would analyze those numbers and come up with an appropriate plan. That task was accomplished and the two Minority party members of the Reapportionment Committee were given the opportunity to work with the Republicans hired consultant for three and a half hours to tweak the plan. The last boundary line changed was done at Mr. Mueller's request. The plan was then voted and passed unanimously by the committee. Regarding the question of Democratic Chairman Keith Ahlstrom as to who paid the consultant hired by the Republicans, I don't believe it's any of his business. Our Committee's financial reports will be properly filed when they are due. I might add in my opinion, the County's Planning Department should not be working on a redistricting plan. That is the duty of the County Legislature. In closing, I want to express my disappointment that this project has been reduced to a political football. We should pull together and pass a plan as voted on unanimously by the Reapportionment Committee. Thank you.

My name is Pam Frank, I am from Westfield, N.Y. I thank you for allowing me to address this organization. I am here for two reasons. I am here representing the Independence Party Committee. I am a member of the Executive Committee and I will speak on behalf of our Chairman Tom Shagla. Before I do that however, I would like to say that I read something in the paper this morning reflecting the desire of this Legislature to have public opinion expressed. They wanted members of the public, not just groups and organizations so, I am a member of the public. I would like to say, I moved here 12 years ago. Never have looked back. I am very proud to be in this community. I am in aw of all of you as you try and make decisions on behalf of this community. However, I feel as many I think do, that the process is flawed. I have debated with so people in politics along the way

who I have a great deal of admiration for and they have said to me, this is the process that we have in place and we try and come out with the most right decision. I do believe that that is what we expect as the public. The thing that I would say about that is, if the public is to make this decision, then that is exactly what we should do. We should have in front of us, a number. We should have in front of us, not only the plan that the Republicans now put forth to us, but also Mr. Mueller's plan. We should also have along with that, Mr. Runkle's plan. It should be up to the public to decide how these lines are driven and what the right number is. Now, I will go into my reading of Mr. Shagla's statement. It is with great concern that I address this Legislature in regards to the reapportionment plan before you this evening. The plan as proposed does not serve the interest of the majority of the citizens of Chautauqua County but only the interest of a few politicians. Throughout the country, people are calling for less government. In Chautauqua County a few Legislators are stating that less government means less representation. This is only true in the physical sense and in no way reflects that ability to serve ones constituents. If a Legislative district isn't being represented in the Legislature, it is because the elected representative isn't doing his or her job. He then reflects on his position with Congressman Stan Lundine and they covered a huge district all the way from Ripley to Elmira. My boss held regular town meetings for people to come and express their concerns and opinions. We didn't go to every town, city, or village meeting but made sure that the elected representatives from each community knew how to contact us if they needed us. Our district was huge when there were others that were a few blocks in a large city. Using this for an excuse to serve smaller numbers so you don't have to downsize is disgusting. The Erie County voters chose to reduce their number of Legislators to 11. Note, I said, the voters chose the number, not the Legislators. Since this has turned into a complete failure I would suggest that the issue be placed on the ballot in November with the people choosing the size that they want. Don't just put one number up for choice but give them a choice between 19, 17 or 15. That will give you an additional two years to figure out a plan that will better meet the letter of the law. The letter of the law when drawing your lines. While we have long advocated reducing the size as soon as possible, the lateness of this plan will only serve to provide us with a plan that has already been declared potentially illegal by the County Attorney and does not serve the best interest of the citizens of Chautauqua County. Thank you.

My name is Lynn Sulk(?), I have lived in North Harmony for 28 years. Mr. Croscut is my representative and I came tonight because I really didn't feel like he was representing us as the public very well. I don't think that they gave us enough information. I think a lot of people do think that we should downsize but your districts that you redesign, you didn't give us any information to look over. I am not use to being in front of you or in front of the mic but I just want you to know that you are suppose to be representing us. I appreciate Dr. Mueller getting this information out so that people do take a look and realize that, I don't know how well you are representing how the County will work. It seems more like it is political gain again. Thank you.

My name is Mary McKenna, thank you for the opportunity to speak. I am from Howard Street in Fredonia. I was pleased that you chose 19. I think of smaller number may even have been better but I think that is forward progress. The only concern that I had was, I looked at the maps that were published in the newspaper and on line and I had a very difficult time trying to decide what was happening to Fredonia. It wasn't until the legal notice was published in the Observer that I was able to look through the notice, get out my map, draw my lines and see what happened to Fredonia. I just feel like I don't know the rest of Jamestown or the other parts of the County, but I think that something better could have been done for Fredonia. I just think that it's chopped up and I don't think that part is fair. That is my opinion. So thank you for the opportunity to speak tonight.

Mr. Paul Shananan, Town of Ellicott. One of my biggest concerns with the ongoing debate is not necessarily the debate that has been going on just these last few weeks or so. But it is the debate that has been going on for a long time now. As somebody who has paid astute attention to this matter for many years, the Democrats have been pushing a plan for 15 specifically, for a very long time. I happen to know a little bit about that plan. One of the things that I find about the debate today is that you have a lot of accusations flying around. I think somebody coined the phrase earlier,

political football. That seems to be the case. If you look at the plan for 15 that has been pushed for 15 for a long time, I have looked at the numbers for 15 and the one thing that will happen at 15 or less and it even starts at 17, is that it will enlarge the city districts. It will enlarge the city districts out into the rural areas. I find that some of the arguments that have been made are really disingenuous because you often hear the argument about limited government. As the plan has been pushed and as the Republicans have voted against that plan, in my opinion, that plan has been a very highly partisan plan. Developed long ago by Democrats behind closed doors with no public input, with no Republican input and it's designed to serve them. Now, again, when you look at that issue now and the fact that it would push city districts out to the rural areas, I absolutely oppose that. I am from the Town of Ellicott. I didn't like what was done to my town last time. I especially don't like what would be done to my town under Mr. Mueller's plan. I know that we're not here to talk about that at the moment but at least with the current plan, I don't know how it can be anymore fair to the Democrats. The numbers have been released. Ten of the districts favor the Democrats. Maybe I should take issue with the plan because it doesn't favor the Republicans. The Republicans are in the Majority after all. So, I'm almost a little confused by that but I guess if you look at it in the sense of fairness that you applied a blind eye to doing the districts with regards to the demographic, that is a good thing. With all do respect to the League of Women Voters, one issue I take with the particular stance that they put forward is that we should be looking at racial issues, so on and so forth. I have a strong belief that we're American's and we should stop looking at racial preference or playing race or class warfare. So, I take issue with that. What I mostly take issue with is, again, the political football that has been played for a long time and I as somebody who does strongly believe in the principals of limited government, find the arguments that have been made in the past to be very disingenuous because I believe in a strong local government. I believe that it is our local government that stands between us and Albany and stands between us and Washington, DC. I always thought that we were doing something right in the County. I have heard the comparison with Erie County so many times, I am sick of it. Erie County is a whole different animal. These guys are paid big money, benefits, constituent services, let me see if I remember the figures right. Over a \$3 million dollar a year budget for their Legislature. What is ours? One fifth of that. Are we really doing something wrong here with having 25 people? I really don't think so. I am o.k. with the 19 because it doesn't meet that threshold of pushing the cities out into the towns so such as mine. But, I certainly don't want to see this plan fail, worse plans put forward and on that note, I would like to put on the record that I take great issue with how Mr. Mueller has handled this. I think that he has abused his power. I think that he has gone outside of his authority in overruling his own vote. With the idea that he is unilaterally gone to the County Planning Board and utilized County resources and people's time to which we the taxpayers are paying for, I have demand for an answer. Is Mr. Mueller going to reimburse the taxpayers for that unauthorized use? Or is the Democratic caucus going to pay for it? Thank you .

My name is Mickey Yates, I live in Lakewood, Winch Road, two houses away from the Town of Busti line. I've seen the map in the paper and I have communicated with other people and I don't feel that it is right to be cutting up Busti and having three representatives for a town when we're trying at this point in our lives to consolidate services, streamline government, etc.. To have three representatives from different parts of the County spread all through Busti, I don't think that it is particularly helpful at this point and time. Thank you for listening and good luck.

My name is Dudley Erickson, I live in Lakewood, 161 Front Street. I have had the pleasure of speaking to the Legislature in the past on other issues such as the Chautauqua Lake Management Commission and other issues. My concern tonight is that all of you can't see the forest because of this tree. We have much greater problems in this County than figuring whether we should reduce the Legislature by six individuals. I would like to share with you a couple of statistics that I've gleaned this week from talking with County employees. Our total County budget this year is about \$273 million dollars. I should say last year. These are the figures from last year. That property tax was \$55 million dollars, sales tax was \$20 million dollars. Another statistic I gleaned was that the average Legislator makes \$9,000, plus gets about \$1,000 in mileage and meal expense and things like that and some

Committee Chairs has some additional income. But, the total cost of the Legislature including the employees and attorney and all of that, is \$425,000. Your savings of \$60,000, 6 Legislators times \$10,000 roughly per person, is a savings of only 14%. I am also involved and Chairman of the Personnel Committee for one of your enterprise zones, and I have a copy of the entire employee contract. What you as a Legislature have done in recent years is put government employees in Chautauqua County in the highest paid positions in the County. Do you know that the very lowest pay that an employee can get starting in Chautauqua County, the first step and pay grade one, is \$12.03 an hour. You increase that by 6% effective this January. You also know that after 30 days of being on the job, if this individual is a full time employee and has a family, they will receive \$15,858 in health insurance benefits after 30 days of employment. That equates to another \$8.13 an hour. Now you have your very lowest, new paid employee in the County making almost \$40,000 a year without any of the additional benefits that will accrue along the way including pension plans and all of that which will add up to another 25% or more. You are looking at saving \$60,000 by reducing the Legislature when you should be looking at saving million of dollars in the other programs that we are facing this year. You have gone almost four months this year and I know that there have been efforts by different people in this Legislature to try and push that issue along but I haven't seen one proposal yet how you are going to save the millions and millions of dollars we have. If you cut 6 Legislators, it isn't going to save you a penny this year is it. It is not even effective until next year. So, why are you rushing to judgement tonight or next week? You have a year to look at this. If you want to save \$60,000, do you know what that amounts to on your tax rate, one penny per \$100 of tax. So, if you are currently paying \$1,000 in County tax, you are going to save 10 cents by your voting to reduce our representation. It isn't worth it. I think that we need 25 people so that we're representing all the areas the County as several people have pointed out. But whether you agree with 25 or not, you don't need to act tonight. Get on with the business of this County which is reducing the cost of government not reducing the size of the Legislature. Thank you.

Chairman Croscut: Is there anyone else to speak during the public hearing? Seeing none, we'll close the public hearing. 7: 02 p.m.

LOCAL LAW
INTRODUCTORY NO. 2-2011
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING COUNTY LEGISLATURE FOR THE COUNTY OF CHAUTAUQUA
REAPPORTIONED ON THE BASIS OF THE 2010 FEDERAL CENSUS

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

SECTION 1. This Local Law is intended to establish legislative districts in the County of Chautauqua substantially equal in population based upon the 2010 Federal Census figures so as to prevent impairment of constitutionally protected rights. It is further intended to fulfill the mandates of the County Charter, County Administrative Code, and to repeal and supersede Local Law Number 9-2002.

SECTION 2. There is hereby created in and for the County of Chautauqua, a County Legislature, which shall be the elective governing body of the County of Chautauqua. The representatives elected from the various County Legislative Districts, as herein established, shall be known as the County Legislature.

SECTION 3. County Legislators shall be elected at general elections to be held in odd-numbered years from the districts herein established. The first election of County Legislators under this Local Law will be held at the general election to be held in the month of November, 2011.

The term of office of all County Legislators, except to fill a vacancy, shall be two (2) years commencing on the first day of January of the year next following their election.

SECTION 4. The County Legislature shall consist of nineteen (19) legislators. One legislator shall be elected from each of the nineteen (19) districts as herein described.

SECTION 5. Each County Legislator shall have one vote in the County Legislature.

SECTION 6. All references to roads, railroad right of ways, creeks, lakes, rivers, municipal boundary lines, and other geographical features shall relate to such features as they existed on April 11, 2011. When referring to any road, right of way, creek or river it shall mean a reference to the centerline of the feature as it existed on April 11, 2011.

SECTION 7. The Legislative Districts shall be as follows:

District 1 shall be composed of all that portion of the Town of Dunkirk located west of the City of Dunkirk and all that portion of the City of Dunkirk situate within the following described boundaries: BEGINNING at the intersection of the centerline of North Main Street and Lake Front Boulevard then proceeding southerly along North Main Street to Lake Shore Drive, East, then proceeding southerly along Main Street to East Sixth Street, then proceeding easterly along East Sixth Street to Maple Avenue, then proceeding easterly along Maple Avenue to Grant Avenue, then proceeding southerly along Grant Avenue to East Seventh Street, then proceeding easterly along East Seventh Street to Monroe Street, then proceeding southerly along Monroe Street to East Ninth Street, then proceeding westerly along East Ninth Street to Main Street, then proceeding southerly along Main Street to Newton Street, then proceeding westerly along Newton Street to Central Avenue, then proceeding southerly along Central Avenue to the intersection of Central Avenue and the northern boundary of the Village of Fredonia, then proceeding generally west following along the City of Dunkirk line with the Village of Fredonia to its intersection with the southeastern corner of the Town of Dunkirk, then north and west along the southern boundary line of the City of Dunkirk and the Town of Dunkirk to the shore of Lake Erie, then proceeding easterly along the shore of Lake Erie to a point located along a line projecting North Main Street if said street continued to the Lake Shore, then south along said line to the intersection of North Main Street and Lake Front Boulevard, being the point of beginning.

District 2 shall be composed of all that portion of the Town of Dunkirk located east of the City of Dunkirk and all that portion of the City of Dunkirk not included in District 1.

District 3 shall be composed of all that portion of the Village of Fredonia situate within the following described boundaries: BEGINNING at the intersection of the centerline of Central Avenue and the southern boundary line of the City of Dunkirk, then proceeding south along Central Avenue to Cottage Street, then proceeding east along Cottage Street to Pleasant Avenue, then proceeding south along Pleasant Avenue to James Place, then proceeding west along James Place to Lambert Avenue, then proceeding south along Lambert Avenue to Day Street, then proceeding southerly along Day Street to Main Street, then proceeding west along Main Street to Water Street, then proceeding south along Water Street to the west alley entrance to the Village of Fredonia parking plaza, then proceeding westerly through the west alley and the Village of Fredonia parking plaza to Canadaway Street, then proceeding northerly along Canadaway Street to West Main Street, then proceeding westerly along West Main Street to Seymour Street, then proceeding southerly along Seymour Street to the intersection of Seymour Street and the southern boundary line of the Village of Fredonia, then proceeding westerly along the Village of Fredonia and Town of Pomfret boundary line to the southwest corner of the Village of Fredonia, then proceeding north along the Village of Fredonia and Town of Pomfret Line to the point of intersection with the boundary line of the Town of Dunkirk, being the northwest corner of the Village of Fredonia, then east along the boundary line between the Village of Fredonia and the Town of Dunkirk and continuing along that same line when it becomes the southern boundary line of the City of Dunkirk to the centerline of Central Avenue, being the point of beginning.

District 4 shall be composed of all the entire Town of Hanover including the areas known as the Cattaraugus Indian Reservation in the County of Chautauqua.

District 5 shall be composed of all of the Town of Arkwright and all of the town of Sheridan, and all of the Town of Villenova and all that portion of the Village of Fredonia within the following described boundary: BEGINNING at the point of intersection of the centerline of Central Avenue and the centerline of Cottage Street, then proceeding northerly along Central Avenue to the intersection of Central Avenue and the southern boundary line of the City of Dunkirk, then east along the Village of Fredonia and City of Dunkirk boundary line and continuing along the same line when it becomes the southern boundary line of the Town of Dunkirk to the point of intersection with the Village of Fredonia, Town of Dunkirk and Town of Pomfret boundary lines, being the northeast corner of the Village of Fredonia, then South along the Village of Fredonia and the Town of Pomfret boundary line to the point of intersection with Lakeview Avenue., then proceeding westerly along Lakeview Avenue to Eagle Street, then proceeding westerly along Eagle Street to Prospect Street, then proceeding northerly along Prospect Street to Cushing Street, then proceeding westerly along Cushing Street to Main Street, then proceeding westerly along Main Street to Day Street, then proceeding northerly along Day Street to Lambert Avenue, then proceeding northerly along Lambert Avenue to James Place, then proceeding easterly along James Place to Pleasant Avenue, then proceeding northerly along Pleasant Avenue to Cottage Street, then proceeding westerly along Cottage Street to the intersection with Central Avenue, being the point of beginning. And all that portion of the Town of Pomfret within the following described boundary: BEGINNING at the point of intersection of Lakeview Road and Christy Road and then westerly along Lakeview Road to the intersection with the eastern boundary line of the Village of Fredonia, then northerly following the boundary line of the Village of Fredonia to its intersection with the southern line of the Town of Dunkirk then east along the Town of Dunkirk line with the Town of Pomfret to its intersection with the Town of Sheridan line, being the northeast corner of the Town of Pomfret then southerly along the line between the Town of Sheridan and the Town of Pomfret to its intersections with Lakeview Road at Christy Road, being the point of beginning.

District 6 shall be composed of all of the Town Stockton; and all those portions of the Village of Fredonia not in Districts 3 and 5, and all that portion of the Town of Pomfret situate within the following described boundaries: BEGINNING at the point of intersection of the centerlines of Lakeview Road and Christy Road and then westerly along Lakeview Road to the intersection with the eastern boundary line of the Village of Fredonia, then south along the boundary line of the Town of Pomfret and the Village of Fredonia to the southeast corner of the Village of Fredonia, then west along the southern boundary line of the Village of Fredonia to the southwest corner of the Village of Fredonia, then north along the western boundary line of the Village of Fredonia to its intersection with West Main Street, then west along West Main Street to the intersection with the boundary lines of the Town of Pomfret and Town of Portland, then south along the boundary line of the Town of Pomfret and Town of Portland to the intersection with the Town of Stockton boundary line, being the southwest corner of the Town of Pomfret, then east along the boundary lines of the Town of Pomfret and the Town of Stockton to the intersection with the Town of Arkwright Line, being the south east corner of the Town of Pomfret, then north along the boundary line of the Town of Arkwright and Town of Pomfret and continuing along that same line when it becomes the western boundary line of the Town of Sheridan to the centerline of Lakeview Road and Christy Road, being the point of beginning.

District 7 shall be composed of all of the Town of Cherry Creek, all of the Town of Ellington all of the Town of Poland, and all that portion of the Town of Carroll situate within the following described boundaries: BEGINNING at the intersection of the west line of the Town of Carroll at it intersection with New York State Route 62 then proceeding easterly along Route 62 (Main Street) to Ivory Street, then proceeding northerly along Ivory Street to Carroll Street, then proceeding southeasterly along Carroll Street then south to Frew Run Street, then proceeding easterly along Frew Run Street to Oak Hill Road, then proceeding easterly along Oak Hill Road to Bunce Road, then proceeding northerly along Bunce Road to Ivory Road, then proceeding easterly along Ivory Road to Scott Road, then

proceeding southerly along Scott Road to Oak Hill Road, then proceeding easterly along Oak Hill Road to Dennison Road, then proceeding easterly along Dennison Road to the Boundary line between the Town of Carroll and the County of Cattaraugus, then proceeding north along the Cattaraugus County and Town of Carroll line to the intersection with the South east Corner of the Town of Poland, then proceeding west along the Town of Carroll and Town of Poland line to the intersection with the Town of Ellicott line, then proceeding south along the boundary line of the Town of Carroll and the Town of Ellicott and continuing that same line when it becomes the eastern boundary of the Town of Kiantone to its intersection with New York State Route 62, being the point of beginning.

District 8 shall be composed of all of the Town of Kiantone, and all that portion of the Town of Carroll not in District 7, and all of the Village of Lakewood, and all that portion of the Town of Busti situate within the following described boundaries: BEGINNING at the point of intersection of the centerline of Winch Road and the southern boundary line of the Village of Lakewood, then proceeding easterly along the southern boundary of the Village of Lakewood to Southwestern Drive, also being the boundary Line between the Town of Busti and the Town of Ellicott, then proceeding south along the Town of Busti and Town of Ellicott line to the Southwest corner of the Town of Ellicott, then east along the southern boundary line of the Town of Ellicott and continuing that same line when it becomes the southern boundary line of the City of Jamestown to the intersection with South Main Street Extension, also being the boundary line between the Town of Busti and the Town of Kiantone, then proceeding south along the boundary between the Town of Busti and the Town of Kiantone to the intersection with Mitchell Road, then proceeding westerly along Mitchell Road to Forest Avenue Extension, then proceeding southerly along Forest Avenue Extension to its intersection with the northern line of the U.S. Census Block 2021, then proceeding west along the northern line of the said census block to its intersection with Orr Street, then proceeding west along the northern line of the U.S. Census block number 2022, then following west along the north line of the census block parallel to Cowing Road and intersecting Cowing Road at its intersection with Trask Road, then proceeding westerly along Cowing Road to Shadyside Road, then proceeding northerly along Shadyside Road to Baker Street (County Touring Route 30), then proceeding westerly along Baker Street to Winch Road, then proceeding northerly along Winch Road to its intersection with the southern boundary line of the Village of Lakewood, being the point of beginning.

District 9 shall be composed of all of the Town of Gerry and all of the Town of Charlotte and that portion of the Town of Ellicott, including the entire Village of Falconer, situate within the following described boundaries: BEGINNING at the intersection of New York State Route 60 and the northern boundary line of the Town of Ellicott; then southerly along the centerline of New York State Route 60 to its intersection with the northern boundary line of the City of Jamestown; thence easterly along the northern boundary line of the City of Jamestown to Curtis Street, the intersection being a corner of the boundary of the City of Jamestown and the Town of Ellicott, then proceeding north along Curtis Street, then following the City of Jamestown boundary Line with the Town of Ellicott to its northern most point located north of Interstate 86, then proceeding east to the northeast corner of the City of Jamestown, then proceeding south along the City of Jamestown and Town of Ellicott boundary line to the northern boundary line of the City of Jamestown, then proceeding east along the northern boundary of the City of Jamestown to the western boundary of the Village of Falconer, then proceeding east along the northern boundary line of the City of Jamestown to its intersection with the western boundary line of the Village of Falconer; then south along the western boundary line of the Village of Falconer to its intersection with the southern boundary line of the Village of Falconer; then easterly along the southern boundary line of the Village of Falconer to its intersection with the eastern boundary line of the Town of Ellicott; then north along the eastern boundary line of the Town of Ellicott to the northeast corner of the Town of Ellicott, then west along the northern boundary line of the Town of Ellicott to its intersection with the centerline of New York State Route 60, being the place of beginning.

District 10 shall be composed of all that portion of the Town of Ellicott not included in Districts 9 including the entire Village of Celoron and that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the Chadakoin River with the western boundary line of the City of Jamestown and the eastern boundary line of the Village of Celoron, then proceeding generally north east and then south along the centerline of the Chadakoin River to the West Sixth Street Bridge, then west along West Sixth Street to Whitley Avenue, then south along Whitley Avenue to its intersection with Harding Avenue, then proceeding west along Harding Avenue to Hallock Street, then proceeding south along Hallock Street to Newland Avenue, then proceeding west along Newland Avenue to Schuyler Street, then proceeding southerly along Schuyler Street to Baker Street (County Touring Route 30), then proceeding southwesterly along Baker Street to its intersection with the western boundary of the City of Jamestown, then proceeding north along the western boundary line of the City of Jamestown to the centerline of the Chadakoin River at a point also intersecting the eastern boundary of the Village of Celoron, being the point of beginning.

District 11 shall be composed of all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the northern boundary line of the City of Jamestown and the centerline of Clifton Street then east along the northern boundary line of the City of Jamestown continuously to its intersection with Curtis Street, then proceeding southerly along Curtis Street to Frink Avenue, then proceeding southwesterly along Frink Avenue to Cowing Street, then proceeding southeasterly along Cowing Street to Haywood Street, then proceeding southwesterly along Haywood Street to Buffalo Street, then proceeding southeasterly along Buffalo Street to Falconer Street, then proceeding southwesterly along Falconer Street to Lakeview Avenue, then proceeding south along Lakeview Avenue to East Eighth Street, then proceeding westerly along East Eighth Street to West Eighth Street, then proceeding westerly along West Eighth Street to Washington Street, then proceeding southerly along Washington Street to the centerline of the Chadakoin River, then proceeding westerly and then northerly along the centerline of the Chadakoin River to a point in the river directly south of the northwest corner of the City of Jamestown, then proceeding north along the City of Jamestown western boundary line to the northeast corner of the City of Jamestown, then proceeding east to the centerline of Clifton Street, being the point of beginning.

District 12 shall be composed of portions of the City of Jamestown and portions of the Town of Ellicott. The portion of the City of Jamestown shall include that area situate within the following described boundaries: BEGINNING at the point of intersection of Falconer Street and Winsor Street, and proceeding northeasterly along Falconer Street to Buffalo Street, then proceeding northwesterly along Buffalo Street to Haywood Street, then proceeding northeasterly along Haywood Street to Cowing Street, then proceeding northwesterly along Cowing Street to Frink Avenue, then proceeding northeasterly along Frink Avenue to Curtis Street, then proceeding north along Curtis Street following the City of Jamestown boundary Line with the Town of Ellicott to its northern most point located north of Interstate 86, then proceeding east to the northeast corner of the City of Jamestown, then proceeding south along the City of Jamestown and Town of Ellicott boundary line to the northern boundary line of the City of Jamestown, then proceeding east along the northern boundary of the City of Jamestown to the western boundary of the Village of Falconer, then proceeding south along the Village of Falconer and City of Jamestown boundary line to Camp Street, then proceeding west along Camp Street to Maple Street, then proceeding northerly along Maple Street to Allen Street, then proceeding north easterly along Allen Street to King Street, then proceeding northwesterly along King Street to Water Street, then proceeding northeasterly along Water Street to Winsor Street, then proceeding northwesterly along Winsor Street to Falconer Street, being the point of beginning. The portion of the Town of Ellicott shall include that area situate within the following described boundaries: BEGINNING at the southeast corner of the Town of Ellicott then west along the boundary line between the Town of Ellicott and the Town of Kiantone to the east line of the City of Jamestown, then north along the East boundary Line of the City of Jamestown to the point of intersection with boundary line of the Village of Falconer, then east along the southern boundary line of the village of

Falconer to the point of intersection with the town of Poland boundary, then south along the boundary between the town of Ellicott and the Town of Poland to the southeast corner of the Town of Ellicott, being the point of beginning.

District 13 shall be composed of all that portion of the city of Jamestown situate within the following described boundaries: BEGINNING at the intersection of the centerline of Baker Street and Schuyler Street, then proceeding northerly along Schuyler Street to Newland Avenue, then proceeding easterly along Newland Avenue to Myrtle Street, then proceeding north along Myrtle Street to Linden Avenue, then proceeding east along Linden Avenue to Park Street, then proceeding north along Park Street to McKinley Avenue, then proceeding east along McKinley Avenue to Prospect Street, then proceeding north along Prospect Street to New York Route 60 (Foote Avenue Extension), then proceeding southeasterly along New York State Route 60 (Foote Avenue Extension) to the point it intersects with Foote Avenue (New York State Route 60), then proceeding southeasterly along Foote Avenue to Camp Street, then proceeding east along Camp Street to Virginia Boulevard West, then proceeding southeasterly on Virginia Boulevard West to Maple Street, then proceeding north on Maple Street to Camp Street, then proceeding easterly along Camp Street to Manchester Road, also being the eastern boundary line of the City of Jamestown and the western line of the Town of Ellicott, then proceeding southerly along the City of Jamestown and Town of Ellicott boundary line to the South East Corner of the city of Jamestown then west along the Southern boundary of the city of Jamestown to the Southwest corner of the City of Jamestown then northwest along the boundary of the City of Jamestown to its intersection with the centerline of Baker Street then proceeding northeast along Baker Street to Schuyler Street, being the point of beginning.

District 14 shall be composed of all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the intersection of Harding Avenue and Hallock Street, and proceeding easterly along Harding Avenue to Whitley Avenue, and proceeding northerly along Whitley Avenue to West Sixth Street, then proceeding easterly along West Sixth Street to the centerline of the Chadakoin River then proceeding southerly along the center of the Chadakoin River to Washington Street, then proceeding northerly along Washington Street to West Eighth Street, then proceeding east along West Eighth Street to East Eighth Street, then proceeding east along East Eighth Street to Lakeview Avenue, then proceeding north along Lakeview Avenue to Falconer Street, then proceeding east along Falconer Street to Winsor Street, then proceeding southeasterly along Winsor Street to Water Street, then proceeding southwesterly along Water Street to King Street, then proceeding southeasterly along King Street to Allen Street, then proceeding southwesterly along Allen Street to Maple Street, then proceeding southerly along Maple Street to Virginia Boulevard West, then proceeding northwesterly along Virginia Boulevard West to Camp Street, then proceeding westerly along Camp Street to Foote Avenue, then proceeding northwesterly along Foote Avenue to Foote Avenue Extension, then proceeding southeasterly along Foote Avenue Extension to Prospect Street, then proceeding south along Prospect Street to McKinley Avenue, then proceeding west along McKinley Avenue to Park Street, then proceeding south along Park Street to Linden Avenue, then proceeding west along Linden Avenue to Myrtle Street, then proceeding south along Myrtle Street to Newland Avenue, then proceeding west along Newland Avenue to Hallock Street, then proceeding northerly along Hallock Street to Harding Avenue, being the point of beginning.

District 15 shall be composed of all the town of Ellery and all of the Village of Mayville and the portion of the Town of Chautauqua situate within the following described boundaries: BEGINNING at the intersection of New York State Route 430 and the easterly boundary line of the Village of Mayville then proceeding easterly along New York State Route 430 (East Lake Road) to Centrailia-Hartfield Road, then proceeding easterly along Centrailia-Hartfield Road to the Hartfield-Stockton Road, then proceeding northeasterly along the Hartfield-Stockton Road to Meadows Road, said point also being the easterly boundary of the Town of Chautauqua then south along the eastern line of the Town of Chautauqua along the boundary with the Town of Stockton to the corner of the Town of Chautauqua and Town of Stockton, then east along the Town of Chautauqua line, then south along the the said town lines to the intersection of the north Boundary line of the Town of Ellery, then west along the Town of Ellery boundary line to the northwest corner of the Town of Ellery, then south along the Town

of Chautauqua and Town of Ellery line to Thumb Road, then west along Thumb Road, then following a line from the end of Thumb Road to the Shore of Chautauqua Lake, then generally north and west along the shore of Chautauqua Lake to the intersection of the shore with the boundary Line of the Village of Mayville, then north along the eastern boundary of the village of Mayville to New York State Route 430, being the point of beginning.

District 16 shall be composed of all the Town of Portland, and that portion of the Town of Pomfret not contained in Districts 3, 5 and 6, and that portion of the Town of Westfield situate within the following described boundaries: BEGINNING at the southwestern corner of the Town of Westfield, then proceeding north along the Town of Westfield and Town of Ripley boundary line to its intersection with the Old Erie Road, then east along the Old Erie Road to Parker Road, then proceeding southeasterly along Parker Road to Barber Road, then proceeding east along Barber Road to Creamery Road, then proceeding north along Creamery Road to Hardscrabble Road, then proceeding easterly along Hardscrabble Road to the Sherman-Westfield Road (County Touring Route 21), then proceeding northerly along the Sherman-Westfield Road to its intersection with the southern boundary line of the Village of Westfield, then proceeding east along the southern boundary of the Village of Westfield to its intersections with Allen Road, also being the southeastern corner of the Village of Westfield, then proceeding north along the eastern boundary line of the Village of Westfield, then northwest along said boundary and continuing west to its intersection with the New York State Thruway, Interstate 90, then proceeding east along Interstate 90 to North Portage Road, then proceeding north along North Portage Road to East Lake Road, then proceeding easterly along East Lake Road (New York State Route 5) to Terrace Street, then proceeding westerly along Terrace Street to North Portage Street, then proceeding northerly along North Portage Street to 1st Street, then proceeding westerly along 1st Street to Main Street, then proceeding north to the shore of Lake Erie, then proceeding east along the shore of Lake Erie to the point of intersection with the eastern line of the Town of Westfield, then proceeding south along the Town of Westfield and Town of Portland line to its intersection with the northern line of the Town of Chautauqua, then west and south along the boundary line between the Town of Chautauqua and the Town of Westfield to its intersection with the northern boundary of the Town of Sherman, then proceeding west along the Town of Sherman and Town of Westfield line to the southwestern corner of the Town of Westfield, being the point of beginning.

District 17 shall be composed of all of the Towns of Mina and Ripley, and that portion of the town of Westfield not located in District 16.

District 18 shall be composed of all of the Towns North Harmony, Sherman, that portion of the Town of Chautauqua not included in District 15, and all that portion of the Town of Busti situate within the following described boundaries: BEGINNING at the intersection of the western boundary line of the Village of Lakewood and the shoreline of Chautauqua Lake; thence westerly along the shoreline of Chautauqua Lake to its intersection with the easterly boundary line of the Town of North Harmony; thence southerly along the eastern boundary line of the Town of North Harmony to the southeast corner of the Town of North Harmony then proceeding west along the Town of North Harmony and the Town of Busti line to its intersection with the northeastern corner of the Town of Harmony, then proceeding South along the Town of Harmony and the Town of Busti Line to its intersection with Hoag Road, then northeasterly along Hoag Road to its intersection with Baker Street (County Touring Route 30), then proceeding east along Baker Street to its intersection with Goose Creek, then proceeding southeast along Goose Creek to its intersection with the Erie-Lackawanna Railroad, then proceeding northeast along Erie-Lackawanna Railroad to its intersection with Baker Street, then proceeding east on Baker Street to Winch Road, then proceeding northerly along Winch Road to its intersection with the southern boundary line of the Village of Lakewood, then proceeding west along the southern line of the Village of Lakewood to the southwest Corner of the Village of Lakewood, then proceeding north along the west line of the Village of Lakewood, to the shore of Chautauqua Lake being the point of beginning.

District 19 shall be composed of all of the Towns of French Creek, Clymer, Harmony and that portion of the Town of Busti not included in Districts 8 and 18.

SECTION 8. This Local Law, upon taking effect, shall repeal Local Law No. 9-2002 except that County Legislators elected in the year 2009 shall continue to represent the Legislative Districts established in Local Law 9-2002 until January 1, 2012. The Legislative Districts established in Local Law 9-2002 shall continue to be the Legislative Districts of Chautauqua County for the purpose of filling vacancies in the County Legislature prior to January 1, 2012.

SECTION 9. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly adjudged invalid.

SECTION 10. This Local Law shall become effective forty-five (45) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with the Municipal Home Rule Law.

LOCAL LAW INTRO. 2-11 – R/C Vote: 8 Yes; 16 No; 1 Absent (No's: Ahlstrom, Cornell, DeJoe, DeJoy, Downey, Duff, Gould, Gullo, Heenan, James, Kindberg, Mueller, Nazzaro, Park, Runkle, Stutzman) – DEFEATED

2nd Privilege of the Floor

Mr. Greg Krauza, 22 Ventura Circle, Fredonia, speaking for the Chautauqua County Chamber of Commerce. We have been and continue to be prepared to participate and/or facilitate in a non-partisan group that will develop a plan that will best serve the County. Thank you.

MOVED by Legislator Ahlstrom, SECONDED by Legislator Runkle and duly carried to adjourn. (8:12 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, April 27, 2011 – 6:30 p.m.
Mayville, N.Y.

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

Clerk Lemon called the roll and announced a quorum present. (Duff & James absent)

Legislator Stutzman delivered the prayer and pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator Runkle and duly carried the minutes were approved. (3/23/11)

Privilege of the Floor

Andrew Nixon, I live at 107 Hotchkiss Street, Jamestown, N.Y. I am here to speak to resolution 90-11 regarding the adoption of the Comprehensive Plan. I have had the chance to work with those who put the plan together and I just wanted to make some comments about it and encourage your adoption of the document of the plan. The plan presents a vision for Chautauqua County's future. It was developed by local residents and groups of stakeholders rather than by a top down approach. In the plan many types of community interest and sectors of the local economy were directly incorporated into the process of setting directions for our future. Specifically 15 focus groups representing Agriculture, Energy, Education, Workforce Development, Tourism, Housing, Economic Development, Small Business and more, were activated to provide direct input from group members and to gather feed back from their broader constituencies. This process has greatly enhanced the usual practice of holding only public hearings in identifying what is important to local residents and businesses. The plan recognizes the importance of marketing our area, of preserving our heritages, and protecting our natural assets so that new residents and businesses will be drawn to the area. The plan also recognizes the importance of specialty manufacturing industries, of agriculture, of the health care industry, and the post secondary academic institutions in the County, and also creating government efficiency. This kind of multi sector economic vision and planning is what will be necessary in the 21st century. We need to select and plan for the highest priorities and implement for the highest efficiencies. The Comprehensive Plan outlines the goals, objectives, and strategies to do this. As an interesting example, the plan includes a summary of an exercise where a focus group and public hearing attendees were ask to allocate spending and select priorities. They came up with the following. The top three priorities were for allocating resources were; business and economic development, tourism and culture resources, and agricultural and food production. I urge you to take the step of officially adopting the plan and beginning implementation of the goals outlined within it. Thank you.

I'm Doug Champ, I live in Jamestown, at 225 Bowen Street. I am also here tonight to take a look at the future with you. I was Chairman of the Energy Committee regarding our 20/20 vision. The 20/20 vision might be a year and might be an eyesight issue but it is clear what it was. It was citizens planning at its best. It was people from your community sitting down taking a look at their communities and what they represented to them and what the vision was going to be for that community over the years. Now, we spent a lot of time, not just myself, but my committee in regarding the energy issues which are important to me and of course, which I come up here every year and get involved with the Energy Conference and some of those objectives are directly related to what the education is within our County. We are establishing this County as a place to come and visit, the place to chose to live in, a place the utilize our resources. Well, this was an effort by the citizens to look at action planning at its best. The people that are involved with this and have been involved and I won't go through all through the objectives on the energy components because I would be talking longer than my three minutes allow but, the impetus of this is for all of us. It's for us to take a look at

this County and how best we can manage it and how important it is for all of us. So the issues regarding the Comprehensive Plan and the fine staff that the County has, the countless hours in management and control in advocating issues and we message most of those. So, I would encourage at this point and time as I did over 40 years ago down in the office here when I worked with John Luensman on a Comprehensive Plan for the County then, this was as important then as it is now. So, I urge you all to adopt it and all participating in it in the future because with out the Legislators actively enrolled in active planning, it will be a document that we all will take a look at and not wonder what we have done right or wrong. Thank you.

Jim Fincher, 2862 Donelson Road, Busti with a Jamestown mailing address. I am the Trail manager for Chautauqua Rails to Trails although that is not really why I am here so I won't take five minutes. I too and here to encourage the adoption of this Comprehensive Plan. Everybody doing anything needs a plan. You have to know where you are going to know when you get there and how to get there. I was a member of the Recreations Panel and in that there was a representative of anybody that you could think of that uses a trail. Hikers, bikers, both road and mountain bikers, there was horse people, there was water people, snowmobiles, everybody that could use a trail was represented. There was a lot of ideas, a lot of effort went into it. Recreation is the only panel I can speak to but if the other panels put as much time and effort into what they came up with as we did, this Comprehensive Plan is going to be very good. If you can adopted it, that would be wonderful and if you do, let's not forget it. Thank you.

My name is Don Steger, I live at 3 Middlesex Drive, Fredonia. I am here as the Town of Pomfret Supervisor and a member of the Chadwick Bay Regional Development Corporation. I hope that you all have received correspondence of our resolution from Chadwick Bay. I am here opposing the Audit and Control Committee's proposal to reduce and ultimately eliminate the hold harmless portion of the payment to municipalities. There is 45 municipalities on here that receive anywhere from \$1,000 to \$479,000 as part of this one fifth of the three quarter percent increase in the sales tax. What this is doing is shifting the tax from the sales tax to a property tax because ultimately I can't see any of these communities on here being able to absorb the reduction and funding. This is something that goes in line with something you hear from the County all the time that the State is passing down mandates and reduction and more cost for the County to absorb. This is simple what the County is doing at this point by reducing and ultimately trying to eliminate this hold harmless tax, you are passing it on down to the local municipalities. So everybody is aware, anyone tonight who votes in favor of this is ultimately voting for a tax increase in their local taxes. It may not happen this year, it may not happen the following year, but ultimately by the reduction in revenues to any municipality, they are going to have to make it up and ultimately will be made up with property tax if this sales tax payment to the municipalities is eliminated. Thank you.

My name is Vince DeJoy, 321 Baker Street, Jamestown, N.Y.. I am a member of the Jamestown City Council and I am the Chairman of the Finance Committee on the Jamestown City Council. Mr. Chairman and Legislators, I totally agree with the last statement made. There is a proposal tonight to request that the State increase our general sales tax to 8% / 8.25%. I am not sure what the final number is. Quite frankly I am not in favor of any tax increases whether its sales tax or property tax. However, I can understand the situation that we find ourselves in today and a modest or slight increase in sales tax that may be proposed tonight although it's not a favorable way to do it. I can understand that but what my concern is, the sediment in Albany and I am just hearing this from the channels that we have within the City that there really not in favor of bringing any tax increase to their legislative body. That perhaps we should consider tonight and extension of the current amount because if we go there and ask them for a significant amount and it's rejected, it can get bogged down and we may end up in a very much losing position tonight. Now the second portion of this proposal or resolution tonight to eliminate what is being called hold harmless would definitely have detrimental effects and it is a redistribution of the tax burden and will absolutely result in a property tax increase. We have three ways of generating revenue within any municipality. Whether it's State

aid, sales tax and property tax. If you eliminate a significant portion of our sale tax we are forced to raise property taxes. That is just not the way to go. When it came to what this hold harmless, this historical perspective is, the fact that the energy tax was eliminated, the home energy tax was eliminated a couple of years back and that provision was also given the fact that there was a quarter percent increase in sales tax. General sales tax to make up for it, for that loss of revenue to the County. In that, there were certain conditions in the home rule legislation that this has been conveyed to me by our former Assemblyman that guaranteed that the municipalities wouldn't result in a decrease in revenue based on that. So what I see this as is one; you are asking for a sales tax increase and two; you are trying to take it, what is already coming to the municipalities and shifting it to the County to increase our burden in the municipalities. I do not think that it is fair. I do not think that it is right. I do not think that your constituents will agree with it that you are proposing that this kind of legislation when they come in fact and actually see the results. We are the \$479,000 one. The Village of Fredonia stands to lose \$128,000. The City of Dunkirk nearly \$200,000. It's not right. You are putting that burden on our back and I don't think that it is fair and I hope that you amend it tonight so that this so called hold harmless is eliminated. You asked the State for a reasonable amount than can be met. That we can expect and that you don't put us in the situation where we're going to lose that additional sales tax and then really be in a challenging position. Thank you very much and I appreciate you allowing me to speak.

My name is John Beichner, Town of Stockton Councilman. A lot of the things that have been said I agree with. I am here supporting Mr. Runkle and Mr. Barmore also. There is a great group of people here. This is from the heart. It would be really nice, some of these articles that have come out in the paper, I don't understand it all but there is no reason because everybody in this room is here for the same goal, for Chautauqua County. It's disheartening to be honest with you to read some of these things that are in there. I am just going to challenge everybody. Move on. We're all here for the same reason. As far as the sales tax issue, it's the most – it's fair one. If you buy a \$20,000 car or a \$5,000 car, who is going to pay the most. We have to get more revenue here. We're in dire straights, everybody knows that. The other thing is the hold harmless and it's all been said. The Town of Stockton is very concerned, small town, budgets are difficult, I know that you guys are in the same situation so I challenge you all to do the right thing. Thank you .

Chairman Croscut: Anyone else to speak under the privilege of the floor? Seeing no one, we'll close the privilege of the floor.

Chairman Croscut: There has been a little change in the agenda this evening. There will not be a presentation on the Comprehensive Plan by Mark Geise. I will entertain a couple of speakers when we come to vote on the Comprehensive Plan and have any dialog that you might have before we vote on the Comprehensive Plan. I am going to move to communications because at 6:50 p.m., I have to open the public hearing and it's not that time yet.

COMMUNICATIONS:

1. Proof of Publication – P.H. Notice – Jmst. Airport Lse. w/ TSA
2. Letters (2) – County Executive – Appts. NYS Fish & Wildlife & Youth
3. Report – Fn. Dir. Schulz – March 2011 Investment Report
4. 2010 Annual Report – County Clerk
5. County of Fulton – Re: Res. Urging Gov. Cuomo to Reject 2011 NYS Mandate Relief Redesign Team Report
6. Oswego County – Re: Res. Opposing the Proposed Consolidation of OTB
7. Washington County – Re: Res. Calling for Immediate Payment of ITG Payments
8. NYS Dept. of Ag. & Markets – Re: Review Notice for Ag. District 13
9. NYS Office of Comptroller – Re: Ack. Receipt of LL 3-11
10. NYS Dept of State – Re: Ack. Receipt of LL 3-11

11. Letter – Assemblyman Goodell – Ack. Receipt of Motion for OTB
12. Letter – Senator Young – Ack. Receipt of Res. 48-11 – Occupancy Tax
13. 2010 CCVB Year-End Financial Statements
14. Petitions – (49 Pages) – Re: Reinstatement for J. Slaton – PD
15. Minutes – Soil & Water Conservation District – March – 2011
16. Letter - Chamber of Commerce – Re: Sales Tax

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 03/23/11

RENEW & AMEND - RES. NO. 169-10 – Accept Properties Acquired by NYSDOT for the Millennium Parkway Project – (See page 161 in 2010 Journal for text)

Amend by: Adding an additional "RESOLVED" to read, RESOLVED, That if owners of "uneconomic remainders" request Chautauqua County to purchase these "uneconomic remainders", the County shall do so using local funds only.

RENEW & AMEND RES. NO. 169-10 – Unanimously Adopted

TABLED RES. NO. 62-11 – Authorizing Legislature to Prioritize List of Budgetary Services

TABLED RES. NO. 62-11 – R/C Vote: 15 Yes; 8 No; 2 Absent - (No's: Babbage, Gould, Himelein, Park, Scudder, Stewart, Tarbrake Croscut) – Adopted

MOTIONS: (On file w/ 4/27/11 Leg. Data)

- 7-11 Declare April 2011 as Autism Awareness Month – Unanimously Adopted
- 8-11 Supporting Designation of I-86 Bridge over Strunk Road in the Town of Ellicott "Robert J. Jackson Memorial Bridge"
- 9-11 Supporting Designation of I-86 Bridge over Rt. 60 in the Town of Ellicott "Lucille Ball-Dezi Arnaz Memorial Bridge"
- 10-11 Supporting Senate Bill S3900 & Assembly Bill A6617 Regarding Protestors at Military Funeral Services

RES. NO. 73-11

Confirm Re-Appointment – New York State Fish & Wildlife Management Board

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

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

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

Douglas Richmond
27 Main Street
Westfield, N.Y. 14787 Term Expires: 12/31/13

Signed: Babbage, Barmore, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 74-11
Confirm Appointments - Chautauqua County Youth Board

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

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

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

Donna Flinchbaugh 8029 Parcell Rd. Brocton, N.Y. 14716	(Replacing Martha Young) Term Expires: 12/31/13
Leah Marsala-Chase 78 W. 4 th St. – Apt. 1 Dunkirk, N.Y. 14048	(Replacing Tracie Lorenzo) Term Expires: 12/31/13
Patricia Munson 4425 Chautauqua Blvd. Lakewood, N.Y. 14750	(Replacing Dr. Carmen Lydell) Term Expires: 12/31/12
Iris Weary 6803 Munson Rd. Mayville, N.Y. 14757	Replacing Ashley Waterman as youth representative Term Expires: 12/31/13

Signed: Tarbrake, Gould, Stutzman

Unanimously Adopted – April 27, 2011

RES. NO. 75-11
Confirm Appointment of Representatives from Chautauqua County Soil & Water Conservation District
& the Conewango Creek Watershed Association to Chautauqua Lake Management Commission

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

WHEREAS, a nomination has been received from the Chautauqua County Soil and Water Conservation District for a representative to fill a vacancy on the Chautauqua Lake Management Commission; and

WHEREAS, a nomination has been received from the Conewango Creek Watershed Association for a representative to fill a vacancy on the Chautauqua Lake Management Commission; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of the following members of the Chautauqua Lake Management Commission for terms expiring as of June 30, 2011:

David Wilson Chautauqua County Soil & Water Conservation District	Christine Humphrey Conewango Creek Watershed Assn.
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Stockton, New York 14784

116 Avalon Blvd.
Jamestown, N.Y. 14701

Signed: Park, Tarbrake, Kindberg

Unanimously Adopted – April 27, 2011

RES. NO. 76-11

Authorize Lease of Office Space at the Chautauqua County Airport by the United States General Services Administration for the Transportation Security Administration

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

WHEREAS, by resolution 247-02 the county authorized a lease of office space at the Chautauqua County Airport at Jamestown to the General Services Administration for a five year term; and

WHEREAS, by resolution 271-07 the county authorized a supplemental lease agreement to extend the lease of office space at the Chautauqua County Airport at Jamestown to the General Services Administration until March 14 2011; and

WHEREAS, The Government of the United States acting through the General Services Administration has submitted a supplemental lease agreement request to lease office space at the Chautauqua County Airport under lease proposal #GS-02B-23250 for a two year period at an annual rental of \$5,696.25 commencing on March 15, 2011; and

WHEREAS, the necessary public hearing pursuant to Article 14 of the General Municipal Law has been held; therefore, be it

RESOLVED, That the County Executive 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 Airport Terminal in Jamestown, New York.
- 2.) Rent. Government shall pay the County annual rental in the amount of \$5696.25 or \$474.69 per month or pro-rated for a lesser period.
- 3.) Term. Two (2) years commencing on March 15, 2011.
- 4.) Utilities. Maintenance, janitorial cleaning and utility costs are included in the rental consideration.
- 5.) Other. As negotiated by the County Executive.

Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart, Runkle, Gould, Gullo, Park, Richmond

Unanimously Adopted – April 27, 2011

RES. NO. 77-11

Authorizing the Acquisition of a Right-of-Way in the Town of Ripley

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

WHEREAS, Chautauqua County owns Reforestation lands in the Town of Ripley known as Reforestation Properties #7 and #8; and

WHEREAS, due to the fact that there are wetlands on portions of County Reforestation Property #8, the County desires to establish an external ingress and egress route to the central region of that property which will enhance the County's ability to conduct reforestation activities; and

WHEREAS, the County has negotiated with the neighboring property owners, Robert and Jennifer Bell, for a Right-of-Way across their property which runs from the lower region of Property #8 across the Bells' property and up to the central region of Property #8; and

WHEREAS, in exchange for the Right-of-Way granted by the Bells to the County, the County has agreed to grant a Right-of-Way to the Bells across a currently existing access road beginning where the Bells' property intersects with the lower corner of Reforestation Property #8 and continuing through Reforestation Property #7 to Irish Road, then continuing southeast to the western border of another lot owned by the Bells; therefore be it

RESOLVED, That the County Executive be and hereby is authorized and empowered to acquire a Right-of-Way running across the Bell's property and providing County with access to the central region of Reforestation Property #8, and to grant in exchange therefore a Right-of-Way to the Bells connecting their properties to Irish Road.

Signed: Babbage, Barmore, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 78-11

Authorizing Purchase of Lands Adjacent to County Airport/Dunkirk for the Runway 6-24 Project and Relocation of Portion of Newell Road

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

WHEREAS, the County of Chautauqua has successfully negotiated purchase offers with the following property owners to acquire the parcels listed below and adjacent to the Dunkirk Airport; and

WHEREAS, it is desirable and appropriate for the County to acquire these properties to allow for the relocation of Newell Road and in order to allow for the extension of Runway 6-24; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (SEQRA), the County's consultants prepared an Environmental Assessment form (EAF) which considered the probably environmental impacts associated with the purchase of the subject premises and recommended that such action would not have any significant adverse environmental impacts and further reviewed such project and acquisitions in conjunction and pursuant to applicable federal and state statutory provisions and regulations; and

WHEREAS, the project approved via Resolution 86-09 included funding for such acquisitions; therefore be it

RESOLVED, That the County hereby finds and determines that acquisition of such parcels for the approved Runway expansion and relocation of Newell Road in the Town of Sheridan will have no adverse environmental impact; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary documents for the acquisition by the County of the above referenced properties pursuant to negotiated offers and totaling \$69,800:

Parcel owner	Parcel NO. / Acquisition Type	Acreage	Map	Amount
Robert & Loretta Pierce 3091 Middle Rd	8 Partial fee	0.1 +/-		\$2,500
Michael Paoletta 2008 Middle Rd	A Partial Fee	0.9 +/-		\$3,800
Charles Smith (trustee) 2858 Middle Rd	6 Fee	0.3 +/-		\$700
Charles Smith (trustee) 2858 Middle Rd	C Fee	29.0+/-		\$58,000
Charles Smith (trustee) 2858 Middle Rd	5 & 7 Fee	2.1 +/-		\$4,800
Total				\$69,800

Signed: Gould, Nazzaro, Gullo, Park, Richmond, Babbage, Barmore, DeJoe, Runkle, DeJoy, Cornell

Adopted w/ Legislators Ahlstrom, Heenan, Kindberg, Mueller voting "no" – April 27, 2011

RES. NO. 79-11

Authorize Transfer of Funds to Purchase 1999 Oshkosh 2 Stage Snow Blower Attachment

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

WHEREAS, the front mount blower unit on the snow blower at the County Airport at Jamestown needs replacement; and

WHEREAS, the airport plowing operations require use of a truck-mounted snow blower;
and

WHEREAS, the county may purchase a 1999 Oshkosh 2-Stage Snow Blower Attachment with little or no use for \$50,000 and seller has offered an allowance of \$12,000 for a trade of surplus snow plowing equipment resulting in a total county share not to exceed \$38,000; and

WHEREAS, the 2011 budget has sufficient funds in contingency to cover this expenditure; therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

A.1990.----.4 Contractual – Contingent Account \$38,000

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital \$38,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.152.4 Contractual – Snow Blower Replacement \$38,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.152.R503.1000	Interfund Transfers – Interfund Transfer	\$38,000
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Signed: Babbage, Barmore, DeJoe, Runkle, Gould, Nazzaro, Gullo, Park, Richmond

Unanimously Adopted – April 27, 2011

RES. NO. 80-11

Authorize Director of Finance to Increase Appropriations for Webster Road Bridge (BIN 3325400)
Replacement Project (PIN 5758.41)

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

WHEREAS, Resolutions 270-07 and 201-10 approved a project for the Replacement of the Webster Road Bridge over Canadaway Creek and committed a total of \$254,000 to cover 100% of the project's Preliminary Engineering Design I-IV phases and Right of Way (ROW); and

WHEREAS, the project's Construction, and Construction Inspection Phases are currently estimated at \$1,600,000 and are expected to be funded 80% from Federal funds and 20% from Non-Federal funds; and

WHEREAS, New York State Department of Transportation requires that the County commit 100% of the Non-Federal Share, \$320,000, for the project's Construction and Construction Inspection Phase; and

WHEREAS, it is anticipated that New York State will reimburse the County 75% of the Non-Federal share; and

WHEREAS, the County's share to complete the Construction and Construction Inspection Phases is estimated to be \$80,000; and

WHEREAS, the 2011 budget has sufficient funds in contingency to cover this expenditure; therefore be it

RESOLVED, That Chautauqua County hereby commits 100% of the Non-Federal dollars to advance the above mentioned project phases; and further be it

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

DECREASE APPROPRIATION ACCOUNT:

A.1990.----.4	Contractual – Contingent Account	\$ 80,000
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INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$ 80,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Improvements	\$1,600,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.-----R458.9002	Federal Aid – Capital Improvements	\$1,280,000
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D.5112.390.R358.9003	NYS Aid – Capital Improvements	\$ 240,000
D.5112.390.R503.1000	Inter-fund Transfers – Capital Improvements	<u>\$ 80,000</u>
		\$1,600,000

Signed: (Amended in P.F.) Babbage, Barmore, DeJoe, Richmond, Runkle, Park, Nazzaro, Gould

Adopted w/ Legislator Ahlstrom voting "no" – April 27, 2011

RES. NO. 81-11

Authorize Agreement with Village of Bemus Point for Enhanced Police Services

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

WHEREAS, the Village of Bemus Point has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of June 27, 2011 through September 4, 2011, for an estimated cost not the exceed \$5,500.00 based upon an hourly rate of \$27.64; therefore be

RESOLVED, That the County Executive is hereby 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 revenue account A.3110.R226.0000.

Signed: Richmond, Duff, Himelein, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 82-11

Authorize Agreement with Village of Brocton for Enhanced Police Services

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

WHEREAS, the Village of Brocton has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during a portion of the 2011 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for the period of May 1, 2011 through December 1, 2011, for an estimated cost not the exceed \$20,000 based upon an hourly rate of \$27.64; therefore be

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

Signed: Richmond, Duff, Himelein, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 83-11

Authorize Agreement with the Chautauqua Lake School District to Provide Enhanced Police Services

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

WHEREAS, the Chautauqua Lake School Districts has requested that the Office of the Sheriff provide Deputy Sheriffs at sporting and social events at the school; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Chautauqua Lake School District for the 2011 school year for a hourly rate of \$27.64 which will not exceed \$2,000.00 for the school calendar year; therefore be it

RESOLVED, That the County Executive, Gregory J. Edwards, is hereby authorized to execute an agreement with the Chautauqua Lake School District for enhanced police services as set forth above with the revenues there from to be credited to revenue account A.3110.R226.0000.

Signed: Richmond, Duff, Himelein, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 84-11

Authorize Execution of Agreement for NYS Office of Homeland Security & Emergency Services for Terrorism Prevention Grant

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

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York approved the application for Office of Homeland Security & Emergency Services Program Grant for terrorism prevention FY 2010: and

WHEREAS, the State of New York will provide funding in the amount of \$100,755 for the initial contract period from August 1, 2010 to July 31, 2013 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security & Emergency Services Program Grant in the initial amount of \$100,755.00 with no local share; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2011 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.---.4	Contractual Services - Sheriff Operations	\$ 27,919
A.3110.---.2	Equipment- Sheriff Operations	4,336
A.3110.---.3	Depreciable Equipment - Sheriff Operations	<u>68,500</u>
		\$100,755

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9LTP	Federal Aid: Terrorism Prevention	\$100,755
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Signed: Richmond, Duff, Himelein, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 85-11

Increase Appropriation Accounts for Homeland Security Grant Funding

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

WHEREAS, the New York State Office of Homeland Security awarded grant funding to the Chautauqua County Health Department for Public Health Emergency Preparedness and Homeland Security activities; and

WHEREAS, the time period for the grant extended from 8/10/09 to 8/9/11; and

WHEREAS, the 2011 Chautauqua County Adopted Budget does not include the portion of the grant activities that will occur in 2011; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.2	Equipment – Public Health	\$ 2,600
A.4010.----.4	Contractual – Public Health	<u>20,612</u>
		\$23,212

INCREASE REVENUE ACCOUNT:

A.4010.----.R440.1001	Fed Aid – Homeland Security Grant	\$23,212
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Signed: Richmond, Duff, Himelein, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 86-11

Amending 2011 County Budget Regarding Fire Service Academy Revenues

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

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

WHEREAS, the Chautauqua County Office of Emergency Services has received a check from JCC for the reimbursement of Fall 2010 classes; and

WHEREAS, these revenues were not included in the 2011 budget, and it is desirable to direct these funds toward the improvement of the fire service training centers; therefore be it

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

INCREASE CAPITAL PROJECT ACCOUNT:

H.3410.510.4	Contractual – Training Center Enhancement	\$26,830
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3410.510.R226.0001	Charges: Other Gov't-JCC Reimbursement	\$26,830
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Signed: Richmond, Duff, Himelein, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 87-11

Leandra's Law and Ignition Interlock Funds

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

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

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

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

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

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

WHEREAS, Chautauqua County has been designated to receive a total award of up to \$37,837 for the monitoring of Ignition Interlock devices, with funding to be provided to the Chautauqua County Probation Department and the Stop DWI Program at the rate of \$114.66 per Ignition Interlock Device installed and monitored; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County Executive and the Chairman of the Legislature to approve the acceptance of BAIID Monitoring funding for Chautauqua County from the New York State Division of Criminal Justice Services and the Governor's Traffic Safety Council.

Signed: Richmond, Duff, Himelein, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – April 27, 2011

RES. NO. 88-11

Increase Appropriation Accounts for Primary Prevention Lead COLA Funding

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

WHEREAS, the New York State Department of Health has awarded a Cost of Living Adjustment (COLA) award to the Chautauqua County Department of Health for the Primary Prevention Lead Program pursuant to Part F of Chapter 111 of the Laws of 2010; and

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

WHEREAS, the 2011 Chautauqua County Adopted Budget does not include these additional grant monies; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.4189.LEAD.2	Equipment – Lead Testing	\$ 5,422
A.4189.LEAD.4	Contractual – Lead Testing	<u>\$13,272</u>
		\$18,694

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R345.0LPC	State Aid – Lead Pilot COLA	\$18,694
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Signed: Gould, Nazzaro, Gullo, Runkle, Tarbrake, Stutzman, Park, DeJoe, Richmond

Unanimously Adopted – April 27, 2011

RES. NO. 89-11
Negative SEQRA Declaration for the Chautauqua County Comprehensive Plan
"Chautauqua 20/20"

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

WHEREAS, pursuant to the authority granted by General Municipal Law § 239-d (2), the Chautauqua County Legislature has heretofore authorized the Chautauqua County Department of Planning and Economic Development (CCPED) to prepare and submit a County-wide Comprehensive Plan that establishes a vision for Chautauqua County and identifies goals and objectives to achieve the vision for the County; and

WHEREAS, beginning in September, 2008, the CCPED initiated a Community Outreach Plan, which was designed to engage all interested parties in the development and preparation of Chautauqua County's Comprehensive Plan through a variety of workshops, surveys, meetings and work sessions with specific stakeholder groups; and

WHEREAS, Wallace, Roberts and Todd (WRT), the County's consultants hired to assist the CCPED with this project, have completed a draft of the Chautauqua County Comprehensive Plan and circulated the same to the stakeholders, the regional planning agency, the Chautauqua County Planning Board and all Chautauqua County municipalities for review and comment; and

WHEREAS, pursuant to General Municipal Law § 239-d (3) the adoption of a comprehensive plan is subject to the provisions of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and Title 6, Part 617.2 of the New York Codes, Rules and Regulations ("NYCRR") implementing Article 8 (collectively referred hereinafter as "SEQRA"); and

WHEREAS, by Resolution No. 20-11, adopted on January 26th, 2011, the Chautauqua County Legislature initiated its environmental review, declared its intent to proceed as lead agency

and determined that the development of a county-wide comprehensive plan constitutes a "comprehensive resource management plan" as that term is defined by 6 NYCRR & 617.4 (b) (1) and therefore declared this to be a Type I action pursuant to SEQRA; and

WHEREAS, a long form Environmental Assessment Form ("EAF") has been prepared by the CCPED and submitted to the Chautauqua County Legislature, and contains an assessment of the potential impacts to the environment that may result from this proposed action; therefore be it

RESOLVED, That upon review of all of the forgoing, the Chautauqua County Legislature hereby determines and declares that the adoption of the county-wide comprehensive plan as proposed is an action which does not include the potential for any significant adverse environmental impacts; and further be it

RESOLVED, That the Chautauqua County Legislature directs the Clerk of the County Legislature to file the Negative Declaration with the records of the Legislature, and to maintain a file of the Negative Declaration readily accessible to the public.

Signed: Park, Tarbrake, Kindberg

Unanimously Adopted – April 27, 2011

RES. NO. 90-11

Adoption of the Chautauqua County Comprehensive Plan "Chautauqua 20/20"

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

WHEREAS, pursuant to the authority granted by General Municipal Law § 239-d (2), the Chautauqua County Legislature is the entity responsible for the preparation and adoption of the County of Chautauqua Comprehensive Plan; and

WHEREAS, Chautauqua County's existing General Plan has not been thoroughly updated in more than 30 years and does not reflect the County's current vision or contain specific initiatives to help achieve that vision; and

WHEREAS, Chautauqua County wishes to have an up-to-date vision and plan for the County to refer to when considering potential policies, projects and programs and their potential associated impacts; and

WHEREAS, the Chautauqua County Legislature has heretofore authorized the Chautauqua County Department of Planning and Economic Development (CCPED) to prepare and submit a County-wide Comprehensive Plan to the Legislature that establishes a vision for Chautauqua County and identifies goals, objectives and strategies to fulfill that vision for the County and its citizens; and

WHEREAS, beginning in September, 2008, the CCPED initiated an Outreach Plan, which was designed to engage all interested parties in the development and preparation of Chautauqua County's Comprehensive Plan through a variety of workshops, meetings, surveys and work sessions with specific stakeholder groups; and

WHEREAS, the CCPED, and the County's consultant team from the planning firm Wallace, Roberts and Todd (WRT), have undertaken a comprehensive study of the historic and existing conditions in the County; taken into consideration the Chautauqua County Farmland Protection Plan as created under Article 25-AA of the New York State Agriculture and Markets Law; identified relevant

issues and opportunities; analyzed numerous topics and potential options; and developed goals, objectives, policy recommendations and implementation strategies which resulted in the development and completion of a draft Chautauqua County Comprehensive Plan: " *Chautauqua 20/20*"; and

WHEREAS, the CCPED and WRT have completed a draft of the Chautauqua County Comprehensive Plan and circulated the same on behalf of the Chautauqua County Legislature to stakeholders groups, the regional planning agency, the Chautauqua County Planning Board and all Chautauqua County municipalities for review and comment; and

WHEREAS, the Chautauqua County Legislature has held public hearings on the draft of the Chautauqua County Comprehensive Plan on April 5th and 6th, 2011 for the purpose of giving municipalities, citizens and other interested parties an opportunity to provide final public input on the draft Comprehensive Plan; and

WHEREAS, after consideration of comments received during the municipal and public review of the proposed draft document, said plan was finalized; and

WHEREAS, consistent with SEQRA, a long form Environmental Assessment Form ("EAF"), has been prepared by the CCPED and submitted to the Chautauqua County Legislature and contains an assessment of the potential impacts to the environment that may result from this proposed action; and

WHEREAS, upon review of the forgoing EAF, the Chautauqua County Legislature determined and declared that the adoption of the county-wide comprehensive plan as proposed was an action which does not include the potential for any significant adverse environmental impacts; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby adopts the proposed Chautauqua County Comprehensive Plan "*Chautauqua 20/20*" dated April, 2011 as an important planning tool which identifies a wide range of issues, initiatives, studies, projects and programs which can be undertaken by various entities and partners to improve the quality of life for all Chautauqua County citizens in the short-term and the long-term.

Signed: Park, Tarbrake, Kindberg

Unanimously Adopted – April 27, 2011

RES. NO. 91-11
Environmental Assessment and Awarding and Approval of Funding of Projects for 2011 2%
Occupancy Tax Projects

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

WHEREAS, pursuant to Resolution No. 206-10, the Chautauqua County Legislature approved awards without further environmental review for projects recommended by the Waterways Panel ranked numbers 1, 2, 4, 5, 7, 9, 12, 15, and 16, but requested that the Chautauqua County Department of Planning & Economic Development (CCPED) conduct a New York State Environmental Quality Review (SEQR) for the remainder of the ranked projects; and

WHEREAS, CCPED and the various involved agencies have reviewed the projects consistent with SEQR and applicable state regulations; and

WHEREAS, the CCPED recommends that the projects that are ranked as numbers 3, 6, 8, 10, 11, 14, 17, 18 on the Waterways Panel list submitted with the aforementioned resolution be classified as Unlisted Actions under SEQR and do not require a coordinated review; and

WHEREAS, the County has caused the attached Short Environmental Assessment Forms (SEAF) to be prepared for all projects recommended to be classified as Unlisted Actions; and

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

RESOLVED, That the County hereby finds and determines that Actions listed and identified above as numbers 3, 6, 8, 10, 11, 14, 17 and 18 will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration; and be it further

RESOLVED, That project numbers 1 through 12 and 14 through 18 respectively are hereby awarded the amounts as set forth by the Waterways Panels list of ranked and prioritized projects out of the 2% Occupancy tax in the 2011 County Budget.

Organization/Agency	Rank	Amount Requested	Amount Recommended
Chautauqua County Soil & Water Conservation District	1	\$ 20,000	\$ 20,000
Lighthouse Point Association, Inc	2	\$ 12,227	\$ 12,227
Chautauqua County Soil & Water Conservation District	3	\$ 40,000	\$ 40,000
Chautauqua County Soil & Water Conservation District	4	\$ 6,700	\$ 6,700
Chautauqua County Soil & Water Conservation District	5	\$ 8,100	\$ 8,100
Chautauqua County Soil & Water Conservation District	6	\$ 22,167	\$ 22,167
Chautauqua County Soil & Water Conservation District	7	\$ 20,000	\$ 20,000
Cassadaga Country Club	8	\$ 16,300	\$ 16,300
Chautauqua County Soil & Water Conservation District	9	\$ 25,000	\$ 25,000
Village of Westfield	10	\$ 15,020	\$ 15,020
Chautauqua County Agricultural & Fair Association	11	\$ 19,150	\$ 19,150
Chautauqua County Soil & Water Conservation District	12	\$ 7,900	\$ 7,900
Chautauqua Rails to Trails, Inc *	13	\$ 25,000	\$ 25,000
Village of Fredonia	14	\$ 39,905	\$ 39,905
Town of North Harmony	15	\$ 40,000	\$ 40,000
Bear Lake Property Owners Association, Inc	16	\$ 4,000	\$ 4,000
Village of Silver Creek	17	\$ 40,000	\$ 40,000
Villas of Point Chautauqua	18	\$ 40,000	\$ 23,531
TOTAL		\$ 525,094	\$ 385,000

* Project not funded for 2011 due to the lack of support funding from applicant

Signed: Park, Tarbrake, Kindberg

Adopted w/ Legislators Ahlstrom and Gullo voting "no"

RES. NO. 92-11

Authorize an Inter-Municipal Agreement with the Village of Mayville to Implement and Administer a New York State Department of Environmental Conservation (DEC) Water Quality Improvement Project (WQIP) Grant

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

WHEREAS, the Chautauqua County Department of Planning and Economic Development (CCPED) has been successful in obtaining a DEC WQIP grant (Project # 2010WQI10262) on behalf of the Village of Mayville; and

WHEREAS, the DEC WQIP grant for \$40,300 will help meet the goals and objectives of the recently completed Chautauqua Lake Watershed Management Plan by reducing nutrient and pathogen inputs in the Chautauqua Lake watershed; and

WHEREAS, the DEC funded project is located at Lakeside Park in the Village of Mayville and Village employees will be utilized to contribute the in-kind match required by the grant; and

WHEREAS, the CCPED and the Village of Mayville will coordinate activities to implement and administer the WQIP grant on behalf of the Village of Mayville; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the Village of Mayville to jointly implement and administer the WQIP grant project with the assistance of the CCPED; and be it further

RESOLVED, That the Director of Finance authorized and directed to make the following amendments to the 2011 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual – Watershed Administration	\$40,300
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R395.9WQI	NYS Aid: Water Quality Imprv Proj Grant	\$40,300
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Signed: Park, Tarbrake, Kindberg, Gould, Nazzaro, Gullo, Runkle, DeJoe, Richmond

Unanimously Adopted – April 27, 2011

RES. NO. 93-11

Authorize Transfer of Tax Foreclosure Property to the Town of Ellery

At the Request of Administrative Services Committee:

WHEREAS, pursuant to Resolution 137-09, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Town of Ellery has requested that the County convey to the Town a tax delinquent property at 2953 Route 430 (SBL # 369.01-1-2) that contains the former Vullo's Restaurant in order to allow for the expansion of parking for the Town of Ellery Park which is used by substantial numbers of County residents including many who reside outside the Town; and

WHEREAS, the shortage of parking for the Town of Ellery Park has presented a public safety problem for adjoining roads and residents due to the potential for congestion and insufficient space for emergency vehicles to pass; and

WHEREAS, the Town will incur substantial expense in the demolition of the abandoned restaurant that has been cited for various code violations, and the Town has therefore requested that the property be conveyed to it at no charge; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the sale or assignment of the County's property interest in tax parcel 369.01-1-2 to the Town of Ellery at no cost for the purpose of the Town's demolition of the structure on the premises and the re-use of the property for the expansion of parking for the Town of Ellery Park; and be it further

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

Signed: Barmore, Runkle, Cornell, DeJoy

Withdrawn – April 27, 2011

RES. NO. 94-11

Requesting Amendment of State Legislation Regarding Imposition of Sales Tax

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

WHEREAS, pursuant to Chapter 174 of the Laws of 2009 adopted by the New York State Legislature, the County was authorized to impose a three-quarters of one percent (.75%) additional sales tax for the period of December 1, 2009 through November 30, 2010, and Chapter 174 further provided that the amount of additional sales tax the County was authorized to impose for the period December 1, 2010 through November 30, 2011 was reduced to one-half of one percent (.5%); and

WHEREAS, the reduction in the additional sales tax to .5% (revenue decrease of \$3.25 million) coupled with 2011 increases in expense and other reductions in revenue produced a 2011 budget deficit of \$21.3 million, including increases in several mandated categories of expense such as Medicaid (\$5.8 million), New York State Retirement Contribution (\$2.15 million), social services and public health programs (\$1.7 million), and community college chargebacks (\$1.5 million); and

WHEREAS, to minimize 2011 property tax increases, the County increased its use of fund balances and reserves in the 2011 budget from \$3.6 million to \$10.9 million which substantially reduces the County's available fund balances and reserves to offset projected 2012 increases in State mandates of at least \$6.5 million that are above and beyond the 2011 increases described above; and

WHEREAS, both the County's cumulative reduction in sales tax revenue of \$53.7 million since 2006 and the County's obligation to "hold harmless" the cities, towns, and villages from the impact of the sales tax exemption for residential energy (\$2.1 million annually) can no longer be absorbed without substantial unacceptable County property tax increases; and

WHEREAS, the New York State Association of Counties' analysis of the recently adopted 2011-12 New York State budget projects that New York State counties will see a continued rise in their mandated expenses; therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to impose a sales tax of one and one percent (1 %) for the period December 1, 2011 through November 30, 2013, subject to the same requirements set forth in Chapter 174 of the Laws of 2009, except that the County shall allocate three-twentieths of the net collections from the additional one percent to the cities, towns, and villages in the County on the basis of their respective populations; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator Catharine Young, Assemblyman Andrew Goodell, and Assemblyman Joe Giglio.

Signed: (A.S. Failed – DeJoy & Cornell voting "no") (A.C. - Amendment. on changing percentage – Gould, Park, Richmond voting "no") – Gullo voting "no" as amended

Adopted - R/C Vote: 15 Yes; 7 No; 3 Absent (No's: Ahlstrom, Cornell, DeJoy, Gullo, Heenan, Kindberg, Mueller) – April 27, 2011

RES. NO. 95-11

Supporting Passage of A.6967 & S.4022 – An ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions

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

WHEREAS, pursuant to Resolution 48-11, the County made a home rule request for authority to continue through November 30, 2013 the 5% occupancy tax that allows additional funds to be dedicated to the enhancement of lakes and streams in the County; and

WHEREAS, the State Assembly and the State Senate now have Bills before them to create said authority; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. 6967 and New York State Senate Bill No. 4022 entitled "An ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions."

Signed: Gould, Nazzaro, Gullo, Runkle, Park, DeJoe, Richmond

Adopted - R/C Vote: 19 Yes; 3 No; 3 Absent (No's: Ahlstrom, Cornell, Kindberg) – April 27, 2011

RES. NO. 96-11
Quit Claim Deeds

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

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance of the following offers for the County's Tax Liens as detailed on the attached Schedule 1 and noted on tax sale certificates 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. 137-09; 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 and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Munic.	Parcel ID No	Property Location	Purchaser	Offer Amt	Taxes Owning
QC 3-2011	C/Dnk	060300-79.11-4-29	31Genet St.	Daniel F. Wolfe	\$1,255.13	\$1,255.13
QC 20-2011	C/Dnk	060300-79.14-3-41	125 Central Ave.	Robert M. Valvo	\$5,339.18	\$5,339.18
QC 23-2011	C/Dnk	060300-79.14-8-48	411 Dove	Randall J. Carlson	\$90.81	\$90.81
QC 46-2011	C/Dnk	060300-79.18-5-55	636 Canary St.	Carl & Linda Bailey	\$1,341.09	\$1,341.09
QC 52-2011	C/Dnk	060300-79.19-5-22	96 E. 7 th St.	Rnessto L.Martinez	\$2,808.46	\$2,808.46
QC 56-2011	C/Dnk	060300-79.19-6-81	632 Deer St.	Nicholas L. Galofardo	\$1,297.91	\$1,297.91
QC 58-2011	C/Dnk	060300-79.19-7-90	613 Columbus St.	Sabrina Cooper	\$4,062.57	\$4,062.57
QC 64-2011	C/Dnk	060300-96.07-3-7	851 Washington Ave.	Est. of Frances A. Gaken	\$6,417.05	\$6,417.05
QC 68-2011	C/Jmst.	060800-370.03-1-11	Washington St.	James R Fusco	\$1,368.00	\$1,368.00
QC 70-2011	C/Jmst.	060800-370.14-2-17	47Flucanna Ave.	Dan W Truver	\$2,580.94	\$2,580.94
QC 77-2011	C/Jmst.	060800-370.16-3-20	8 Curtis St.	Dan T Byers	\$86.04	\$86.04
QC 83-2011	C/Jmst.	060800-370.18-3-29	14 W. 13 th St.	Clevon L Wofford	\$2,944.73	\$2,944.73
QC 85-2011	C/Jmst.	060800-370.18-4-48	W. 12 th St.	William Soto	\$252.95	\$252.95
QC 88-2011	C/Jmst.	060800-370.19-1-57	22 Kingsbury St.	Bruce C Anderson	\$1,275.21	\$1,275.21
QC 98-2011	C/Jmst.	060800-370.20-2-33	35 Stowe St.	Joanne N Scapelitte	\$8,450.58	\$8,450.58
QC 103-2011	C/Jmst.	060800-370.20-3-28	23 Weeks St.	Michael & Elaine DePonceau	\$3,629.56	\$3,629.56

QC 111-2011	C/Jmst.	060800-371.09-6-26	James Ave.	Timothy & Lianna Taylor	\$531.10	\$531.10
QC 124-2011	C/Jmst.	060800-387.05-4-41	Seymour St.	Vangel J & Yolande Verleni	\$161.68	\$161.68
QC 125-2011	C/Jmst.	060800-387.05-4-42	9 Seymour St.	Vangel J & Yolande Verleni	\$2,401.25	\$2,401.25
QC 126-2011	C/Jmst.	060800-387.05-5-25	250 Fairmount Ave	Brandon J Walker	\$4,764.19	\$4,764.19
QC 130-2011	C/Jmst.	060800-387.06-2-5	857 Lafayette St.	Clevon Wofford	\$2,944.73	\$2,944.73
QC 132-2011	C/Jmst	060800-387.06-3-21	19 W 11th St	Mercedes Carrasquillo	\$1,253.32	\$1,253.32
QC 134-2011	C/ Jmst	060800-387.06-4-37	846 Lafayette St	Clevon Wofford	\$2,895.86	\$2,895.86
QC 166-2011	C/ Jmst	060800-387.12-1-25	19 Winsor St	Wesley J. Brown	\$2,344.46	\$2,344.46
QC 195-2011	C/ Jmst .	060800-387.13-5-16	301 Palmer St	Leslie G Fagan	\$7,426.01	\$7,426.01
QC 202-2011	C/ Jmst .	060800-387.14-3-30	90 Colefax St.	Vangel Verleni	\$2,439.81	\$2,439.81
QC 203-2011	C/ Jmst .	060800-387.14-3-50	19 Chautauqua Ave	Vangel Verleni	\$11,216.30	\$11,216.30
QC 205-2011	C/ Jmst .	060800-387.14-5-3	99 Baker St	Donna Owens	\$2,338.33	\$2,338.33
QC 206-2011	C/ Jmst .	060800-387.14-5-4	97 Baker St	Scott Allen Graham	\$3,079.62	\$3,079.62
QC 208-2011	C/ Jmst .	060800-387.14-6-33	5 Sterns Ave	Vangel J. Verleni	\$4,733.76	\$4,733.76
QC 210-2011	C/ Jmst .	060800-387.14-6-76	7 Sterns Ave	Vangel J. Verleni	\$3,558.57	\$3,558.57
QC 215-2011	C/ Jmst .	060800-387.15-1-219	McKinley Ave	Bruce C. Anderson	\$442.33	\$442.33
QC 223-2011	C/ Jmst .	060800-387.15-7-47	343 Foote Ave	John R Noe	\$1,876.01	\$1,876.01
QC 230-2011	C/ Jmst	060800-387.18-8-23	Snell Pl	Tracy A Kuchta	\$240.73	\$240.73
QC 231-2011	C/ Jmst .	060800-387.18-8-26	Hazeltine Ave	Tracy A Kuchta	\$240.73	\$240.73
QC 232-2011	C/ Jmst .	060800-387.19-1-7	114 Park St	James A Johnson	\$4,629.41	\$4,629.41
QC 242-2011	C/ Jmst	060800-387.26-4-31	719 E 2nd St	Keila Lopez	\$4,464.83	\$4,464.83
QC 267-2011	C/Jmst.	060800-387.34-1-20	539 E. 5 th St.	KC Whispers Assn. Inc.	\$2,426.09	\$2,426.09
QC 274-2011	C/ Jmst .	060800-387.42-2-18	Cross St	Wesley J Brown	\$191.53	\$191.53
QC 285-2011	C/ Jmst .	060800-388.09-1-4	378 Willard St	John R Noe	\$1,840.48	\$1,840.48
QC 287-2011	C/ Jmst .	060800-388.09-1-8	386 Willard St	Base Hit LLC	\$4,389.08	\$4,389.08
QC 294-2011	C/ Jmst .	060800-404.07-3-33	455 Broadhead Ave	Maria B Herndon	\$21,971.99	\$21,971.99
QC 310-2011	Busti/Lkwd.	062201-385.07-4-72	147 Lakeview Ave	Dan W Truver	\$4,106.76	\$4,106.76
QC 331-2011	Busti	062289-435.00-2-8	639 Big Tree Sugar Grove Rd	Lennart M Liffner & Kandy Kay Wiggers	\$5,873.33	\$5,873.33
QC 339-2011	Carroll	062400-423.10-2-25	23 Water St	Kevin A Carlson	\$4,240.73	\$4,240.73

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QC 358-2011	Cherry Cr/CC	063001-237.12-2-5	575 Southside Ave East	Estate of Paul G. Green	\$225.16	\$225.16
QC 363-2011	Clymer	063200-413.00-1-14	8213 Ravlin Hill Rd.	Clymer Recreation Inc	\$8,060.09	\$8,060.09
QC 374-2011	Elery	063689-333.18-1-19	4033 Bemus Creek Rd	Ralph W & Doris S. Paul	\$5,990.81	\$5,990.81
QC 375-2011	Elery	063689-333.18-1-20	4033 Bemus Creek Rd	Ralph W. Doris S. Paul	\$3,654.34	\$3,654.34
QC 376-2011	Elery	063689-333.18-1-9	Bemus Creek Rd.	Ralph W & Doris S. Paul	\$11,487.45	\$11,487.45
QC 382-2011	Ellicott/ Celoron	063801-369.19-1-84	8 E Chadakoin St.	Stephen M. Przepiora	\$1,666.24	\$1,666.24
QC 401-2011	Ellicott	063889-335.00-2-12	Fluvanna Townline Rd.	Roger C Penhollow	\$1,849.66	\$1,849.66
QC 417-2011	Ellicott	063889-386.06-2-38	86 Wicks Rd.	Estate of Paul H Diers	\$4,020.47	\$4,020.47
QC 426-2011	Ellicott	063889-386.15-3-2.1	Hunt Rd.	Kevin C & Jennifer L Morse	\$385.43	\$385.43
QC 427-2011	Ellicott	063889-386.15-3-23	Hunt Rd.	Kevin C & Jennifer L Morse	\$295.86	\$295.86
QC 431-2011	Ellington	064000-288.14-1-2	5140 Thornton Rd.	Douglas O & Debbie M Day	\$4,782.37	\$4,782.37
QC 432-2011	Ellington	064000-288.14-1-3	5128 Thornton Rd.	Douglas O & Debbie M Day	\$7,908.47	\$7,908.47
QC 433-2011	Ellington	064000-304.00-1-47	1690 28 th Creek Rd.	Dennis P & Betty L Sloan & Edward C & Carla Yokom	\$1,944.80	\$1,944.80
QC 434-2011	Ellington	064000-304.00-1-51	1730 28 th Creek Rd.	Ronald J & Debra S Eddy	\$4,915.68	\$4,915.68
QC 444-2011	Gerry	064489-302.14-1-20	2851 Gerry-Ellington Rd.	Estate of Paul H Diers	\$4,552.47	\$4,552.47
QC 459-2011	Hanover	064689-101.00-1-18	Fredonia Rd.	Jeffrey & Karen Waterhouse	\$490.75	\$490.75
QC 460-2011	Hanover	064689-101.00-1-5	827 Waterman Rd.	Gary & Karen Pinzel	\$2,117.26	\$2,117.26
QC 462-2011	Hanover	064689-102.00-1-9	0 County Line	Loyd & Karen J	\$1,104.19	\$1,104.19

			Rd.	Benson		
QC 470-2011	Hanover	064689-49.02-1-8	O Hanover Rd.	Wallace & Diane Baker	\$175.01	\$175.01
QC 473-2011	Hanover	064689-83.00-2-11	11131 Bennett State Rd.	Alice E Valentine	\$716.17	\$716.17
QC 474-2011	Hanover	064689-84.00-1-45	597 Overhiser Rd.	Gregory P Grzeskowiak	\$2,623.80	\$2,623.80
QC 482-2011	Harmony	064889-418.00-1-36	1019 Hoag Rd.	Linda & Scott Durstine	\$2,439.29	\$2,439.29
QC 483-2011	Kiantone	065000-404.00-2-7	2627 S. Ave.	Norman & Evelyn Owen	\$1,229.20	\$1,229.20
QC 485-2011	Kiantone	065000-456.16-1-4	Sturdenvant Rd.	Deborah Dahlgren Johnson	\$113.06	\$113.06
QC 496-2011	N. Harmony	065400-348.00-1-26	3056 Open Meadows Rd.	Michael & Kellie Hudson	\$2,610.53	\$2,610.53
QC 516-2011	Ponfret	065889-145.00-2-55	5386 Webster Rd.	Michael L Logan	\$7,227.95	\$7,227.95
QC 528-2011	Portland	066089-145.00-3-1	5811Rt 20	John L & Leeanne Cogdill	\$6,685.97	\$6,685.97
QC 529-2011	Portland	066089-145.00-3-34	Webster Rd.	Lynne M & David M Austin	\$859.29	\$859.29
QC 537-2011	Ripley	066200-224.15-1-15	9459 E. Main Rd.	Delise K Bird	\$1,558.09	\$1,558.09
QC 549-2011	Ripley	066200-240.16-2-23	15 Goodrich St.	Estates of Rosella Work & Harry O Haule	\$2,416.34	\$2,416.34
QC 555-2011	Ripley	066200-258.00-1-7	RT 76	James M Filutze	\$208.05	\$208.05
QC 557-2011	Ripley	066200-276.00-1-19	9196 E. Johnson Rd.	William A Keith	\$9,161.27	\$9,161.27
QC 558-2011	Ripley	066200-276.00-1- 21.2	RT 76 N	William A. Keith	\$1,382.83	\$1,382.83
QC 564-2011	Sheridan	066400-64.00-2-24	2550 Chaplin Rd.	David W & Laura M Harford	\$203.44	\$203.44
QC 566-2011	Sheridan	066400-99.00-1-17	Myers Rd.	Kathryn Marzullo- Cooleen	\$552.31	\$552.31
QC 571-2011	Sherman	066689-327.00-2-22	Mannison Rd.	Nine Point LLC	\$4,162.89	\$4,162.89
QC 577-2011	Stockton	066889-214.12-1-20	4566 W. Railroad Ave.	Thomas C Edington & Tracy L Beckwith	\$1,118.44	\$1,118.44
QC 600-2011	Westfield	067289-260.00-2- 15.3	8293 Ogden Rd.	Gertrude M McDonald & Blair Rupczyk	\$411.61	\$411.61

TOTALS:					\$263,530.27	\$263,530.27
Offer Number	Munic.	Parcel ID No	Property Location	Purchaser	Offer Amt	Taxes Owning
QC 18-2011	C.Dnk.	060300-79.12-5-75	48 Front St.	Timothy M & Jodi A. Cunningham	\$4,512.13	\$4,512.13
QC 19-2011	C.Dnk..	060300-79.14-1-57	209 Woodrow Ave.	Patricia M. Ehmke	\$7,849.26	\$7,849.26
QC 42-2011	C.Dnk.	060300-79.16-5-3	633 S. Roberts Rd.	Edgar Garcia	\$1,353.40	\$1,353.40
QC 51-2011	C.Dnk.	060300-79.19-3-9	107 Ruggles St.	Walter J. Casey	\$3,777.07	\$3,777.07
QC 95-2011	Jmst.	060800-370.19-5-34	111 Sturges St.	Hector Ivan Rodribuez DeJesus	\$6,970.13	\$6,970.13
QC 121-2011	Jmst..	060800-386.12-8-43	20 Woodworth Ave.	Sherry L. Strickland Propheter	\$8,105.15	\$8,105.15
QC 127-2011	Jmst.	060800-387.05-5-26	252Fairmount Ave.	Richard E. Jr & Cindy L. Peters	\$4,246.54	\$4,246.54
QC 135-2011	Jmst..	060800-387.06-5-14	23W. 10 th St.	Raymond R. & Joanne E. Ross	\$1,000.38	\$1,000.38
QC 136-2011	Jmst..	060800-387.06-5-3	65 W. 10 th St.	Fannell D. Leeper	\$2,123.83	\$2,123.83
QC 192-2011	Jmst..	060800-387.12-8-42	33 Ellicott St.	Randall W. Grey II	\$3,068.79	\$3,068.79
QC 207-2011	Jmst..	060800-387.14-5-72	37 Sampson St.	Denise Pauley	\$2,991.76	\$2,991.76
QC 224-2011	Jmst..	060800-387.16-1-40	33 Maple St.	Clevon L. Wooford	\$9,016.10	\$9,016.10
QC 229-2011	Jmst..	060800-387.18-6-22	29 Osborne St.	Julie A. & Kevin J. Spaulding	\$5,101.18	\$5,101.18
QC 326-2011	Busti	062289-403.00-2-4	3537 Baker St.	Estate of Marian T.Golando	\$10,558.83	\$10,558.83
QC 329-2011	Busti	062289-404.01-2-12	1736 Forest Ave.	Joseph L II & Lori Ingrao	\$2,009.78	\$2,009.78
QC 340-2011	Carroll	062400-424.00-1-4	1395-1450 Copper Head Rd.	Andrew M & Jennifer L. Nelson	\$10,741.20	\$10,741.20
QC 353-2011	Chaut.	062889-311.00-1-21	8292 Titus Rd.	Scott A & Bridget L Eddy	\$2,710.58	\$2,710.58
QC 355-2011	Cherry Crk/CC	063001-237.08-1-15	6942 Wiley St.	Marian D.Robinson	\$4,817.03	\$4,817.03
QC 465-2011	Hanover	064689-32.00-2-27	12318 Hanford Rd.	Lorrie G & Leanne P Maniscalco	\$3,895.63	\$3,895.63
QC 475-2011	Hanover	064689-85.00-1-29.1	10971County Line Rd.	Loyd N & Karen Benson	\$12,135.15	\$12,135.15

QC 497-2011	N. Harmony	065400-349.00-1-33	5648 Cheney Rd.	Roy W & Melody L Litteer	\$3,001.27	\$3,001.27
QC 509-2011	Pomf./Fred.	065801-113.13-1-23	99 Gardner St.	Norman L & Fannie M Graham	\$1,506.80	\$1,506.80
QC 521-2011	Portld/Broct	066001-145.17-2-31	64 E Main St.	Stephanie Green & Chad Hoover	\$7,449.96	\$7,449.96
Total(s)					\$118,941.95	118,941.95

Signed: Barmore, Runkle, DeJoy, Cornell

Adopted – R/C Vote: 21 Yes; 3 Absent; 1 Abstention (Downey) – April 27, 2011

EMERG. RES. NO. 97-11
 Authorize Settlement of Claim of Estate of Clifford Renshaw

At the Request of County Executive Gregory J. Edwards:

WHEREAS, settlements of claims against the County for amounts in excess of \$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 the Estate of Clifford Renshaw for the sum of \$95,000.00, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves settlement of the claim of the Estate of Clifford Renshaw for the sum of \$95,000.00 to be paid out of the County's Liability and Casualty Reserve Fund.

Unanimously Adopted – April 27, 2011

LOCAL LAW
 INTRODUCTORY NUMBER 4-11
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
 RE: SIZE OF COUNTY LEGISLATURE

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

Section I. Amendment to County Charter.

Section 2.00 of the Chautauqua County Charter governing the form and composition of the County Legislature is hereby amended as follows:

Section 2.00 County Legislature

The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, comprised of members elected as the County Legislature may determine. Commencing after the regular federal census in 2010, all plans of apportionment of the County Legislature thereafter adopted shall provide for a County Legislature consisting of no greater than nineteen (19) members, and shall be enacted pursuant to the grant of authority set forth in Section 10(1)(ii)(a)(13) of the New York State Municipal Home Rule Law.

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 of either (i) a permissive referendum is held in accordance with Municipal Home Rule Law, or (ii) the County Legislature on its own motion, in the manner provided in the Municipal Home Rule Law, shall provide that this Local Law shall be submitted to the qualified electors of the County for their approval.

Mailed: 4/15/11

Defeated by Legislature: 4/27/11 R/C Vote: 15 Yes; 7 No; 3 Absent - (No's: Barmore, Gould, Himelein, Park, Richmond, Stewart, Tarbrake)

2nd Privilege of the Floor

I'm Minda Rae Ameron, Voters Service Chair of the League of Women Voters'. I live at 12 Lowell Place in Fredonia. I have here a letter which I intend to give to you Mr. Croscut but it is for all the Legislature and it reads as follows: The Chautauqua County League of Women Voters' understands that the Legislature must now address urgent financial and environmental issues but we believe that a Reapportionment Commission can still be working toward a plan or several plans for citizen consideration and input to take effect after November 2011. If you intend to retain the existing Commission we hope that you will appoint some additional members to it and that these members will be knowledgeable and skilled community members who are not elected or appointed officials. If you intend to appoint a new Commission, we hope that it will consist entirely of independent members or at least that it will include such people. I should make it clear that although the League has members willing to serve on such a Commission, this isn't about the League. Our only interest is to see transparent and equitable redistricting procedures and to ensure that the public is involved. We

New Language Underlined

understand the difficulty of the task. There will be no plan that will please everybody but the more people who understand the process and its problems, the better the chance for acceptance of the results. In other words, the better the chance that the public will endorse a reasonable choice among several plans. When you and I Mr. Croscut discussed the matter of public representation, you seemed open to the idea to having members on the Commission who were not elected or appointed officials or party executives, would lend credibility to the redistricting process. I hope that you are now reconsidering that idea. Thank you very much.

MOVED by Legislator Gould, SECONDED by Legislator Himelein and duly carried the meeting was adjourned. (10:20 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, May 25 2011 – 6:30 p.m.
Mayville, N.Y.

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

Clerk Lemon called the roll and announced a quorum present. (Ahlstrom & Kindberg absent)

Legislator Tarbrake delivered the prayer and pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator Runkle and duly carried the minutes were approved. (4/27/11)

Privilege of the Floor

Mr. William Locke, 5 East Wind Drive in the community of Crosswinds. We're lake front. I sent all of you an email and I asked your support for the funding for the Chautauqua Lake Association. I think that it is certainly known by all of you that other than our people in this County which is probably our most important asset. Certainly the second most important is Chautauqua Lake. There are so many affects from what happens in the care of that lake. So I would encourage you to give strong consideration to the funding request that is being made to you tonight by the CLA. The fact that there is a possibility of idling up to 50% of their equipment. I think the repercussions from that are something that none of us want and I am sure that you don't want that. So, I would encourage your support for the 2012 budget as well as to fund what is remaining of 2010 for the Chautauqua Lake Association.

My name is Julie Holland and my husband I own Irwin Bay Cottages on Chautauqua Lake. I am here to ask you to vote for additional funding – an additional percentage of funding of the bed tax dollars to go to the Visitors Bureau to support World's Learning Center activities marketing. I can think of no better way to reunite north County, south County, east County, and west County than to spend dollars that have been generated by tourism on activities that promote tourism in the entire County. I ask you to please vote for those additional funds to go to the Visitors Bureau. Thank you.

FISHING ESSAY WINNERS
BY COUNTY EXECUTIVE EDWARDS
ZEN OLOW

PRESENTATION:

CHAUTAUQUA LAKE ASSOCIATION

COMMUNICATIONS:

1. Letter – Co. Executive – Appts. Emerg. Medical Services Council
2. Report – Fin. Director Schulz – 2011 Investment Report – April
3. Letter – Chaut. Lake Partnership – Request Appt. to CLMC
4. Letter – Chaut. Co. Federation of Sportsmen – Req. Appt. to CLMC
5. Letter – Chaut. Watershed Conservancy – Req. Appt. to CLMC
6. Letter – Conewango Crk. Watershed Assn. – Req. Appt. to CLMC
7. Letter – CCVB – Req. Appt. to CLMC
8. Letter – CLA – Request Appt. to CLMC

9. Minutes – Chaut. Co. Soil & Water Conservation District
10. Foil Request (25) – County Employee Numbers – Gender/Ethnic Bkgrds.
11. Letter – P. Moniot – Re: CARTS
12. Letter – Assemblyman Giglio – Ack. Receipt Motions 8, 9, 10 – Res. 94-11
13. Highlights – NYS Fish, Wildlife & Marine Resources – 1/15 – 5/15/11
14. Quarterly Report – NYS Small Business Devlp. Center – 1/1 - 3/31/11
15. Packet – Fulton County – Re: Truth in Taxation

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 04/27/11

RENEW & AMEND – Res. No. 231-10 - Authorize Sublease of Facilities at the Chautauqua County Airport at Jamestown with Gulfstream – (No action taken due to emergency resolution)

MOTION: (On file w/ Leg. Data)
11-11 Motion Requesting Real Mandate Relief – Adopted w/ Legislator Cornell voting "no"

RES. NO. 97A-11

Confirm Appointment & Re-Appointments for Chautauqua Lake Management Commission

By Planning & Economic Development Committee:
At the Request of Chairman Fred C. Croscut:

WHEREAS, pursuant to Resolutions 133-05 and 182-05, the County Legislature established the Chautauqua Lake Management Commission (CLMC) with commission members appointed by various lake organizations subject to approval by the County Legislature; and

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment and re-appointments of the following chairman and members of the Chautauqua Lake Management Commission to serve for a term of two (2) years to expire June 30, 2013:

Re-Appointments:

Lyle T. Hajdu, Chairman
4350 W. Summit Avenue
Lakewood, NY 14750

Arthur D. Webster Jr.
Chautauqua Watershed Conservancy
5412 Groveland
Dewittville, NY 14728

Sally Carlson, Town of North Harmony
Conference of Mayors & Supervisors
PO Box 176
Stow, NY 14785

Wade Morse
Chautauqua County Farm Bureau
3731 Morley Rd.
Ashville, NY 14710

Andrew Nixon
Chautauqua County Visitors Bureau
PO Box 1441
Chautauqua, NY 14722

Karen Rine
Chautauqua Lake Partnership
87 Longview Ave.
Jamestown, NY 14701

P. Christian Yates
 Chautauqua Lake Association
 800 Lakeview Avenue
 Jamestown, NY 14701

Thomas A. Erlandson
 Chautauqua Co. Water Quality Task Force
 26 Valley View Drive
 Frewsburg, NY 14738

David Wilson
 Chautauqua County Soil & Water
 Conservation District
 Stockton, New York 14784

Christine Humphrey
 Conewango Creek Watershed Assn.
 116 Avalon Blvd.
 Jamestown, New York 14701

New Appointment:

John Carney
 Chautauqua Co. Federation of Sportsmen
 4058 Nutt Rd.
 Jamestown, N.Y. 14701

Signed: Park, Kindberg, Heenan, Borrello, Tarbrake

Unanimously Adopted – May 25, 2011

RES. NO. 98-11

Confirm Appointments & Re-Appointments – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

New Appointments

Brooks Hospital Representative
 Dan Aldrich
 529 Central Avenue
 Dunkirk, N.Y. 14048
 Term Expires: 12/31/11

Fire Advisory Board Representative
 Larry Barter
 9 Pine Drive
 Fredonia, N.Y. 14063
 Term Expires: 12/31/11

Re-Appointments:

Fire Battalion 2 Representative
 Jennifer Guttman
 53 Valley Street
 Mayville, N.Y. 14757
 Term Expires: 12/31/11

Fire Battalion 4 Representative
 Cindy Goodwill
 39 E. Avenue
 Sinclairville, N.Y. 14782
 Term Expires: 12/31/11

Fire Battalion 4 Representative
 Jan Hallberg
 4566 Bemus-Ellery Road
 Bemus Point, N.Y. 14712
 Term Expires: 12/31/11

Westfield Hospital Representative
 Douglas Norton
 7614 Plank Road
 Westfield, N.Y. 14787
 Term Expires: 12/31/11

Education – SUNY Fredonia Representative
Laurie Faso
194 Liberty St.
Fredonia, N.Y. 14063
Term Expires: 12/31/11

Coroner Representative
Warren Riles
PO Box 357
Forestville, N.Y. 14062
Term Expires: 12/31/11

At-Large South Representative
Tim Glenn
2355 Camay Lane
Jamestown, N.Y. 14701
Term Expires: 12/31/11

First Battalion 1 Representative
Mike Przybycien
2838 East Main Road
PO Box 111
Sheridan, N.Y. 14125
Term Expires: 12/31/12

Education – SUNY JCC Representative
Ron Hasson
5345 Route 474
Ashville, N.Y. 14710
Term Expires: 12/31/12

CISM Representative
Lyle Holland
47 Clinton St.
Westfield, N.Y. 14787
Term Expires: 12/31/12

Red Cross Representative
Dan Hickman
40 Blanchard St.
Jamestown, N.Y. 14701
Term Expires: 12/31/12

At-Large South Representative
Ted Toy
119 N. Phetteplace
Falconer, N.Y. 14733
Term Expires: 12/31/12

At-Large South Representative
Doug Conroe
PO Box 137
170 Whiteside Parkway

Fire Chief's Assoc. Representative
Marsha Holland
47 Clinton St.
Westfield, N.Y. 14787
Term Expires: 12/31/11

Fire Advisory Board Representative
Jerry Hyland
101 Ounce St.
Dunkirk, N.Y. 14048
Term Expires: 12/31/11

At-Large South Representative
William Johnston
401 Palmer St.
Jamestown, N.Y. 14701
Term Expires: 12/31/11

Lake Shore Hospital Representative
Pat Myers
845 Main Street
Irving, N.Y. 14081-9706
Term Expires: 12/31/12

Pd. Firefighter South Representative
Sam Salemmé
217 Dearing Avenue
Jamestown, N.Y. 14701
Term Expires: 12/31/12

Commercial Ambulance Rep.
Mike Sisson
PO Box 237
7 Academy Street
Frewsburg, N.Y. 14738
Term Expires: 12/31/12

At-Large North Representative
Stan Kelley
PO Box 1123
Findley Lake, N.Y. 14752
Term Expires: 12/31/12

At-Large South Representative
Dan Imfeld
3944 Hillview Drive
Lakewood, N.Y. 14750
Term Expires: 12/31/12

At-Large North Representative
Sue Kupkowski
3507 Werle Rd.
Dunkirk, N.Y. 14048

Maple Springs, N.Y. 14756
 Term Expires: 12/31/12

Term Expires: 12/31/12

Fire Battalion 1 Representative
 Terry Penhollow
 PO Box 317
 Cassadaga, N.Y. 14718
 Term Expires: 12/31/13

Fire Battalion 2 Representative
 Mark Dicky
 28 N. State Street
 Ripley, N.Y. 14775
 Term Expires: 12/31/13

Signed: Richmond, Duff, Mueller, Downey

Unanimously Adopted – May 25, 2011

RES. NO. 99-11

Confirm Re-Appointment – Director of Human Resources

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

WHEREAS, County Executive Gregory J. Edwards has reappointed Mr. Joseph Porpiglia, 76 North Martin Street, Dunkirk, New York, as Director of Human Resources, effective June 1, 2011, subject to confirmation by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the reappointment of Mr. Joseph Porpiglia as Chautauqua County Director of Human Resources, effective June 1, 2011, in Range 10 of the Management Salary Plan, for a six (6) year term as provided in New York State Civil Service Law.

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent – May 25, 2011

RES. NO. 100-11

Establishing "Summer Hours" for County Employees

By Administrative Services Committee:
 At the Request of Chairman Fred C. Croscut:

WHEREAS, Section 206 of the County Law permits the County Legislature to fix the number of hours constituting a legal day's work for all classes of county employees; and

WHEREAS, Section 206 of said law further specifically provides that the County Legislature may adjust such hours for the summer months; therefore be it

RESOLVED, That except as may otherwise be mandated by law, the regular hours of all County offices shall commence at 8:30 A.M. and shall terminate at 4:30 P.M. for the period of May 31, 2011 through September 5, 2011.

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – May 25, 2011

RES. NO. 101-11

Authorizing Agreements with State University of New York for Internship Programs

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

WHEREAS, the State University of New York (SUNY) and its affiliated community colleges, including the College at Fredonia and Jamestown Community College, periodically seek appropriate internship opportunities for its students; and

WHEREAS, the work of the individual Departments of the County can provide such internship experiences and derive benefits from the development of internships without payment of any kind; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute agreements with the State University of New York to provide internship opportunities for students enrolled at SUNY and its affiliated community colleges.

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – May 25, 2011

RES. NO. 102-11

Investment Policy for the County of Chautauqua

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

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, it is desirable that the County's current policy be amended to modify the lists of depositories, financial institutions, dealers, and custodians; 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.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Director of Finance within two (2) days of deposit, or within the time period specified in law, whichever is shorter.

The Director of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$30,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Jamestown Savings Bank	HSBC America
Evans Bank N.A.	Citizen's Bank N.A.	JP Morgan Chase, N.A.
PayPal		

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value," or provided by general Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories as designated and approved by the New York State Comptroller.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- *Special time deposit accounts;
- *Certificates of deposit;
- *Obligations of the United States of America;
- *Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- *Obligations of the State of New York;
- *Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;
- *Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- *Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;
- *Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceed: of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of

proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

Prudential Securities	Crew & Associates
Merrill Lynch	Mischler Financial Group
Bank of New York	Federal Reserve Bank –Treasury Direct
First Empire Securities	Manufacturer’s & Traders Trust Co.
Morgan Stanley Dean Witter	Finacorp Securities
McDonald Investments	JP Morgan Chase, N.A.
Wachovia Securities	RBS Greenwich Capital
Edward Jones	Duncan-Williams Inc

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RBS Greenwich Capital
Federal Reserve Bank	Manufacturer’s & Traders Trust Co.
Wachovia Securities	JP Morgan Chase, N.A.
Edward Jones	

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: Gould, Nazzaro, Gullo, Park, Runkle, DeJoe, Richmond

Unanimously Adopted – May 25, 2011

RES. NO. 103-11
Mortgage Tax Distribution May 2011

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due them pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

October 1, 2010 thru March 31, 2011

<u>TOWNS</u>		<u>CITIES</u>	
Arkwright	5,471.21		
Busti	43,022.78	Dunkirk	32,563.72
Carroll	12,382.75	Jamestown	71,625.16
Charlotte	8,456.76		
Chautauqua	51,660.87	TOTAL	\$104,188.88
Cherry Creek	2,681.19		
Clymer	7,949.60	<u>VILLAGES</u>	
Dunkirk	8,162.16	Bemus Point	2,721.97
Ellery	41,390.44	Brocton	1,495.99
Ellicott	35,165.29	Cassadaga	1,126.52
Ellington	4,494.71	Celoron	2,144.51
French Creek	7,788.62	Cherry Creek	344.73
Gerry	2,238.36	Falconer	4,044.34
Hanover	30,284.98	Forestville	1,066.70
Harmony	4,582.83	Fredonia	21,915.73
Kiantone	9,121.71	Lakewood	13,582.39
Mina	10,215.53	Mayville	4,128.13
North Harmony	15,572.44	Panama	566.95
Poland	10,339.62	Sherman	1,041.80
Pomfret	41,686.86	Silver Creek	3,714.79
Portland	16,245.14	Sinclairville	1,343.12
Ripley	11,586.70	Westfield	5,883.74
Sheridan	14,706.42		
Sherman	5,117.93	TOTAL	\$65,121.41
Stockton	5,850.38		
Villanova	1,375.07		
Westfield	15,912.82		
TOTAL	\$423,463.17	GRAND TOTAL	\$592,773.46

Signed: Gould, Gullo, Richmond, Nazzaro, Park, DeJoe, Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – May 25, 2011

RES. NO. 104-11

Authorizing the Implementation and Funding in the First Instance of 100% of the Federal-Aid Eligible Costs of a Transportation Federal Aid Project; Fully Funding the Local Share of Federal-Aid Eligible and Ineligible Project Costs; and Appropriating Funds Therefore

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County 2011 Bridge Maintenance Project, PIN 5760.09 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, estimated to be \$200,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the project PIN 5760.09 with existing funding in account D.5112.390;

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is hereby further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering and Construction & Construction Inspection phases exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

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

RESOLVED, This Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – County Bridge Program	\$160,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid - Surface Transp. Program	\$160,000
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Signed: Babbage, Barmore, Stewart, DeJoe, Nazzaro, Gould, Park, Gullo, Runkle, Richmond

Unanimously Adopted – May 25, 2011

RES. NO. 105-11

Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid eligible Costs of a Transportation Federal-Aid Project, and Appropriating Funds therefore

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

WHEREAS, the Project for the Reconstruction of Talcott Street from NY Route 60 to South Roberts Road and Construction along a new alignment of Millennium Parkway from South Roberts Road to Progress Drive, in the City and Town of Dunkirk, Chautauqua County, PIN 5757.55, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof with existing funding in account H6420.579, with the Federal share of such costs to be applied directly by the New York State Department of Transportation pursuant to Agreement;

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is hereby further

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

RESOLVED, That in the event the amount required to pay 100% of the full Non-Federal share of the cost of the project's Right-of-Way Incidentals and Right-of-Way Acquisition phases exceeds the amount appropriated, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

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

Signed: Babbage, Barmore, Stewart, DeJoe, Nazzaro, Runkle, Gould, Gullo, Park, Richmond

Adopted w/ Legislator Duff voting "no" – May 25, 2011

RES. NO. 106-11
 Authorize Execution of Agreement with N.Y. S. Division of Homeland Security and Emergency
 Services for Operation Stonegarden

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

WHEREAS, the Sheriff's Office has received notice that New York State has approved the application for the Division of Homeland Security and Emergency Services for Operation Stonegarden; and

WHEREAS, the State of New York will provide funding in the amount of \$214,750.00 for the contract period of August 1, 2010 through July 31, 2013 without local funds; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the appropriate contract with the NYS Division of Homeland Security and Emergency Services for Operation Stonegarden in the amount of \$ 214,750.00 with no local share, and it be further

RESOLVED, That the Director of Finance is authorized to make the following 2011 budgetary changes:

INCREASE APPROPRIATIONS ACCOUNTS

A.3110. ----.1	Personal Services – Sheriff's Operation	84,571.84
A.3110. ----.3	Depreciable Equipment – Sheriff's Operation	22,697.44
A.3110. ----.4	Contractual – Sheriff's Operation	82,979.22
A.3110. ----.8	Fringe Benefits – Sheriff's Operation	24,501.50
		\$214,750.00

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A3110.R438.9OSG Federal Aid: Operation Stonegarden	\$214,750.00
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Signed: Richmond, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Park, DeJoe
 (A.C. Runkle voting "no")

Adopted w/ Legislators Heenan, Runkle, Scudder, Stewart voting "no" – May 25, 2011

RES. NO. 107-11
 Adjust Health Department Personal Services and Fringe Benefits Accounts

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

WHEREAS, the Chautauqua County Health Department would like to create salary and fringe benefit account numbers for the nursing and environmental health divisions in order to improve staff expense tracking; and

WHEREAS, the Health Department desires a transfer of funds from the administrative account number (A.4010) to these new payroll account numbers for salary and fringe benefits; therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1	Personal Services – Nursing	\$ 432,859
A.4010.NURS.8	Fringe Benefits – Nursing	295,119
A.4059.----.1	Personal Services – Early Intervention	10,000
A.4059.----.8	Fringe Benefits – Early Intervention	4,000
A.4090.----.1	Personal Services – Environmental Health	735,837
A.4090.----.8	Fringe Benefits – Environmental Health	<u>368,626</u>
		\$1,846,441

DECREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services – Public Health Admin	\$1,178,696
A.4010.----.8	Fringe Benefits – Public Health Admin	<u>667,745</u>
		\$1,846,441

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James, Nazzaro, Gullo, Runkle, Park, DeJoe, Richmond

Unanimously Adopted – May 25, 2011

RES. NO. 108-11

Increase Appropriation Accounts for Public Health Emergency Preparedness & H1N1 Grant Funding

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

WHEREAS, Health Research Inc awarded grant funding to the Chautauqua County Health Department for Public Health Emergency Preparedness and H1N1 activities; and

WHEREAS, the time period for the grant extends from 8/10/10 to 8/9/11; and

WHEREAS, the 2011 Chautauqua County adopted budget does not include the portion of equipment and operating supplies that will be purchased in 2011; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.3	Deprec. Equipment – Public Health	\$15,000
A.4010.----.4	Contractual – Public Health	<u>9,500</u>
		\$ 24,500

INCREASE REVENUE ACCOUNT:

A.4010.----.R440.1002	Fed Aid – Public Health Grant (H1N1)	\$ 24,500
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Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James, Nazzaro, Gullo, Runkle, Park, DeJoe, Richmond

Unanimously Adopted – May 25, 2011

RES. NO. 109-11

Amend Resolution 253-09 – 2% Lakes and Waterways Funding

By Planning & Economic Development and Audit & Control Committees:

At the Request of Legislator Jerry Park:

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

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

WHEREAS, Chautauqua County has initiated, completed and/or adopted a number of planning documents which feature tourism and waterways-related goals and objectives, including the Chautauqua County Comprehensive Plan, Chautauqua County Tourism Branding, Development, and Marketing Plan (CCVB), the Chautauqua Lake Watershed Management Plan, Chautauqua County Greenway Plan, and the Chautauqua County Equestrian Trail Plan; and

WHEREAS, policy guidelines to allocate the limited resources generated by the revenues over three-fifths (the newer 2% tax) were established pursuant to Resolution 253-09, and it is appropriate to amend such guidelines to support and advance the County's planning priorities relative to the enhancement/protection of lakes and streams and related tourism initiatives; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the policy guidelines established pursuant to Resolution 253-09 for the allocation of occupancy tax revenue over three-fifths (the newer 2% tax), as follows:

1. The Chautauqua County Watershed Coordinator position, which includes salary, fringes, travel and other necessary expenses, shall be supported by ~~\$82,500~~ \$90,000 of the occupancy tax for lakes and streams. All funds not utilized annually shall be returned to the reserve fund for lakes and streams.
2. An annual emergency contingency fund shall be created and supported by \$40,000 of the occupancy tax for lakes and streams, with expenditures subject to approval of the County Legislature for the following purposes, based on demonstrated need:

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

New Language Underlined, Deletion by strikethrough

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

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

~~2- 4.~~ Maintenance of the waterways, which shall include through harvesting of SAV aquatic vegetation and shoreline cleanup, shall be funded through the provision of funding to the following organizations:

- a. Chautauqua Lake Association – ~~\$45,000.00~~ \$50,000.00.
- b. Findley Lake Association – ~~\$2,500.00~~ \$5,000.00
- c. Cassadaga Lake Association – ~~\$2,000.00~~ \$3,000.00
- d. Bear Lake Association – ~~\$500.00~~ \$750.00
- e. Lake Erie watershed (entity or entities and amounts to be determined subject to the approval of the County Legislature) – \$25,000.00
- f. Conewango Watershed Commission for dam engineering inspections as required by the DEC "Dam Safety Regulations" – \$25,000.

~~3- 5.~~ The balance of the occupancy tax revenues generated over three-fifths by the new 2% tax shall be utilized to enhance and protect the lakes and streams of Chautauqua County. The following method shall be utilized to determine how such funds are distributed annually:

- a. A seven (7) member Waterways Panel made up representatives from the Chautauqua County Water Quality Task Force (WQTF), facilitated by the Chautauqua County Watershed Coordinator, shall evaluate and prioritize all lake and stream protection and enhancement projects submitted to the Legislative Planning and Economic Development Committee annually. The Waterways Panel will submit its recommendations and findings to the Legislative Planning and Economic Development Committee for consideration.
- b. All requests for funding shall be submitted annually on forms as prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. These parameters shall include that the purchase of any property is not eligible as a project to be funded by the 2% Lakes and Waterways Bed Tax. The Waterways panel charged with evaluating and prioritizing projects request may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.
- c. All requests shall be initially ranked on a "Waterways Ranking Form" prior to final prioritization and recommendations by the Waterways Panel to the Legislative Committee.
- d. If during annual implementation of the approved lake and stream protection and enhancement projects circumstances or new information surface that prevents a project from being undertaken, the next project on the prioritization list will be considered for funding with all or a portion of the funds budgeted for the original project.
If no project exists on the annual prioritization list that can viably begin within the fiscal year, the funds from the original project will be returned to the reserve fund for lakes and waterways.

New Language Underlined, Deletion by strikethrough

Signed: Park, Kindberg, Heenan, Borrello, Tarbrake, Gould, Nazzaro, Runkle, Gullo, DeJoe, Richmond

Adopted w/ Legislator Gullo voting "no" – May 25, 2011

RES. NO. 110-11
Amending Resolution 118-08 and 169-09 – Original 3% Occupancy Tax

By Planning & Economic Development and Audit & Control Committees:
At the Request of Chairman Fred C. Croscut and Legislator Jerry Park:

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

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

WHEREAS, Chautauqua County has initiated, completed and/or adopted a number of planning documents which feature tourism and waterways-related goals and objectives, including the Chautauqua County Comprehensive Plan, Chautauqua County Tourism Branding, Development, and Marketing Action Plan (CCVB), the Chautauqua Lake Watershed Management Plan, Chautauqua County Greenway Plan, and the Chautauqua County Equestrian Trail Plan; and

WHEREAS, policy guidelines to allocate the limited resources generated by the first three-fifths of the revenue (the original 3% tax) were established pursuant to Resolution 118-08, and further amended by Resolution 166-09, and it is appropriate to further amend such guidelines to advance the County's ~~use of the "World's Learning Center" brand in marketing the County for~~ planning priorities relative to tourism; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the policy guidelines set forth in Resolutions 118-08 and 166-09 for the allocation of the original 3% occupancy tax revenue, as follows:

1. 55% of the occupancy tax budgeted shall be provided to CCVB to support the CCVB's efforts to market, promote and publicize Chautauqua County and its municipalities as well as recruiting group functions to the County and working to support and enhance all tourism efforts.
2. 5% of the occupancy tax budgeted shall be further provided to CCVB for development and marketing of the "World's Learning Center" brand.
- ~~2.3.~~ 15% of the occupancy tax budgeted shall support the maintenance and operation of the County parks and trail system including the Sheriff's marine and snow patrol.

New Language Underlined, Deletion by strikethrough

4. 7.5% of the occupancy tax budgeted shall support non-County trail establishment and development projects, including snowmobile trails.
- ~~3-5.~~ 5% of the occupancy tax budgeted shall be utilized by the Chautauqua County Department of Finance for collection and enforcement purposes.
- ~~4-6.~~ 5% of the occupancy tax budgeted shall be utilized to support arts and culture through the provision of funding to the following organizations:
- a. United Arts Appeal – 63.4% of the 5% allocated to arts and culture.
 - b. Fenton Historical Society – 18.4% of the 5% allocated to arts and culture.
 - c. Historical Society of Dunkirk – 5.4% of the 5% allocated to arts and culture.
 - d. Chautauqua County Historical Society – 12.8% of the 5% allocated to arts and culture.
- ~~5-7.~~ 7.5% of the occupancy tax budgeted shall be utilized to support the development of attractions and events that help develop Chautauqua County as a point of destination for visitors and support existing efforts that act as attractions within the County, ~~with preference given to attractions and events that further the "World's Learning Center" brand.~~ The following method shall be utilized to determine how 80% of the ~~20%~~ 7.5% is distributed annually:
- a. Up to a seven (7) member tourism panel to include representatives from the following organizations shall make funding recommendations to the Legislative Planning and Economic Development Committee for projects and organizations that submit for the 20% portion of the occupancy tax: CCVB Director and one (1) CCVB member, one (1) Chautauqua County Chamber of Commerce member, one (1) Industrial Development Agency Board member, and one (1) member of the Chautauqua County Planning Board.
 - b. All requests for funding shall be submitted on forms as originally prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. All requests will be evaluated against the County's planning, development and tourism agency priorities to ensure the County's tourism development goals are obtained. The Tourism panel charged with evaluating projects and organization requests may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.
 - c. All requests shall be initially ranked on an "Occupancy Ranking Form" prior to final prioritization and recommendations by the Tourism Panel to the Legislative Committee.

The remaining 20% of the ~~20%~~ 7.5% shall be held in a contingency account, and the Tourism Panel shall not later than June 1st of each year make additional funding recommendations for said contingency in the manner set forth above after review of previously unfunded project requests and any new unanticipated project requests that were received on or before May 1st.

Signed: Gould, Gullo, Runkle, Richmond, DeJoe, Park, Kindberg, Heenan, Borrello, Tarbrake, Nazzaro

MOVED by Legislator Park, SECONDED by Legislator Borrello to insert the word "maintained" in #4 under the first RESOLVED, after the word non-County.

Unanimously Adopted – May 25, 2011

New Language Underlined, Deletion by strikethrough

RES. NO. 111-11

Allocating Funding from the 20% Off Cycle Reserve Account from the 3% Occupancy Tax Account

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislators Park, Tarbrake, and Kindberg:

WHEREAS, Resolution 118-08 established guidelines for allocation of the original 3% occupancy tax revenues; and

WHEREAS, Resolution 166-09 further amended Resolution 118-08 to provide that a portion of the annual 20% allocation for tourism promotion grants be held in a contingency account to be utilized for unanticipated project requests occurring outside the annual application review process; and

WHEREAS, the Tourism Review Panel has met to consider and has made recommendations for the off cycle requests receive; therefore be it

RESOLVED, That the following projects are approved for funding from the 20% Off Cycle Reserve Account from the 3% Occupancy Tax Account subject to SEQRA consideration and approval:

Lucille Ball Birthday Festival	\$16,200
Summer Concert Series—Bemus Bay Pops	\$ 8,705
Chautauqua Bon Vivant	\$ 3,225
<u>Scandinavian Festival</u>	<u>\$ 3,070</u>

and be it
further

~~RESOLVED, That the Director of Finance is authorized to make the necessary budgetary adjustments.~~

~~RESOLVED, That the Reserves for Occupancy Tax are appropriated as follows:~~

~~INCREASE THE USE OF OCCUPANCY TAX RESERVE:~~

~~A. 883.0000 Reserve for Occupancy Tax \$31,200~~

~~and be it further~~

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

~~INCREASE APPROPRIATION ACCOUNT:~~

~~A. 6420.TOUR.4 Contractual—Tourism \$31,200~~

Signed: Park, Kindberg, Heenan, Borrello, Tarbrake, Gould, Nazzaro, Gullo, DeJoe, Richmond, Runkle

MOVED by Legislator DeJoe, SECONDED by Legislator Nazzaro to amend by removing "Summer Concert Series – Bemus Bay Pops for \$8,705. – Carried w/ Legislators Babbage, Gould, Tarbrake voting "no".

Adopted as amended w/ Legislators Borrello and Heenan voting "no" – May 25, 2011

New Language Underlined, Deletion by strikethrough

RES. NO. 112-11

Authorize Grant Application and Use of 3% Bed Tax Reserve for Equestrian Trail Development - Phase I and II

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

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities and is home to over 4,300 horses and many active bridle clubs and corrals; and

WHEREAS, local horse owners and groups have requested Chautauqua County to develop a network of equestrian trails that could provide an economic stimulus to the rural areas of Chautauqua County similar to the snowmobile trail system during the winter season; and

WHEREAS, the County of Chautauqua Industrial Development Agency and the Chautauqua County Department of Planning and Economic Development partnered to work with an outside consultant to develop the recently completed *Chautauqua County Equestrian System Trail Plan*; and

WHEREAS, the development of an equestrian trail loop in the eastern part of Chautauqua County would serve as a model for future trail development throughout the County; and

WHEREAS, Phases I & II of the initial trail loop would cost an estimated \$383,600 dollars;
and

WHEREAS, ARC grant funding in the amount of \$150,000 is being sought; and

WHEREAS, of the remaining project balance of \$233,600, 50% or \$116,800 can be in-kind contributions and the other 50% or \$116,800 will be shared between non-county local contributors and \$30,000 of county funds; and

WHEREAS, the Reserve for Occupancy Tax has sufficient funds available to cover the balance of the County's share of the proposed project in the amount of \$30,000; now therefore be it

RESOLVED, That the County appropriates \$30,000 of Reserve for Occupancy Tax revenue toward the aforementioned project to be established in the 2012 Capital Budget; and be it further

RESOLVED, That should the County be unsuccessful in securing the grant, the Reserve for Occupancy Tax will not be appropriated for the project until such time as the project is approved in the 2012 Capital Budget.

Signed: Park, Kindberg, Heenan, Borrello, Tarbrake, Gould, Gullo, Nazzaro, DeJoe, Richmond
(A.C. – Runkle voting "no")

Adopted w/ Legislator Runkle voting "no" – May 25, 2011

RES. NO. 113-11

Requesting Amendment of State Legislature for Unfunded Mandate Relief by Exchanging the County Sales Tax for Local Medicaid Costs in Chautauqua County

By Audit & Control Committee:
At the Request of Legislator Rudy Mueller:

WHEREAS, pursuant to Chapter 174 of the Laws of 2009 adopted by the New York State Legislature, the County was authorized to impose a three-quarters of one percent (0.75%) additional sales tax for the period of December 1, 2009 through November 30, 2010, and Chapter 174 further provided that the amount of additional sales tax the County was authorized to impose for the period December 1, 2010 through November 30, 2011, was reduced to one-half of one percent (0.5%); and

WHEREAS, the Chautauqua County Legislature passed a resolution on April 27th, 2011, with bipartisan support, requesting an additional sales tax on one percent (1%) beginning December 1, 2011 but the New York State Legislature would not support Chautauqua County's request of any sales tax increase and only continue the additional 0.5% sales tax beginning December 1, 2011, reducing potential local government's revenues of approximately \$5.2 million to the County and \$2.1 million to the local Cities, Towns, and Villages; and

WHEREAS, many members of the New York State Legislature and Governor previously campaigned on providing mandate relief to local governments and taxpayers but failed to enact legislation in 2011 delivering such relief; and

WHEREAS, the vast majority of Medicaid cost responsibilities rest on the individual states and the Federal government and not local county taxpayers, except for New York State; and

WHEREAS, New York State requires a significant local share from each county for Medicaid funding and over the past few decades this unfunded mandate has created a significant hardship on county budgets; and

WHEREAS, Chautauqua County local property taxes in effect provide significant funds to the medical care of the poor (Medicaid) which in this County creates a significant form of regressive taxation; and

WHEREAS, Chautauqua County property owners face some of the highest property taxes in the country which are being driven higher by this large unfunded mandate and the continued increase in Medicaid local costs that are still rising approximately \$774,000 every year under the State's Medicaid "cap" legislation; and

WHEREAS, the New York Legislature recognized the excess administrative costs and bureaucracy with local administration and passed legislation in 2010 calling for the transfer of Medicaid administration from the counties to the State and to be fully implemented by the end of 2014; and

WHEREAS, Chautauqua County total sales tax revenues are dependent on the economy and the local sales tax rates approved by New York State, and the County has sustained significant reductions in sales tax revenues that was further exacerbated by the sales tax rate reduction from 7.75% to 7.5% in late 2010; and

WHEREAS, raising sales taxes in Chautauqua County to meet State unfunded mandates could be extremely detrimental to local retailers who face significant competition from the large bordering State of Pennsylvania with its 6% sales tax rate; and

WHEREAS, Chautauqua County property taxpayers face local Medicaid costs that will outpace total County sales tax revenues at current rates by approximately four million dollars a year forcing the County to raise taxes, continue high property taxes and reduce necessary services to meet this excessive unfunded mandate; and

WHEREAS, our citizens demand tax relief and our retail businesses require low sales taxes to compete and succeed, the Chautauqua County Legislature calls for the State and the

Federal government to fully fund the New York Medicaid program and not pass the costs onto local property taxpayers; and

WHEREAS, in 2011 since the New York State Legislature did not provide any significant mandate relief to Chautauqua County and left essentially unchanged the current Medicaid funding mechanisms which include the significant local County responsibility and the largest unfunded mandate placed on Chautauqua County taxpayers; and

WHEREAS, if Chautauqua County and New York State agreed to "Exchange" County sales taxes for local Medicaid costs by transferring the County's entire local share of sales tax revenues to New York State in exchange for the State assuming the full administration and the entire local cost of Medicaid, then Chautauqua County consumers and retailers would face no sales tax increases for the next two years and the largest unfunded mandate would be removed from County property taxpayers. This "exchange" would also allow the State to access its ability to administer and reform Medicaid. Likewise, the County and local governments would also more likely reduce spending and reform since raising sales tax would no longer be a major revenue source for the County and local governments; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby requests the New York State Legislature to further amend Sections 1210 and 1260-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to continue to impose a sales tax of one-half percent (0.5%) for the period of December 1, 2011 through November 30, 2013, subject to the same requirements set forth in Chapter 174 of the Laws of 2009. The County of Chautauqua also agrees to transfer its entire share of local sales tax revenues to the State of New York (50% County share of 3% local sales tax, ~~40%~~ 70% of 0.5% local additional sales tax) in exchange for the State of New York assuming all Medicaid local costs and administration responsibilities, with the 30% of the .05% local additional sales tax to continue to be distributed to local towns, villages, and cities in Chautauqua County in the manner currently provided by law.

Signed: Gould, Nazzaro, Gullo, Runkle, Park, DeJoe, Richmond

MOVED by Legislator Muller, SECONDED by Legislator Barmore - CARRIED/ w/ Legislator Borrello voting "no"

Between the 10th & 11th WHEREAS, insert the following:

WHEREAS, the New York State Legislature passed the 2012 NYS total Medicaid budget of approximately \$52.6 billion but claimed up to a \$2.8 billion in Medicaid savings for the State which would also be matched at the Federal level. And yet, these projected large savings were not passed along to local counties in Medicaid mandate relief. And considering total Chautauqua County Medicaid costs are approximately \$229 million a year, the projected Medicaid savings for the State in Chautauqua County by such reforms could be as much as \$10 million in 2012; and

Adopted w/ Legislators Babbage and Borrello voting "no" – May 25, 2011

New Language Underlined, Deletion by strikethrough

RES. NO. 114-11
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 137-09; therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Munic.	Parcel ID No	Prop. Loc	Purchaser	Offer Amount	Taxes Owning
QC 342-2011	Carroll	441.00-1-69	814 Frew Run Rd.	Craig A. Jr. & Megan K. Rodgers	\$ 1,233.74	\$ 1,233.74
QC 562-2011	Sheridan	63.00-2-31	11694 Newell Rd.	James E & Ann M Webber	\$31,544.21	\$ 31,544.21
TOTAL					\$32,777.95	\$ 32,777.95

Offer Number	Munic.	Parcel ID No	Property Location	Purchaser	Offer Amount	Taxes Owning
QC 4-2011	C/Dnk.	79.11-4-38	9-11 Genet St	David Ott	\$ 4,924.64	\$ 4,924.64
QC 15-2011	C/Dnk.	79.12-2-23	138 S Jerboa St.	Betty A. Anson	\$ 9,127.71	\$ 9,127.71
QC 41-2011	C/Dnk.	79.16-4-78	McDonough St.	Michael E & Michele M Krystofiak	\$ 452.49	\$ 452.49
QC 69-2011	C/Jmst.	370.12-3-34	138 Hotchkiss St.	Timothy M Lundine Estate	\$ 5,809.63	\$ 5,809.63
QC 109-2011	C/Jmst.	371.09-2-42	Barr St.	John & Kathleen Stravato	\$ 153.83	\$ 153.83
QC 110-2011	C/Jmst.	371.09-2-43	BARR ST	John & Kathleen Stravato	\$ 153.83	\$ 153.83
QC 123-2011	C/Jmst.	387.05-2-31	145 Fairmount Ave	W Bruce Lindquist	\$15,455.72	\$15,455.72
QC 131-2011	C/Jmst.	387.06-3-17	27 W 11 th St.	Roger C Penhollow	\$ 1,991.19	\$ 1,991.19
QC 150-2011	C/Jmst.	387.08-5-55	Chapin St.	Timothy & Dorothy Neidert	\$ 235.22	\$ 235.22
QC 151-2011	C/Jmst.	387.08-5-56	224 Chapin St	Timothy & Dorothy Neidert	\$ 4,199.89	\$ 4,199.89

QC 163-2011	C/Jmst.	387.12-1-16	12 Winsor St.	Estate of Louis Stravato Inc.	\$ 105.51	\$ 105.51
QC 165-2011	C/Jmst.	387.12-1-22	Winsor St	Estate of Louis Stravato Inc.	\$ 158.13	\$ 158.13
QC 221-2011	C/Jmst.	387.15-6-7	122 Maple St	John & Kathleen Stravato	\$ 3,014.56	\$ 3,014.56
QC 222-2011	C/Jmst.	387.15-6-8	124 Maple St	John & Kathleen Stravato	\$ 157.96	\$ 157.96
QC 240-2011	C/Jmst.	387.26-3-48	58 Grant St	Michele S Marucci	\$ 5,296.14	\$ 5,296.14
QC 259-2011	C/Jmst.	387.32-3-36	608 N Main St	Bcwpew LLP	\$ 378.01	\$ 378.01
QC 261-2011	C/Jmst.	387.33-2-28	E 6th St	Loyal Order of Moose Jmstn. Lodge #1681	\$ 1,060.94	\$ 1,060.94
QC 262-2011	C/Jmst.	387.33-2-32	Lincoln St	Loyal Order of Moose Jmstn. Lodge #1681	\$ 423.98	\$ 423.98
QC 263-2011	C/Jmst.	387.33-2-33	Lincoln St	Loyal Order of Moose Jmstn. Lodge #1681	\$ 731.30	\$ 731.30
QC 264-2011	C/Jmst.	387.33-2-34	E 5 th St	Loyal Order of Moose Jmstn. Lodge #1681	\$ 687.48	\$ 687.48
QC 265-2011	C/Jmst.	387.33-2-35	E 5 th St	Loyal Order of Moose Jmstn. Lodge #1681	\$ 863.03	\$ 863.03
QC 266-2011	C/Jmst.	387.33-2-36	405 E 5 th St	Loyal Order of Moose Jmstn. Lodge #1681	\$33,876.85	\$33,876.85
QC 303-2011	Arkwright	150.00-1-46	9287Walnut Ck. Rd	Shanna Mancuso	\$11,075.17	\$11,075.17
QC 324-2011	Busti	367.20-4-30	2442 Lakeside Dr	Ralph I Cusimano	\$ 7,141.92	\$ 7,141.92
QC 327-2011	Busti	402.00-2-29	3896 Baker St	John S Ferraro	\$ 5,385.21	\$ 5,385.21
QC 349-2011	Chaut/Mvl	262.12-1-42	104 Valley St	Doris Jean Walker	\$ 1,011.92	\$ 1,011.92
QC 360-2011	Cherry Crk	203.00-2-8	Aldrich Hill Rd	John B Lombardo Estate	\$ 1,241.12	\$ 1,241.12
QC 362-2011	Cherry Crk	238.00-1-13	South Rd	Juhl, Inc.	\$ 2,006.20	\$ 2,006.20
QC 364-2011	Clymer	414.00-1-20	Weeks Rd Rear	Juhl, Inc.	\$ 595.01	\$ 595.01
QC 365-2011	Clymer	429.19-1-20	Knowlton Rd	Carl Wassink	\$ 3,982.71	\$ 3,982.71
QC 368-2011	Ellery	299.00-1-64.3	Walker Rd	Joseph Swiderski III	\$ 2,272.61	\$ 2,272.61
QC 377-2011	Ellery	368.08-2-3	3051 Rt. 430	Kevin Matthew Seagren	\$ 9,653.62	\$ 9,653.62
QC 383-2011	Ellicott/Celoron	369.19-3-10	2 Metcalf Ave	Lindquist Properties LLC	\$ 9,128.53	\$ 9,128.53
QC 392-2011	Ellicott/Celoron	386.07-2-24	E 5 th St	Ronald G. Carlson Estate	\$ 269.04	\$ 269.04
QC 393-2011	Ellicott/Celoron	386.07-2-5	E 5 th St. (Rear)	Ronald G. Carlson Estate	\$ 253.60	\$ 253.60
QC 398-2011	Ellicott/Falconer	371.12-1-4.2	Harmon Ave	Westwood Summit Inc	\$ 837.16	\$ 837.16
QC 603-2011	Ellicott	353.00-5-39.1	Curtis St (Rear)	Sean K Fitzgerald	\$ 334.96	\$ 334.96

QC 415-2011	Ellicott	371.16-1-8.2	S Work St.	Westwood Summit Inc	\$ 2,736.33	\$ 2,736.33
QC 430-2011	Ellington	270.00-3-21	5735 Thornton Rd	Denise M Arnold	\$ 618.71	\$ 618.71
QC 436-2011	French Crk	393.18-1-26.2.8	4403 Old Rd Camelot	Deborah A Tavernese	\$ 107.79	\$ 107.79
QC 437-2011	French Crk	393.18-1-26.5.5	4414 Old Rd Camelot	John A & Debora L Battaglia	\$11,385.82	\$11,385.82
QC 440-2011	Gerry	267.08-2-11	Railroad Ave Rear	Laura Tompkins	\$ 1,318.36	\$ 1,318.36
QC 447-2011	Gerry	318.00-3-17	4301 Rt, 380	Jason E CLark	\$ 2,805.27	\$ 2,805.27
QC 448-2011	Gerry	319.00-2-22	Kimball Stand-Gerry Rd	Jack E Dean	\$ 2,540.48	\$ 2,540.48
QC 449-2011	Gerry	319.00-2-6	4298 Kimball Stand-Gerry Rd	Jack E Dean & George Berkey	\$ 3,467.35	\$ 3,467.35
QC 466-2011	Hanover	064689-32.14-1-15	0 Rt 5	Ida L Weber-Smith	\$ 3,379.47	\$ 3,379.47
QC 467-2011	Hanover	32.14-1-16	1440 Buffalo St	Ida L Weber-Smith	\$15,015.09	\$15,015.09
QC 476-2011	Harmony/Panama	398.02-1-11	Portage Rd	Belinda S & Scott W Newman	\$ 269.12	\$ 269.12
QC 479-2011	Harmony	399.00-2-37	5930 Button Valley Rd	Daniel J Card	\$ 3,949.31	\$ 3,949.31
QC 486-2011	Mina	326.00-1-25.2	Hazen Rd	Howard A Brennan & Nancy J Myers	\$ 161.73	\$ 161.73
QC 491-2011	N. Harmony	332.00-2-19	Rt. 394 Rear	Jack E Dean	\$ 184.45	\$ 184.45
QC 492-2011	N. Harmony	332.00-2-21	Rt. 394	Jack E Dean	\$ 7,152.74	\$ 7,152.74
QC 515-2011	Pomfret	112.00-1-9	10471 Hall Rd	William Narraway	\$ 3,634.95	\$ 3,634.95
QC 532-2011	Portland	211.00-3-34	7176 Bliss Rd	Richard A Gilbert Jr	\$ 3,000.84	\$ 3,000.84
QC 536-2011	Ripley	224.00-2-24	9376 E Main Rd	Lance M Blystone	\$ 5,969.78	\$ 5,969.78
QC 544-2011	Ripley	240.15-1-11	W. Main Rd	Arlene DeMarco	\$ 679.30	\$ 679.30
QC 556-2011	Ripley	275.00-1-28	5040 Johnson Rd	Duane & Brenda Szymanowski	\$ 5,434.82	\$ 5,434.82
QC 561-2011	Ripley	309.00-2-18	Post Rd.	Charles J & Marjorie M Kopta	\$ 1,710.48	\$ 1,710.48
QC 587-2011	Westfield/W	193.17-1-6	120 E Main St	William T King Jr	\$ 36,667.74	\$ 36,667.74
TOTAL					\$272,477.48	\$272,477.48

Offer Number	Munic.	Parcel ID No	Property Location	Purchaser	Offer Amount	Taxes Owning
QC 37-2011	C/Dnk	79.16-2-45	143 Townsend St	Estate of Mary Wlodarek	\$ 1,132.00	\$ 1,132.00
QC 44-2011	C/Dnk	79.16-5-40	306 Nevins St	Leland D & Karen A Lamoreaux	\$ 5,500.34	\$ 5,500.34
QC 63-2011	C/Dnk	96.06-3-31	47 W Howard Ave	James W & Christine C Cybulski	\$ 5,796.21	\$ 5,796.21
QC 234-2011	C/Jmstn.	387.25-1-15	821Prendergast	Jennifer L Jordan	\$ 2,141.43	\$ 2,141.43
QC 296-2011	C/Jmstn.	404.07-4-9	94 Howard St	Michele & Brian Southwell	\$ 9,077.84	\$ 9,077.84

QC 342-2011	Carroll	441.00-1-69	814 Frew Run Rd	Craig A Jr & Megan K Rogders	\$ 1,233.74	\$ 1,233.74
QC 370-2011	Ellery	317.00-2-9	4264 Belleview Rd	Kelly S Brown	\$ 6,639.84	\$ 6,639.84
QC 443-2011	Gerry	302.00-1-26	4787 Damon Hill Rd	Judd R Seastedt	\$ 3,552.41	\$ 3,552.41
QC 461-2011	Hanover	101.00-2-30	660 Fredonia Rd	Paul R Dougherty	\$ 25,011.74	\$ 25,011.74
QC 493-2011	N. Harmony	332.06-1-10.1	3736 Victoria Rd	Barbara A Schuckers	\$ 40,204.63	\$ 40,204.63
QC 562-2011	Sheridan	63.00-2-31	11694 Newell Rd	James E & Ann M Webber	\$ 31,544.21	\$ 31,544.21
TOTAL					\$131,834.39	\$131,834.39

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 22 Yes; 2 Absent; 1 Abstention – May 25, 2011

EMERG. RES. NO. 115-11

Authorizing Public Hearing to Consider Modification of Terms of Authorized Sublease Agreement with Gulfstream International at the Chautauqua County Airport at Jamestown

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County leases facilities at the Chautauqua County Airport – Jamestown to the Chautauqua County Industrial Development Agency (CCIDA); and

WHEREAS, Gulfstream International Airlines subleases a portion of that space for ticket counter, baggage handling and office space at the County Airport for a two year period beginning on October 1, 2010 thru September 30, 2012 pursuant to Resolution No. 231-10 and an Essential Air Service contract for such period; and

WHEREAS, Gulfstream International and its related entities filed a Voluntary Petition in Bankruptcy Court under Chapter 11 to reorganize its business; and

WHEREAS, Gulfstream desires to reduce its monthly rent from the authorized sum of \$2,500 per month to \$2,000.00 per month with the understanding that all unpaid rent will be paid by Gulfstream and all other terms will remain the same as approved by Resolution No. 231-10; and

WHEREAS, Article 14 of the General Municipal Law requires a public hearing before the County Legislature can authorize such modification of the sublease lease agreement; therefore be it

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held on the modification of the sublease terms sublease of the airline operating space at the Jamestown Airport at the meeting of the County Legislature on June 22, 2011 at 6:45 pm in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757 upon substantially the following terms and conditions:

1. Premises: Approximately 1,738.5 square feet of office space, counter space, baggage areas and storage space in the Chautauqua County Terminal Building at the County Airport in Jamestown.
2. Rent: Payment of \$2,000.00 per month plus \$6.00 per flight landing fee and payment of any unpaid rent accruing prior to the term as modified.

3. Term: A term beginning October 1, 2010 and ending September 30, 2012.
4. Other: As negotiated by the County Executive; and be it further

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

Unanimously Adopted – May 25, 2011

LOCAL LAW
INTRODUCTORY NUMBER 5-11
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
RE: SIZE OF COUNTY LEGISLATURE

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

Section I. Amendment to County Charter.

Section 2.00 of the Chautauqua County Charter governing the form and composition of the County Legislature is hereby amended as follows:

Section 2.00 County Legislature

The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, comprised of members elected as the County Legislature may determine. Commencing after the regular federal census in 2010, all plans of apportionment of the County Legislature thereafter adopted shall provide for a County Legislature consisting of no greater than nineteen (19) members, and shall be enacted pursuant to the grant of authority set forth in Section 10(1)(ii)(a)(13) of the New York State Municipal Home Rule Law.

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 of either (i) a permissive referendum is held in accordance with Municipal Home Rule Law, or (ii) the County Legislature on its own motion, in the manner provided in the Municipal Home Rule Law, shall provide that this Local Law shall be submitted to the qualified electors of the County for their approval.

Mailed: 5/20/11

Defeated by Legislature: 5/25/11 R/C Vote: 14 Yes; 9 No; 2 Absent (No's: Babbage, Barmore, Downey, Gould, Himelein, Park, Richmond, Stewart, Croscut)

New Language underlined

2nd Privilege of the Floor

My name is Chris Yates, I am a resident of the City of Jamestown, 800 Lakeview Avenue, and I am approaching you now as a private citizen. By way of background, I have to qualify that I am past President of the Chautauqua County Visitors Bureau, past President of the Chautauqua Lake Association. You have just recently ratified my appointment to the Chautauqua Lake Management Commission for which I am grateful, thank you. I arise as a private citizen because I represent interest in two significant lakeside properties. Those properties pay in the aggregate \$60,000 of taxes annually. Those properties are on the market for sale currently. We are repeatedly reminded by our listing broker and realtor that taxes will be a significant issue in the eventual sale of those properties. I applaud the way that you have supported the Chautauqua Lake Association in the past. We, as property owners have appreciated the work of the Chautauqua Lake Association in keeping this jewel of the County free, navigable, and safe and is weed free as is humanly possible with certain limitations. I would sincerely ask you in the coming days, not months or year, but in the coming days, to see if there isn't a way to further considering increased support to the Chautauqua Lake Association. It is my dire concern that by the first of July on a reduced operating schedule that we've advised you of again this evening, there will be significant outcry from not only residents of Chautauqua County but visitors and tourist. We can not afford to let this asset waste. It is already a dying body of water. That is a fact, it's utrophic. By not attending to it in this coming season somewhere close to at least last years operating schedule, is in deed a shame. I implore you to continue to work with your committees to see if there isn't a way to consider increasing this very important funding to the place where I learned how to swim, to sail, and as much as I may have some time to try and recreate these days. But if we get weed clogged and have blue green algae mounds forming by the first of August. A lot of what we have talked about and the dire picture that has been painted economically for 2012, regrettably will be realized in 2011. I sincerely ask that you consider further funding as in if it is available. Thank you for your attention and curtesy.

MOVED by Legislator DeJue, SECONDED by Legislator Downey and duly carried the meeting was adjourned. (8:42 p.m.)

Special Meeting
Chautauqua County Legislature
Monday, June 6, 2011 – 6:30 p.m.
Mayville, N.Y. 14757

Chairman Croscut called the meeting to order.

Clerk Lemon called the roll and announced a quorum present. (Absent: Barmore, Cornell, DeJoe, Gould, Gullo, James, Kindberg, Mueller, Richmond)

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

1st Privilege of the Floor

No one chose to speak at this time.

RES. NO. 116-11

Supporting Passage of A.8135 & S.5059 entitled "AN ACT to amend the tax law, in relation to extending the expiration of the provisions authorizing the county of Chautauqua to impose an additional one-half of one percent sales and compensating use taxes"

WHEREAS, the authority for the County's additional one-half of one percent (.50%) sales tax will expire on November 30, 2011; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to continue an additional one-half of one percent (.50%) sales tax from December 1, 2011 through November 30, 2013; and

WHEREAS, the extended authorization requires the County to continue the sales tax exemption on residential energy, and to assist the towns, villages and cities for the corresponding reduction in sales tax revenue by sharing three-tenths (3/10) of the net collections from the additional one-half of one percent (.50%) of sales tax with the towns, villages and cities from December 1, 2011 through November 30, 2013; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A.8135 and New York State Senate Bill No. S.5059 entitled "AN ACT to amend the tax law, in relation to extending the expiration of the provisions authorizing the county of Chautauqua to impose an additional one-half of one percent sales and compensating use taxes."

Unanimously Adopted – R/C Vote: 16 Yes; 9 Absent – June 6, 2011

MOVED by Legislator Ahlstrom, SECOND by Legislator Runkle and duly carried the meeting was adjourned. (7:50 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, June 22 2011 – 6:30 p.m.
Mayville, N.Y.

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

Clerk Lemon called the roll and announced a quorum present. (Absent: Nazzaro)

Legislator Babbage delivered the prayer and pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Himelein and duly carried the minutes were approved. (5/25/11 & 6/6/11)

Privilege of the Floor

My name is Clayton Sweeney, I appear tonight as Chairman of the Bemus Bay Pops. I sent a letter that produced by our group to all of you which I hope that you got and hoped you had the opportunity to read. You will be delighted to know that I am not going to read it to you tonight but I am going to briefly summarize what our position is. We came away confused because last November this body approved a \$25,000 program for us and then took a part of that away and we don't quite understand why. We are a 50C3 organization and have been from the beginning. Our Board members are civic and business leaders throughout the region. We give away all of our events for free and our primarily funded by private donations of which is in the letter which again, I am not going to repeat. Plus \$10.00 tickets for a few hundred reserved seats. We existed for 12 years mainly because of the generosity of Dan Dalpra. The Bemus Bay Pops owes Dan Dalpra \$120,000. because he had made up the shortfall at the end of every year because we couldn't make the grade. In addition to that, as most of you know, since most of you have been there at one time or another, he devotes his property next to the Italian Fisherman Restaurant to the Bemus Bay Pops and the floating stage and that is done for free and that probably cost him a couple of hundred thousand dollars a year. Since you withdrew the funding, we have heard a lot of things. Number one; that the Pops is a for profit venture and that is not true. Number two; that it brings mass profits to Dan Dalpra, and as I have just told you, that is not true. Finally, you think that we should be self sufficient and complete your economic development goals at no expense to the County. Frankly, that makes no sense to us. We have had a series of programs that have been going on for years that are very important to this County. They include the summer concert series, light on the lakes, the Chautauqua Idol, and the new Chautauqua Junior Idol. The Praise on the Lake religious ceremonies that take place on Sunday mornings and this year the County asked us to help with out of pocket costs of \$13,000 which we assumed was being supported by the \$12,800 taken away from us and we agreed to divert our resources to doing that to celebrate the Bemus Point-Stow Ferry anniversary. All of this is included in the letter which I have sent you. Two last points, number one; there is a paragraph in the letter for which I assume responsibility which I wish had been written differently. We did not come here in any way to threaten this body. We have no intention of leaving Chautauqua County and you can blame me for the way that it was worded. If you read the last sentence followed after that you realize we say that very thing. If I may put it colloquially, we ain't going anywhere but we would love you to reconsider the \$12,800 that was taken away because we need it to stay viable. We are going to stay viable, we're going to do everything that we need to do. We want to become your partner and I think that perhaps we should think of another way to come to this Legislature seeking funding for the next year and the year after that because we're going to need your help if we're going to continue to do what we're doing. That really is all that I have to say Mr. Chairman and I'll answer any questions that anyone might have.

Chairman Croscut: Thank you. Are there any questions?

Mr. Vince Horrigan, I am not the Village Trustee in Bemus Point and last night at our Board meeting they endorsed these comments. I am speaking on behalf of the economic impact of the Bemus Bay Pops. Three hundred jobs, \$1.5 million in payroll is what comes into Bemus Point and what goes out due to an enlarge degree the success of the Bemus Bay Pops. Our tax base for the Village has increased over the last 5 years, 25%. A guy from Cleveland decided to come in an build a condo project, \$14 million in tax base and in many ways, he looked at Bemus Point, tore down those old fishing cottages and said, with what goes on in Bemus Point and with what goes on with the Bemus Bay Pops, this is the place for this economic development. Our Village Casino, we have yielded a 300% increase in rent because of the success and the amount of people coming into Bemus Point, we have generated that additional income that goes right into our budget to keep the taxes or the Village of Bemus Point, one of the lowest villages across New York State. WCA Hospital emergency room. We're all behind it. We can't wait. Last year, Bemus Bay Pops, fund raiser, \$30,000 headed that way. If you haven't seen Bemus Point stage lately, there is a brand new Camero floating out there on the water, that is going to be raffled off for WCA Hospital and there will be another one. So again, the hospital is benefiting by this. Our churches, it is through the summer that the visitors are coming, that is having a major impact. We urge you to consider funding this very, very important economic generator. Property taxes along Lakeside Drive in Bemus Point, the recent assessment has gone up dramatically and I speak from personal experience. It's because people are flocking to the area surrounded by the economic development that has come from Bemus Bay Pops. I realize that there are challenges across Chautauqua County, I have raised money everywhere but this economic generator runs in after burner. Please support it. Thank you.

Mr. Greg Jones, I've lived in this area pretty much all my life. Chose to come back to this area to start my practice really driven here by the lake. Some people don't like the lake so I like to call it, the "tourist pleasing corporation" because that seems to make it where people accept it better. I shouldn't have stopped at Vince's house this morning after my walk along Bemus Bay because I talked a little bit about the same thing with him about the far reaching affect of having the Bemus Bay Pops, the floating stage and the Italian Fisherman in our community. One of those things is, the venue that is supplies for things such as raising money for WCA Hospital. Now, why is that possible? Not everybody likes WCA Hospital either but if you are going to be taken on an emergency basis to an ER, that is the ER that you will be taken to. My family and your family. I want that to be the best ER Department we can have. I also want that to be the best ER that the tourist can have because that is the away doctor for the tourist that visit Chautauqua County. So, it is very important. So last year, we had one fund raiser and that was Frank Sinatra and Barbara Streisand. I don't think that it was really them but they were there and it was very successful. The tickets for that ranged from \$250.00 for VIP seating to \$100 I believe, down there and it was very well attended and filled. They will have another this year for I believe, the same costs. I am trying to think of what other venue in Chautauqua County that we have that has the scenic beauty, the physical facilities, the stage facilities with the sound and lighting and the food facility to put on an event like that, that would (*inaudible*) a couple to shell out \$500 to attend. So, I would take 10 seconds and try to think of another venue. I can only come up with a few and I am not going to talk about that here. But there are very few. So, I just want to say that I am in favor of whatever the Pops does. I think that it is well worth the support. The financial figures are there but I wanted to be very specific about things that the Pops affects other than just Bemus, other than just Dan Dalpra. It is important for society and in this case, it's very important for our care in this County. Thank you.

Mr. Tom Turner and I wanted to speak a little bit about Chautauqua Lake Association. I know that they have struggled in recent years with funding from Chautauqua County as much as they have from private individuals, donors and corporations as well. Without Chautauqua Lake as an economic driver in this County, we would really be in trouble. I am a realtor by profession and I can tell you that I have had clients come here and spend a weekend looking at homes and looking at weeds and shores and things of that nature and saying to me when they are done, geeze, I am going to go back to Canada and buy there because we take better care of our lakes there. Or go back to arrive in Pittsburg or maybe Lake Erie if you live in Akron. I will tell you what, these people come to

buy expensive homes, they pay taxes, they bring in their friends and relatives and they snowmobile and provide - what would we do without Chautauqua Institution and snowmobiling and Chautauqua Lake? I think that without our lake we are lost and you really need to take a long hard look at how we fund Chautauqua Lake Association and how take care of that lake. If we lose the lake, we're in trouble and the lake is not being taken care of the way that it deserves to be. Thank you.

Mr. Bill Reynolds, I am here representing the Chautauqua Lake Twin Tier Antique and Classic Boat Society Chapter that I founded four and a half years ago on this lake, Lake Chautauqua. I have to tell you that our memberships have gone crazy. I am speaking on resolution 135-11 and am in support and I hope that you all will pass that resolution tonight as it will be our first year receiving some allocation from the bed tax money. Just a little history about the boat show. It started out in Celoron and we've out grown Celoron and we moved to Bemus Point, to the Casino docks. Why? Because Bemus Point is a real destination for a lot of people, locally and if you want to call them foreigners. So I would ask you all to again support resolution 135 tonight.

On the other hat that I am wearing tonight, I am the managing Director of the Lawson Boating Heritage Center which is adjacent to Dan Dalpra's enterprise and the Pops that Clayton Sweeney is representing here. I feel very strongly that that funding shouldn't have been revoked if you would, on something as a technicality. So, in simple English language, you could consider this year as the second year of his third year term applying for bed tax money rather than the fifth year that you seem to have debate over. As a neighbor to the Pops Concerts, the floating stage, all that happens in that little village, doesn't really apply to only the Village of Bemus, which Legislator Babbage represents, it applies to all of you who represent all of our residents here in this County. That lake and what it supports, tax base wise, real estate wise, recreation wise, quality of life wise, is really big. OF course, I am not trying to exclude Mayville or Chautauqua Institution, or Celoron, or Lakewood or any of the other fine communities around the lake, or even those on Lake Erie. But really, give it some serious thought about reinstating that money to bring those thousands, hundreds of thousands of people that come to our County. I wish I could say that about the boat show. We're lucky to get 5 or 6,000 people to the boat show and Dan gets many, many more than that. Give it some serious thought and I thank you for your time.

COMMENDATION:

JOHN STRICKLAND
PANAMA CENTRAL SCHOOL
STATE CHAMPION – HIGH JUMP
BY LEGISLATOR GOULD

PRESENTATION

CAPITAL PROJECTS
BY DOUG BOWEN
(See data in Leg. File)

COMMUNICATIONS:

1. Proof of Publication – Public Hearing – Gulfstream
2. Letters (2) – Co. Executive – Re: Appts/Re-Appts. Disaster Preparedness Commission & JCC Board
3. Finance Overview – 2010 – Division of Solid Waste (Un-audited)
4. 2011 Investment Report – Fn. Dir. Schulz – May 2011
5. Minutes – Chaut. Co. Soil & Water Conservation District
6. Letter – Assemblyman Giglio – Ack. Receipt Motion 11-11 & Res. 113-11
7. Letter – Senator Young – Ack. Receipt Motions 4, 5, and 6-11
8. Public Statement Hearings – Nat'l. Fuel Gas Corp's. Conservation Incentive Program
9. 2012 Capital Budget (2013 – 2017) Capital Plan

- 10. Email – Quantum Counseling Servs. Re: Sex Offender Treatment & Supervision in Chautauqua County (In mailboxes)
- 11. Letter – Bemus Bay Pops

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 05/25/11 & 06/06/11

RES. NO. 117-11
Confirm Re-Appointment – JCC Board of Trustees

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

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:

Louis P. DiPalma
78 Lambert Avenue
Fredonia, NY 14063
Term Expires: 6/30/2018

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – June 22, 2011

RES. NO. 118-11
Confirm Appointment and Re-Appointment - Chautauqua County Disaster Preparedness Commission

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment 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 Disaster Preparedness Commission.

New Appointment:
William Tucker
5 Hilldale Ave.
Jamestown, N.Y. 14701
Replacing Vince Horrigan
Term Expires: 12/31/13

Re-Appointments:
Ann Burns
SUNY Fredonia
Gregory Hall-University Police
Norma Cummings
PO Box 234
Mayville, N.Y. 14757

280 Central Ave.
Fredonia, N.Y. 14063

Term Expires: 12/31/13

Term Expires: 12/31/13

Signed: Richmond, Duff, Mueller, Downey

Unanimously Adopted – June 22, 2011

RES. NO. 119-11

Authorizing the Implementation and Funding in the First Instance 100% of the Federal-Aid Eligible Costs of a Transportation Federal Aid Project, to Fully Fund the Local Share of Federal-Aid Eligible and Ineligible Project Costs, and Appropriating Funds Therefore

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

WHEREAS, the Chautauqua County 2011 Bridge Painting Project, PIN 5760.08 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, estimated to be \$300,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the project PIN 5760.08 with existing funding in account D.5112.390;

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is hereby further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering and Construction & Construction Inspection phases exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

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

RESOLVED, 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	\$240,000
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid - Surface Trans Program	\$240,000
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Signed: Babbage, Stewart, Nazzaro, Barmore, DeJoe, Gould, Gullo, Runkle, Park, Richmond

Unanimously Adopted – June 22, 2011

RES. NO. 120-11

Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project, and Appropriating Funds Therefore

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

WHEREAS, the Project for the Reconstruction of Talcott Street from NY Route 60 to South Roberts Road and Construction along a new alignment of Millennium Parkway from South Roberts Road to Progress Drive, in the City and Town of Dunkirk, Chautauqua County, PIN 5757.55, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the 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 (Scoping, Design I-IV & Design V & VI) phase of the Project, PIN 5757.55,

WHEREAS, the 1999 Capital Budget appropriated the use of Capital Project Fund Balance which is in excess of the current project budget. This balance can be used to fund the local portion of the Preliminary Engineering (Scoping, Design I-IV & Design V & VI) phase of the Project and the remaining balance can be returned to Capital Project Fund balance;

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is hereby further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping, Design I-IV & Design V & VI) phase of the Project or portions thereof; and it is further

RESOLVED, That the Capital Account H.6420.579 has sufficient funds available to cover the local portion and is now made available to cover the cost of participation in the Preliminary Engineering phase of the Project; and it is further

RESOLVED, That in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping, Design I-IV & Design V & VI) phase exceeds the amount appropriated (\$466,000), and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping, Design I-IV & Design V & VI) phase exceeds \$ 2,330,000, 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 is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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

~~RESOLVED, That Capital Project Fund Balance is un-appropriated as follows:
DECREASE USE OF CAPITAL PROJECT FUND BALANCE:~~

~~H. 6420.579.0000 Fund Balance Unreserved Fund Balance \$489,000~~

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

INCREASED CAPITAL APPROPRIATION:

H.6420.579.4	Contractual – Millenium Parkway	\$214,000
		<u>\$703,000</u>

INCREASE CAPITAL REVENUE:

H.6420.579.R358.9003	NYS Aid – Marchiselli Funds	\$592,000
H.6420.579.R458.9002	Federal Aid – Surface Transp. Prgm.	<u>\$111,000</u>
		<u>\$703,000</u>

and it is further

RESOLVED, This Resolution shall take effect immediately.

Signed: Babbage, Stewart, Nazzaro, Barmore, DeJoe, Gould, Gullo, Runkle, Park, Richmond

Unanimously Adopted – June 22, 2011

Deletion indicated by strikethrough

RES. NO. 121-11

Authorizing Modification of Terms of Authorized Sublease Agreement with Gulfstream International Airlines at the Chautauqua County Airport at Jamestown

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

WHEREAS, Chautauqua County leases facilities at the Chautauqua County Airport – Jamestown to the Chautauqua County Industrial Development Agency (CCIDA); and

WHEREAS, Gulfstream International Airlines subleases a portion of that space for ticket counter, baggage handling and office space at the County Airport for a two year period beginning on October 1, 2010 thru September 30, 2012 pursuant to Resolution No. 231-10 and an Essential Air Service contract for such period; and

WHEREAS, Gulfstream International Airlines and its related entities filed a Voluntary Petition in Bankruptcy Court under Chapter 11 to reorganize its business; and

WHEREAS, Gulfstream desires to reduce its monthly rent from the authorized sum of \$2,500 per month to \$2,000 per month with the understanding that all unpaid rent and landing fees will be paid by Gulfstream and all other terms will remain the same as approved by Resolution No. 231-10; and

WHEREAS, the Airport Commission approved this rent modification; and

WHEREAS, the necessary public hearing was held before the County Legislature; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into all necessary lease and sublease agreements with the Chautauqua County Industrial Development Agency (CCIDA) and Gulfstream International Airlines substantially in accordance with the following terms and conditions:

1. Premises: Approximately 1,738.5 square feet of office space, counter space, baggage areas and storage space in the Chautauqua County Terminal Building at the County Airport in Jamestown.
2. Rent: Payment of \$2,000.00 per month effective as of October 1, 2010 plus \$6.00 per flight landing fee and payment of any unpaid rent and landing fees accruing prior to or subsequent to the term as modified.
3. Term: A term beginning October 1, 2010 and ending September 30, 2012.
4. Other: As negotiated by the County Executive.

Signed: Babbage, Stewart, Nazzaro, Barmore, DeJoe, Runkle, Gould, Gullo, Park, Richmond

Unanimously Adopted – June 22, 2011

RES. NO. 122-11

CARTS – Section 5311 American Recovery and Reinvestment Act (ARRA) Supplement Grant

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code and the American Recovery and Reinvestment Act of 2009 (ARRA) for the purchase of six (6) replacement buses and related equipment; and

WHEREAS, the County of Chautauqua and the State of New York are entering into an agreement which authorizes the undertaking of the project and reimbursement to the municipality of 100% of the project cost through ARRA up to \$420,000; therefore be it

RESOLVED, That the County Executive is authorized to sign the following:

- 1) Any and all agreements between the County of Chautauqua and the State of New York for the above named Project;
- 2) Any and all agreements between the County of Chautauqua and any third party subcontractors necessary to complete the project; and
- 3) Any and all Municipality/Vendor contracts for the purchase and/or installation of vehicles and/or equipment; and be it further

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

INCREASE CAPITAL APPROPRIATIONS ACCOUNT:

H.5630.698.4	Contractual – CARTS ARRA Grant	\$420,000
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INCREASE CAPITAL REVENUE ACCOUNT:

H.5630.698.R459.7000	Federal Aid – Transportation Capital	\$420,000
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Signed: Babbage, Stewart, Nazzaro, Barmore, DeJoe, Gould, Gullo, Runkle, Park, Richmond

Adopted w/ Legislator Ahlstrom voting "no" – June 22, 2011

RES. NO. 123-11

Authorize Grant Application and Agreement with NYS for a Household Hazardous Waste Program

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County desires to continue a Household Hazardous Waste Program which would assist County residents in the collection and disposal of nusable/unwanted household hazardous waste in an environmentally sound manner, and

WHEREAS, grant monies are available through New York State which provide financial aid in an amount up to but not exceeding fifty percent (50%) of the eligible costs for such a program, and

WHEREAS, the County desires to file an application for this State Grant-In-Aid for a Household Hazardous Waste Assistance Program, now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute a grant application with NYS for a Household Hazardous Waste Assistance Program and any other necessary agreements with the State in order to accept such funds.

Signed: Babbage, Stewart, Nazzaro, Barmore, DeJoe

Unanimously Adopted – June 22, 2011

RES. NO. 124-11

Authorizing Agreement with New York State Energy Research and Development Authority for Renewable Production Standards Program

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) adopted a Renewable Production Standards Program to address the energy, economic, and environmental objectives of New York State by creating the potential to build new industries in the State based on clean, environmentally responsible energy technologies; and

WHEREAS, NYSERDA conducted a competitive Request for Proposals ("RFP 2226") to procure the rights to renewable energy attributes generated in accordance with the Renewable Production Standards Program; and

WHEREAS, the Chautauqua County Landfill Gas to Electric Plant was awarded the bid of \$25 per Megawatt for 16,836 Megawatt Hours per year for a 10 year period; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute agreements with the New York State Energy Research and Development Authority to sell RPS-eligible renewable energy attributes.

Signed: Gould, Nazzaro, Gullo, Runkle, Park, DeJoe, Richmond

Unanimously Adopted – June 22, 2011

RES. NO. 125-11

Authorize Agreements for Board of Elections Data Cards Delivery Services

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Image Case Voting Machines used the Chautauqua County Board of Elections employ voting removable data cards that holds election information from each of the fifty four (54) polling sites throughout the County; and

WHEREAS, the Board of Elections requires delivery of all data cards to the County Board of Elections Offices in a timely fashion for election night reporting; and

WHEREAS, the Board of Elections has solicited assistance from an outside source by requests for proposals in order to undertake this task and accomplish this goal; now therefore be

RESOLVED, That the County Executive is hereby authorized to enter into an agreements with municipal corporations, school districts, not for profits organizations or other entities approved by the Board of Elections to perform this service.

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – June 22, 2011

RES. NO. 126-11
Adjust 2011 Budget-Polling Place Access Improvement Grant

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

WHEREAS, the Chautauqua County Board of Elections has received a grant from the NYS Board of Elections acting through the State of New York in the amount of \$6,160.00 for the years of 2011-2015 for voting access for individuals with disabilities; and

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

WHEREAS, this is a reimbursement based contract, and these funds must be expended by September 30, 2015; therefore be it.

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

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual- Board of Elections	\$6,106
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INCREASE REVENUE ACCOUNT:

A.1450.----.R308.9007	Other State Aid – Elections Grant	\$6,106
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Signed: Barmore, Runkle, Scudder, DeJoy, Cornell, Gould, Nazzaro, Gullo, Park, DeJoe, Richmond

Unanimously Adopted – June 22, 2011

RES. NO. 127-11
Division of Homeland Security & Emergency Services Program for FY 2010

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

WHEREAS, the Office of Emergency Services was awarded funds of \$260,245 from the FY10 Div. of Homeland Security & Emergency Services Program (DHSES); and

WHEREAS, the grant is to support the implementation of the DHSES Strategy and to address the identified planning, equipment, training and exercise needs for acts of terrorism and other natural and manmade catastrophic events; and

WHEREAS, the grant period runs from August 01, 2010 through July 31, 2013 and the Office of Emergency Services anticipates it will expend the funds beginning in 2012; therefore be it

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

Signed: Richmond, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – June 22, 2011

RES. NO. 128-11
2010 Hazardous Materials Grant Program

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

WHEREAS, the Office of Emergency Services was awarded a Region Partnership Grant in the amount of \$72,850 under the 2010 Hazmat Grant Program which runs through July 31, 2013; and

WHEREAS, the 2010 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, Chautauqua County is the submitting partner for the grant and will act as the lead Agency to manage the Grant Funds; and

WHEREAS, the Grant will be used to purchase Counter Terrorism equipment; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign the necessary contracts and documents to accept the award, and be it further

RESOLVED, That the Director of Finance is directed to make the following 2011 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.2	Equipment – Hazardous Materials	\$ 7,250
A.3640.----.3	Depreciable Equipment – Hazardous Materials	<u>\$ 65,600</u>
		<u>\$ 72,850</u>

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Fed Aid: Homeland Security Program	\$ 72,850
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Signed: Richmond, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – June 22, 2011

RES. NO. 129-11
FEMA SAFER Grant Acceptance

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

WHEREAS, the Office of Emergency Services was awarded FY 2010 funds for the Staffing for Adequate Fire and Emergency Response (SAFER) – Recruitment Program from the Department of Homeland Security (DHS) in the amount of \$393,860; and

WHEREAS, the grant is to support efforts to increase the number of trained, “front-line” firefighters available in their communities; and

WHEREAS, the grant is 100% funded with no matching funds and runs from the period of July 10, 2011 through July 09, 2015; and

WHEREAS, the Office of Emergency Services will modify by resolution the 2011 budget when the 2011 portion of the grant to be spent is determined; and

WHEREAS, the County establishes acceptance of the grant and the Grant Agreement Articles when it requests and receives the Federal grant funds awarded to it; therefore be it

RESOLVED, That the County Executive is hereby authorized to accept the grant and to sign an agreement and any other necessary documents to obtain the funds.

Signed: Richmond, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – June 22, 2011

RES. NO. 130-11

Authorize Agreement with WBFO/UB Foundation Activities, Inc. for Extension of Lease of Space on County's Tower in the Town of Ellery

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

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

WHEREAS, the Office of the Sheriff has negotiated with WBFO for a renewal of its existing agreement at a rate of \$4,000 per year for a six year period commencing as of January 15, 2011 and ending January 14, 2017 and at the rate of \$4,500 per year for the first additional two year extension and \$5,000 per year for a second additional two year extension for a ten year term ending on January 14, 2021; therefore be it

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

Signed: Richmond, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – June 22, 2011

RES. NO. 131-11

Acceptance of Cooperative Agreement Award with U.S. Department of Justice National Institute of Corrections

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

WHEREAS, the Office of the Sheriff successfully applied for a Cooperative Agreement with the U.S. Department of Justice National Institute of Corrections for the "Offender Workforce Development Specialist Training,"; and

WHEREAS, The Sheriff has been approved to receive \$24,500.00 from the National Institute of Corrections to conduct training for local government agencies and community organizations who work with offenders in Chautauqua County for 2011; and

WHEREAS, it is necessary for the County to enter into an agreement with the National Institute of Corrections in order to obtain the cooperative agreement funds for 2011; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute a cooperative agreement to secure \$24,500 from the U.S. Department of Justice National Institute of Corrections; and be it further

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

INCREASE APPROPRIATIONS ACCOUNT:

A3150.----.4	Contractual – Jail	\$24,500
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A3150.----.R438.9012	Federal Aid: Offender Workforce Training	\$24,500
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Signed: Richmond, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe
Unanimously Adopted – June 22, 2011

RES. NO. 132-11
Mental Health SAMHSA Grant/Tapestry

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

WHEREAS, the Chautauqua County Department of Mental Hygiene has been awarded a Substance Abuse and Mental Health Services Administration (SAMHSA) Child Mental Health Initiative (CMHI) grant to develop a System of Care for the children with SED and their families; and

WHEREAS, the grant covers the period of October 1, 2008 through September 30, 2014 and the maximum amount of funding over the term of the grant is \$9,000,000; and

WHEREAS, the Chautauqua County Legislature by Resolution 218-08 has previously authorized the County Executive to execute any and all agreements necessary to obtain and expend this funding; therefore, be it

RESOLVED, That the County Executive is hereby authorized to enter into Agreements with various government and municipal entities, including but not limited to local school districts, towns, cities and villages, to effectuate the terms of the grant.

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James, Nazzaro, Gullo, Runkle, Park, DeJoe,
Richmond

Unanimously Adopted – June 22, 2011

RES. NO. 133-11
Adjust 2011 Health Department Accounts

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

WHEREAS, the New York State Health Department awarded Primary Prevention Lead Poisoning grant funding to the Chautauqua County Health Department for the period 10/1/10 to 9/30/11; and

WHEREAS, additional salary and fringe benefits were able to be funded by the grant than originally projected in the 2011 budget; therefore be it

RESOLVED, That the Director of Finance be and hereby is directed to make the following changes to the 2011 budgetary accounts:

INCREASE APPROPRIATION ACCOUNTS:

A.4189.LEAD.1	Personal Services –Lead Testing	\$60,000
A.4189.LEAD.8	Employee Benefits – Lead Testing	<u>\$24,000</u>
		<u>\$84,000</u>

DECREASE APPROPRIATION ACCOUNTS:

A.4010.1	Personal Services – Public Health Adm.	\$18,000
A.4010.8	Employee Benefits – Public Health Adm.	\$ 7,200
A.4010.NURS.1	Personal Services – Nursing	\$ 5,200
A.4010.NURS.8	Employee Benefits – Nursing	\$ 2,080
A.4090.1	Personal Services – Environmental Health	\$36,800
A.4090.8	Employee Benefits – Environmental Health	<u>\$14,720</u>
		<u>\$84,000</u>

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James, Nazzaro, Gullo, Runkle, Park, DeJoe, Richmond

Unanimously Adopted – June 22, 2011

RES. NO. 134-11
Establish Budget for Community Development Block Grant

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

WHEREAS, Chautauqua County has been awarded a Community Development Block Grant (CDBG) through the Office of Community Renewal for economic development programs in Chautauqua County; and

WHEREAS, the Office of Community Renewal (OCR) has awarded economic development grant funds to finance the operations of Jamestown MVP LLC; therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.6420.JMVP.4	Contractual – Jmstn. Comm. Dev. Blk. Grant	\$516,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.6420.JMVP.R491.0000 Federal Aid – Community Development \$516,000

Signed: Park, Heenan, Kindberg, Borrello, Tarbrake, Gould, Nazzaro, Gullo, Runkle, DeJoe, Richmond

Unanimously Adopted – June 22, 2011

RES. NO. 135-11

Authorizing Allocation 3% Occupancy Tax Funding

By Planning and Economic Development and Audit & Control Committees:
At the Request of Legislator Jerry Park:

WHEREAS, pursuant to Resolution 221-10, the Chautauqua County Legislature adopted the prioritized project recommendations for the 2011 3% Occupancy Tax; and

WHEREAS, the allocation to Southern Tier Pond Cup Hockey in the amount of \$16,320 will not be utilized, and \$8,705 of the 2011 3% Occupancy Tax contingency also remains unallocated, for a total amount available of \$25,025; and

WHEREAS, after review of previously unfunded project requests, there are projects that remain viable in 2011; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the reallocation of the \$25,025 as defined above for the following projects;

Chautauqua Bon Vivant	\$8,975
(Completing their original award amount)	
14 th Annual Antique Boat Show	909
Jamestown Cultural Highlights Brochure	9,055
Rodeo Promotion-billboard	1,746
Alternative Art Series-Adams Art Gallery	<u>4,340</u>
	\$25,025

Signed: Gould, Nazzaro, Runkle, Park, DeJoe, Richmond, Park, Heenan, Kindberg, Borrello, Tarbrake (Gullo voting "no")

Adopted w/ Legislators Ahlstrom, Gullo, Tarbrake voting "no".

RES. NO. 136-11

Authorizing Allocation of 2% Occupancy Tax Funding to the Chautauqua Lake Association

By Planning and Economic Development and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards, Chairman Fred Croscut, Legislator Park, and Legislator Kindberg:

WHEREAS, pursuant to Resolution 206-10, the Chautauqua County Legislature adopted the prioritized recommendations for Waterways Panel projects to be completed with the 2011 2% Occupancy Tax; and

WHEREAS, pursuant to Resolution 109-11, the Chautauqua County Legislature reconfirmed a County policy for expenditure of the 2% Occupancy Tax providing that if a project cannot be undertaken, the next project on the prioritization list would be considered for funding but if no project exists on the annual prioritization list that can viably begin within the fiscal year, the funds from the original project will be returned to the reserve fund for Lakes and Waterways; and

WHEREAS, the approved 2011 2% Occupancy Tax Project in Resolution 206-10 entitled "Canadaway Creek Bank Stabilization" (Project #14) awarded to the Village of Fredonia in the amount of \$39,905 cannot be undertaken in 2011; and

WHEREAS, of the 2011 un-awarded projects recommended by the Waterways Panel for funding, the remaining partially funded project #18 has found a way to complete their project with the amount already awarded and therefore has no need for more funding, the remaining four, #19-#22 will all require a SEQR and will make it impractical to start and complete their projects this year and their required matching funds are not available; and

WHEREAS, the Chautauqua Lake Association (CLA) has had significant budget reductions for 2011 limiting their ability to maintain Chautauqua Lake waterways via mechanical weed harvesting and beach clean-up, thereby reducing recreational activities on Chautauqua Lake; and

WHEREAS, Chautauqua Lake residents and tourists would benefit greatly from the allocation of additional 2% Occupancy Tax funds to the CLA in the amount of \$34,000 in 2011; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes reallocation of \$34,000 of the \$39,905 from the "Canadaway Creek Bank Stabilization" project to CLA for maintenance of Chautauqua Lake waterways in 2011, with the remaining \$5,905 to be unallocated and lapse to the reserve fund for Lakes and Waterways at year-end.

Signed: Park, DeJoe, Richmond, Gould, Nazzaro, Gullo, Runkle, Heenan, Kindberg, Borrello, Tarbrake

Unanimously Adopted – June 22, 2011

RES. NO. 137-11

Authorizing the Items Listed Below Pursuant to the Bond Acts Enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as Well as Federal Grant Awards Available for Water Quality Improvement Project Grant (Project #2010WQI10262)

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

WHEREAS, the Chautauqua County Department of Planning and Economic Development (CCPED) has been successful in obtaining a DEC WQIP grant (Project # 2010WQI10262) on behalf of the Village of Mayville; and

WHEREAS, the DEC WQIP grant for \$40,300 will help meet the goals and objectives of the recently completed Chautauqua Lake Watershed Management Plan by reducing nutrient and pathogen inputs in the Chautauqua Lake watershed; and

WHEREAS, the DEC funded project is located at Lakeside Park in the Village of Mayville and Village employees will be utilized to contribute the in-kind match required by the grant; and

New Language Underlined

WHEREAS, resolution 92-11 established the budget for this project; and

WHEREAS, the CCPED and the Village of Mayville will coordinate activities to implement and administer the WQIP grant on behalf of the Village of Mayville; and

WHEREAS, Chautauqua County, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the County deems it to be in the public interest and benefit under this law to enter into a contract therewith; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the NYS Department of Environmental Conservation to secure such grant funds; and be it further

RESOLVED, by the Chautauqua County Legislature:

1. That, the County Executive, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation
4. That this Resolution shall take effect immediately.

Signed: Park, Heenan, Kindberg, Borrello, Tarbrake, Gould, Nazzaro, Gullo, Runkle, DeJoe, Richmond

Unanimously Adopted – June 22, 2011

RES. NO. 138-11

Changing Place of the Chautauqua County Legislature July 2011 Meeting

At the Request of Chairman Fred C. Croscut & Legislator Keith Ahlstrom:

WHEREAS, Section I, Rule (1)(C) provides that the Legislature meetings may be held at any suitable site within the County; therefore be it

RESOLVED, That the County Legislature's July meeting be held at the Clarion Hotel & Conference Center, 30 Lake Shore Dr. E, Dunkirk, NY on Wednesday, July 27, 2011 at 6:30 p.m.

Signed: Croscut, Ahlstrom

Unanimously Adopted – June 22, 2011

RES. NO. 139-11
Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:
At the Request of Chairman Fred C. Croscut:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution a comprehensive financial management policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, the first Financial Management Policy was adopted pursuant to Resolution 168-04, and was further amended by Resolution 64-05 adopted March 23, 2005, and Resolution 147-07 adopted June 27, 2007; and

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: Gould, Park, DeJoe, Richmond (Gullo, Nazzaro, Runkle voting "no")

Adopted – R/C Vote: 16 Yes; 8 No – (No's: Ahlstrom, Borrello, DeJoe, Duff, Gullo, Heenan, James, Runkle – June 22, 2011

RES. NO. 140-11
Adopting 2012 Program Outcome Statements

At the Request of Chairman Fred C. Croscut:

WHEREAS, Section 2.05(c) of the Chautauqua County Charter provides that the County Legislature shall annually adopt by resolution programs, goals, and objectives which shall be utilized in the formulation of the budget and measuring the success of its implementation; and

WHEREAS, no additions or amendments have been made to the 2011 Program Outcome Statements for 2012; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby adopts the 2012 Program Outcome Statements.

Signed: Croscut

Unanimously Adopted – June 22, 2011

RES. NO. 141-11
Authorize Agreement with Joshua & Elizabeth Ehmke for Purchase of Remaining Unsold Portion of Pleasant Acres Property

At the Request of Administrative Services Committee:

WHEREAS, pursuant to Resolution 190-09, the County Legislature authorized the Brocton-Portland Development Corporation ("BPDC") to market the former Welch Foods and Pleasant Acres properties in the Village of Brocton and Town of Portland that the County obtained through tax foreclosure; and

WHEREAS, pursuant to Resolution 225-09, the County Legislature authorized the sale to Joshua & Elizabeth Ehmke of a residential house in severe disrepair on the former Pleasant Acres mobile home park property with the condition that the house be fully renovated in compliance with applicable building codes; and

WHEREAS, the renovation of said residential house has been completed, and a Request for Proposals (RFP) was published for the sale of the remaining unsold portion of the former Pleasant Acres property consisting of approximately 3.5 acres of vacant land; and

WHEREAS, after review of the proposals received, the Administrative Services Committee of the County Legislature has determined that sale of the remaining property to Joshua & Elizabeth Ehmke would be in the best interest of the County; therefore be it

RESOLVED, That the County Executive is authorized and empowered to convey the remaining unsold portion of the former Pleasant Acres mobile home park property (161.02-1-40.1) in the Town of Portland to Joshua & Elizabeth Ehmke, 8700 Ransom Road, Brocton, New York, on the following terms and conditions:

1. Real Property. Tax Parcel 161.02-1-40.1 consisting of approximately 3.5 acres of vacant land on the north side of Route 20 in the Town of Portland.
2. Purchase Price. \$4500.00
3. Construction of Improvement. As a condition of sale, the purchasers shall be obligated to construct a 30 by 60 foot building as set forth in their proposal to be completed on or about October 1, 2012.
4. Other. As negotiated by the County Executive.

Signed: Barmore, Runkle, Scudder, Cornell, DeJoy

Adopted – R/C Vote: 17 Yes; 7 No; 1 Absent (No's: Ahlstrom, DeJoe, Duff, Gullo, Heenan, Mueller, Stutzman – June 22, 2011

RES. NO. 142-11

A Resolution Authorizing Issuance of \$6,500,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of a Third Dormitory Building for the Jamestown Community College

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

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital projects; therefore be it;

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The construction of a third dormitory building to house 110 students at the Jamestown Community College Campus in and for the County of Chautauqua, New York, including site improvements, original equipment, appurtenances, apparatus and other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$6,500,000. It is hereby determined that the plan of financing of such specific object or purpose shall consist of the issuance of \$6,500,000 bonds hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law; and

Section 2. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 3. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Jamestown Community College will reimburse Chautauqua County the full amount of debt service on such bonds from rental income derived from said third dormitory building, and shall further provide a ~~full faith and credit~~ guarantee for repayment of the debt service on such bonds. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 4. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 5. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 6. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Deletion indicated by strikethrough

Section 7. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell, Gould, Nazzaro, Gullo, Park, DeJoe, Richmond

Adopted – R/C Vote: 23 Yes; 2 No (No's: Ahlstrom, Duff) – June 22, 2011

RES. NO. 143-11
Quit Claim Deeds

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

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. 137-09; 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	S/B/L	Property Location	Purchaser	Offer Amt	Taxes Owning
QC-57-2011	060300-79.19-7-54	748 Park Ave	Jodi L & John C Pasquale	\$ 8,487.71	\$ 8,487.71
Totals				\$ 8,487.71	\$ 8,487.71

Offer Number	S/B/L	Property Location	Purchaser	Offer Amount	Taxes Owning
QC-91-2011	060800-370.19-3-47	230 Crossman St	James C McCray	\$ 4,164.64	\$ 4,164.64
QC-93-2011	060800-370.19-4-1	1172 Prendergast Ave	Thomas C & Kristin D Carlson	\$ 561.12	\$ 561.12
QC-108-2011	060800-370.20-7-30..A	Off Allen St.	Empire Outdoor LLC	\$ 1,328.96	\$ 1,328.96
QC-112-2011	060800-371.13-5-37	37 Flagg Ave	Chris M Paulson	\$ 2,854.26	\$ 2,854.26
QC-113-2011	060800-371.17-1-12..A	Railroad off of Tiffany	Empire Outdoor LLC	\$ 1,328.96	\$ 1,328.96
QC-115-2011	060800-386.08-7-19	19 Hammond St	Joseph A & Judie A Tedesco	\$11,634.78	\$11,634.78
QC-117-2011	060800-386.08-8-31	Hammond St	Joseph A &	\$ 1,156.51	\$ 1,156.51

			Judie A Tedesco		
QC-118-2011	060800-386.08-8-32	Hammond St	Joseph A & Judie A Tedesco	\$ 1,156.51	\$ 1,156.51
QC-119-2011	060800-386.12-6-6	26 McDaniel Ave	Barbara LaPolt	\$10,735.95	\$10,735.95
QC-128-2011	060800-387.06-2-27	808 Jefferson St	Empire Develpmt LLC	\$ 3,312.61	\$ 3,312.61
QC-159-2011	060800-387.08-9-79	566 Allen St	Vincent Donisi	\$ 4,778.02	\$ 4,778.02
QC-173-2011	060800-387.12-2-26	35 Barrows St	Roger C Penhollow	\$ 3,954.59	\$ 3,954.59
QC-182-2011	060800-387.12-4-42	225 Tower St	William A Swanson	\$ 2,034.40	\$ 2,034.40
QC-189-2011	060800-387.12-7-2	71 Bemus St	Estate of Harold E. Green	\$ 335.89	\$ 335.89
QC-190-2011	060800-387.12-7-3	75 Bemus St	Estate of Harold E. Green	\$ 5,476.51	\$ 5,476.51
QC-191-2011	060800-387.12-7-4	Bemus St	Estate of Harold E. Green	\$ 228.71	\$ 228.71
QC-196-2011	060800-387.14-1-51	25-27 Palmer St	Stephan N David	\$11,397.89	\$11,397.89
QC-217-2011	060800-387.15-11-27	144 Broadhead Ave	Tyler T. Barrett	\$ 4,058.21	\$ 4,058.21
QC-218-2011	060800-387.15-12-25	25 Park St	Nancy L Moynihan	\$ 1,669.83	\$ 1,669.83
QC-227-2011	060800-387.18-5-63	332 Forest Ave	Joseph A & Judie A Tedesco	\$10,866.79	\$10,866.79
QC-250-2011	060800-387.32-1-19	713 Cherry St	Robin M Riley	\$ 1,918.43	\$ 1,918.43
QC-307-2011	062201-368.19-2-22	22 E Summit St	Jerry & Diane Horner	\$10,219.88	\$10,219.88
QC-311-2011	062201-385.08-1-75	Southland Ave	Interstate Advisors LLC	\$ 155.92	\$ 155.92
QC-312-2011	062201-385.08-1-76	118 Southland Ave	Interstate Advisors LLC	\$ 160.07	\$ 160.07
QC-322-2011	062289-367.20-1-7	2472 Vukote Rd	Manufacturers & Traders Trust Company	\$13,557.29	\$13,557.29
QC-323-2011	062289-367.20-1-8	2472 Vukote Rd	Manufacturers & Traders Trust Company	\$ 1,087.70	\$ 1,087.70
QC-332-2011	062289-437.06-1-15	803 Busti Sugar Grove Rd	Kevin Mc Chesney	\$ 2,988.60	\$ 2,988.60
QC-333-2011	062400-406.17-1-16	7 Annis St	Jerry & Diane Horner	\$ 9,362.33	\$ 9,362.33
QC-345-2011	062601-251.03-2-23	Rear East Ave	Alayzia Lockwood & Autumn Lanneaus	\$ 280.60	\$ 280.60
QC-347-2011	062689-235.00-1-17.2	Boutwell Hill Rd	James J & Colleen M Losel	\$ 2,165.60	\$ 2,165.60
QC-350-2011	062889-263.06-1-13.2	E Lake Rd	Suzanne C Hartley	\$ 797.93	\$ 797.93
QC-351-2011	062889-263.06-1-14.2	Wooglin Rd	Suzanne C Hartley	\$ 460.18	\$ 460.18
QC-352-2011	062889-263.06-1-15.2	Wooglin	Suzanne C Hartley	\$ 284.13	\$ 284.13
QC-366-2011	063689-265.00-1-20	5301 Ellery-Centralia Rd	Manufacturers & Traders Trust Company	\$ 2,915.11	\$ 2,915.11
QC-369-2011	063689-299.00-2-12	Ellery-Centralia Rd	The Wilson Ross Revocable Trust	\$ 1,259.64	\$ 1,259.64

QC 259-2010	063803-371.07-1-13	239 E Main St	Charles G Higbee Sr & Jennifer A Higbee	\$ 6,975.30	\$ 6,975.30
QC-397-2011	063803-371.10-4-2	219 N Work St	Chaut. Home Rehab. & Improvmt Corp.	\$ 1,766.91	\$ 1,766.91
QC-420-2011	063889-386.12-1-26	Yolande Ave	Interstate Advisors LLC	\$ 473.66	\$ 473.66
QC-421-2011	063889-386.12-1-27	166 Yolande Ave	Interstate Advisors LLC	\$13,432.85	\$13,432.85
QC-422-2011	063889-386.14-2-69	S Alleghany Ave	James C McCray	\$ 421.32	\$ 421.32
QC-423-2011	063889-386.14-2-70	S Alleghany Ave	James C McCray	\$ 426.00	\$ 426.00
QC-439-2011	064401-251.03-2-24	Lester St	Alayzia Lockwood & Autumn Lanneaus	\$ 493.40	\$ 493.40
QC-441-2011	064489-269.00-1-20	1978 Edson Rd	The Robert Deering Estate	\$ 4,806.87	\$ 4,806.87
QC-464-2011	064689-117.00-1-22	10086 Prospect Rd	The Henry Fedrick Estate	\$ 5,812.49	\$ 5,812.49
QC-471-2011	064689-49.02-1-9	12355 Hanover Rd	Norman P Bromley Estate & Jane A Bromley	\$ 5,421.80	\$ 5,421.80
QC-494-2011	065400-332.16-1-52	3459 Old Bridge Rd	Town of N. Harmony	\$ 4,377.35	\$ 4,377.35
QC-505-2011	065600-339.15-2-33	3519 S US Rt 62	Gregory T & Debra Johnson	\$ 7,102.98	\$ 7,102.98
QC-538-2011	066200-239.00-1-14	Shortman Rd	Robert M DiGilarmo II, ET AL	\$ 2,991.47	\$ 2,991.47
QC-585-2011	067201-193.09-1-29	English St	Vertical Leap LLC	\$19,104.18	\$19,104.18
Totals				\$204,255.13	\$ 204,255.13

Offer Number	S/B/L	Property Location	Purchaser	Offer Amount	Taxes Owning
PA-1-2011	060300-79.07-1-44	Genet St	Daniel R Lucariello	\$ 1,000.00	\$ 535.48
PA-2-2011	060300-79.07-1-45	56 Genet St	Daniel R Lucariello	\$ 24,000.00	\$ 9,946.15
PA-5-2011	060300-79.11-5-40	201 S Roberts Rd	Ws Meds Inc	\$ 1,000.00	\$ 1,028.13
PA-6-2011	060300-79.11-5-42	209 S Roberts Rd	Si Si Ge	\$ 16,500.00	\$ 5,179.85
PA-7-2011	060300-79.11-5-49	153 E Second St	Ws Meds Inc	\$ 10,500.00	\$ 5,039.40
PA-8-2011	060300-79.11-5-62	152 E Second St	Tara N Tate	\$ 11,000.00	\$ 2,927.66
PA-9-2011	060300-79.11-6-25	208 Antelope St	William L Mosier	\$ 3,000.00	\$ 2,214.13
PA-12-2011	060300-79.11-6-70	S Gazelle St	Anthony Almeida	\$ 75.00	\$ 1,881.62
PA-13-2011	060300-79.12-1-35	35 Armadillo St	Debra A Mancuso	\$ 19,000.00	\$ 9,268.11
PA-14-2011	060300-79.12-1-43	11 Armadillo St	Debra A Mancuso	\$ 15,000.00	\$ 7,016.64
PA-16-2011	060300-79.12-3-45	160 S Serval St	Renee R Pchelka	\$ 32,000.00	\$ 9,682.17
PA-17-2011	060300-79.12-4-16	160 S Warsaw St	ROM Properties Management Inc.	\$ 29,000.00	\$ 4,705.28
PA-12-2010	060300-79.14-1-53	139 W Second St	Robert J Dunckley	\$ 8,000.00	\$ 5,899.32

REGULAR SESSION

PA-21-2011	060300-79.14-3-67	48 W Second St	Giovany Carmona	\$ 9,500.00	\$ 5,927.51
PA-22-2011	060300-79.14-8-44	417 Dove St	Daniel R Lucariello	\$ 27,000.00	\$ 5,155.85
PA-24-2011	060300-79.14-9-9	301 Dove St	Anthony Dean Dloniak	\$ 8,000.00	\$ 4,011.55
PA-25-2011	060300-79.15-1-10	210-212 Main St	Jehovah nissi Iglesia pentecos	\$ 7,000.00	\$ 16,708.85
PA-26-2011	060300-79.15-1-11	Main St	Jehovah nissi Iglesia pentecos	\$ 500.00	\$ 838.62
PA-27-2011	060300-79.15-1-12	S Beaver St	Jehovah nissi Iglesia pentecos	\$ 500.00	\$ 1,030.08
PA-28-2011	060300-79.15-1-9	S Beaver St	Jehovah nissi Iglesia pentecos	\$ 500.00	\$ 762.07
PA-29-2011	060300-79.15-2-15	6 W Talcott St	Anthony C Kapuscinski III	\$ 25.00	\$ 1,179.90
PA-30-2011	060300-79.15-2-44	100-112 Ruggle St	Joseph A Santiago	\$ 11,000.00	\$ 23,191.39
PA-32-2011	060300-79.15-3-7	Wright St	Ws Meds Inc	\$ 1,000.00	\$ 170.29
PA-33-2011	060300-79.15-3-8	43 Ruggle St	Ws Meds Inc	\$ 10,000.00	\$ 10,827.36
PA-34-2011	060300-79.15-4-54	426 Deer St	Linda Ruiz	\$ 25.00	\$ 707.60
PA-35-2011	060300-79.16-1-4	15 E Talcott St	Aida L DeJesus	\$ 16,000.00	\$ 5,930.42
PA-36-2011	060300-79.16-1-43	30 E Courtney St	Joseph A Santiago	\$ 5,500.00	\$ 6,893.42
PA-38-2011	060300-79.16-2-67	116 Townsend St	Debra A Mancuso	\$ 10,500.00	\$ 8,640.42
PA-39-2011	060300-79.16-3-38	37 St Hedwigs Ave	David A Yarber Jr	\$ 14,000.00	\$ 3,152.10
PA-40-2011	060300-79.16-4-29	S Roberts Rd	Collin P Voigt	\$ 50.00	\$ 1,102.38
PA-43-2011	060300-79.16-5-35	315 Townsend St	Jacob E Sam	\$ 25,000.00	\$ 6,824.37
PA-47-2011	060300-79.19-1-24	Columbus St	Bistaina Rivera	\$ 25.00	\$ 343.51
PA-49-2011	060300-79.19-2-27	96 Maple Ave	Ws meds Inc	\$ 6,000.00	\$ 5,830.66
PA-50-2011	060300-79.19-2-51	516 Leopard St	Anthony C Kapuscinski III	\$ 8,500.00	\$ 4,024.20
PA-53-2011	060300-79.19-5-4	91 E Sixth St	Alma Latina Mex	\$ 7,000.00	\$ 5,048.19
PA-54-2011	060300-79.19-6-10	609 Main St	Cambria Custom Furniture	\$ 6,500.00	\$ 3,911.27
PA-59-2011	060300-79.19-8-30	719 Park Ave	Si Si Ge	\$ 31,000.00	\$ 8,035.19
PA-61-2011	060300-79.20-1-69	166 King St	Jesus Cruz-Corraliza	\$ 15,000.00	\$ 3,978.81
PA-62-2011	060300-79.20-7-83	23 W Doughty St	Janice R Valvo	\$ 17,000.00	\$ 5,337.91
PA-65-2011	060300-96.10-2-23	29 Willowbrook Ave	ROM Properties Management Inc	\$ 31,000.00	\$ 3,663.51
PA-66-2011	060300-96.15-1-14	Fairview Ave	Mahendra Basdeo	\$ 3,000.00	\$ 1,168.17
PA-67-2011	060300-96.15-1-27	Central Ave Rear	Mahendra Basdeo	\$ 3,000.00	\$ 5,075.23
PA-71-2011	060800-370.14-2-19	Fluvanna Ave	James L Magee	\$ 175.00	\$ 185.37
PA-72-2011	060800-370.14-2-20	Fluvanna Ave	James L Magee	\$ 175.00	\$ 384.64
PA-73-2011	060800-370.14-4-43	W 19 th St	Richard C Atkins	\$ 50.00	\$ 9.21
PA-74-2011	060800-370.15-1-38	133 Wilson Pl	Christ First United Methodist Church	\$ 300.00	\$ 38,042.45

PA-75-2011	060800-370.15-5-45	200 Bowen St	Joy Darr	\$ 21,000.00	\$ 8,443.40
PA-76-2011	060800-370.15-7-34	145 Euclid Ave	Duncan Oleshak	\$ 27,000.00	\$ 7,859.10
PA-78-2011	060800-370.16-4-12	Clyde Ave	John Siggins	\$ 25.00	\$ 1,055.90
PA-79-2011	060800-370.16-7-3	115 Curtis St	Heather L Decker	\$ 29,000.00	\$ 14,060.58
PA-80-2011	060800-370.16-7-32	11 Cowing St	Terrance Kingsberry	\$ 3,000.00	\$ 2,576.67
PA-81-2011	060800-370.18-2-64	15 W 17 th St	Duncan Oleshak	\$ 10,500.00	\$ 8,012.58
PA-82-2011	060800-370.18-3-16	7 W 15 th St	So Jamestown to Inc	\$ 5,000.00	\$ 6,534.01
PA-84-2011	060800-370.18-4-37	54 W 11 th St	So Jamestown to Inc	\$ 13,000.00	\$ 6,633.82
PA-86-2011	060800-370.18-4-50	W 12 th St	So Jamestown to Inc	\$ 1,600.00	\$ 657.15
PA-87-2011	060800-370.18-4-55	21 W 12 th St	Royce L Duval	\$ 3,000.00	\$ 3,656.97
PA-89-2011	060800-370.19-11-26	93 Thayer St	So Jamestown to Inc	\$ 8,500.00	\$ 4,428.20
PA-90-2011	060800-370.19-2-21	1101 Prendergast Av	So Jamestown to Inc	\$ 6,750.00	\$ 3,759.04
PA-92-2011	060800-370.19-3-59	901 Prendergast Av	Kimberly D Miller	\$ 5,000.00	\$ 6,405.74
PA-94-2011	060800-370.19-4-66	1132 Prendergast Av	Royce L Duval	\$ 15,000.00	\$ 6,708.99
PA-96-2011	060800-370.20-2-1	182 Thayer St	Andrew Carlson	\$ 1,800.00	\$ 4,716.70
PA-97-2011	060800-370.20-2-31	171 Falconer St	Tiffany R Borst	\$ 16,000.00	\$ 8,507.50
PA-99-2011	060800-370.20-2-52	64 Thayer St	Andrew Carlson	\$ 700.00	\$ 2,379.51
PA-100-2011	060800-370.20-2-54	Falconer St	Andrew Carlson	\$ 50.00	\$ 226.35
PA-101-2011	060800-370.20-2-56	Falconer St	Tiffany R Borst	\$ 200.00	\$ 336.02
PA-102-2011	060800-370.20-3-27	27 Weeks St	Jamie P Ramos	\$ 7,000.00	\$ 4,045.21
PA-104-2011	060800-370.20-3-4	139 Weeks St	Duncan Oleshak	\$ 21,000.00	\$ 10,119.84
PA-105-2011	060800-370.20-4-54	238 Falconer St	So Jamestown to Inc	\$ 3,000.00	\$ 2,886.31
PA-106-2011	060800-370.20-5-14	309 Falconer St	Royce L Duval	\$ 6,500.00	\$ 4,393.21
PA-107-2011	060800-370.20-6-25	946 E 2 nd St	Karl Butera	\$ 31,000.00	\$ 13,504.31
PA-114-2011	060800-386.08-5-15	74 Lister St	James Lee	\$ 1,800.00	\$ 5,513.26
PA-116-2011	060800-386.08-7-24	356 Fairmount Ave	Bernard C Wooschlager	\$ 34,000.00	\$ 7,984.07
PA-120-2011	060800-386.12-8-24	4 Todd Ave	Kieth L Robbins Sr	\$ 100.00	\$ 973.02
PA-122-2011	060800-387.05-1-1	Jones&gifford	Dean J Adams	\$ 850.00	\$ 425.24
PA-129-2011	060800-387.06-2-45	810 Clinton St	Rick A Martin	\$ 2,000.00	\$ 909.21
PA-133-2011	060800-387.06-3-35	W 10 th St	Brenda L Walker	\$ 125.00	\$ 259.81
PA-139-2011	060800-387.06-6-14	21 W 9 th St	Edwin Correa	\$ 75.00	\$ 3,544.71
PA-140-2011	060800-387.06-6-15	19 W 9 th St	Edwin Correa	\$ 75.00	\$ 1,568.67
PA-141-2011	060800-387.06-6-2	57 W 9 th St	Micheal Lisciandro	\$ 5,500.00	\$ 4,642.20
PA-142-2011	060800-387.06-6-25	16 Valley St	Allal Benaddi	\$ 3,900.00	\$ 5,892.30
PA-143-2011	060800-387.06-6-61	W 8 th St	Ronald L. Pigman	\$ 50.00	\$ 800.55
PA-145-2011	060800-387.06-7-12	Spring St	Ronald L. Pigman	\$ 25.00	\$ 716.45
PA-146-2011	060800-387.08-1-10	41 Thayer St	Eric Thomas Rhodes	\$ 5,500.00	\$ 3,914.04

PA-147-2011	060800-387.08-1-51	E 2 ND St	Hasselback Equipment, Inc.	\$ 100.00	\$ 210.09
PA-148-2011	060800-387.08-2-46	214 Winsor St	So Jamestown to Inc	\$ 1,200.00	\$ 9,277.71
PA-149-2011	060800-387.08-4-41	117 Wescott St	Jeffrey J Crossley	\$ 7,200.00	\$ 5,322.48
PA-152-2011	060800-387.08-5-58	Chapin St	Kimberly D Miller	\$ 150.00	\$ 210.96
PA-153-2011	060800-387.08-5-59	Chapin St	Kimberly D Miller	\$ 150.00	\$ 210.96
PA-154-2011	060800-387.08-5-60	Chapin St	Kimberly D Miller	\$ 150.00	\$ 210.96
PA-155-2011	060800-387.08-5-69	Peterson St	Arthur B Davidson	\$ 50.00	\$ 483.97
PA-115-2010	060800-387.08-7-15	16 Johnson St	Eric W Anderson	\$ 6,000.00	\$ 4,532.90
PA-158-2011	060800-387.08-9-5	69 Wescott St	So Jamestown to Inc	\$ 5,000.00	\$ 5,638.06
PA-160-2011	060800-387.09-6-41	Fairview Ave	Jonathan Beach	\$ 1,500.00	\$ 1,145.44
PA-161-2011	060800-387.09-6-42	Fairview Ave	Jonathan Beach	\$ 1,500.00	\$ 832.79
PA-162-2011	060800-387.12-1-60	57 Winsor St	Arthur B Davidson	\$ 500.00	\$ 7,004.80
PA-164-2011	060800-387.12-1-2	9 Willard St	Eric W Anderson	\$ 20,000.00	\$ 8,191.04
PA-167-2011	060800-387.12-1-29	3.5-3.75 Winsor St	David Lipari	\$ 5,000.00	\$ 3,825.21
PA-168-2011	060800-387.12-1-3	Willard St	Eric W Anderson	\$ 1,000.00	\$ 1,067.91
PA-169-2011	060800-387.12-1-39	307 Allen St	Rick A Martin	\$ 500.00	\$ 7,400.42
PA-171-2011	060800-387.12-1-61	61 Winsor St	Arthur B Davidson	\$ 500.00	\$ 5,936.88
PA-172-2011	060800-387.12-2-16	137 Barrows St	Ronald L. Pigman	\$ 25.00	\$ 23,396.25
PA-174-2011	060800-387.12-2-68	440 Allen St	Arthur B Davidson	\$ 25.00	\$ 2,294.65
PA-175-2011	060800-387.12-3-48	Barrows St	John Siggins	\$ 25.00	\$ 613.14
PA-122-2010	060800-387.12-3-54	Barrows St	Arthur B Davidson	\$ 25.00	\$ 25,310.31
PA-177-2011	060800-387.12-3-63	116 Barrows St	Nicholas C Bennett	\$ 6,000.00	\$ 3,013.75
PA-124-2010	060800-387.12-3-71	Barrows St	Arthur B Davidson	\$ 25.00	\$ 716.20
PA-178-2011	060800-387.12-4-10	52 Bemus St	So Jamestown to Inc	\$ 12,500.00	\$ 5,531.66
PA-179-2011	060800-387.12-4-13	Bemus St	Roland L Williams	\$ 50.00	\$ 803.37
PA-180-2011	060800-387.12-4-14	Bemus St	Roland L Williams	\$ 50.00	\$ 248.12
PA-183-2011	060800-387.12-4-43	221 Tower St	Salvatore R Liuzzo	\$ 5,000.00	\$ 3,372.00
PA-184-2011	060800-387.12-4-45	Tower St	Arthur B Davidson	\$ 25.00	\$ 359.43
PA-185-2011	060800-387.12-5-68	27 Cedar Ave	Kevin D Colburn	\$ 14,000.00	\$ 2,933.06
PA-186-2011	060800-387.12-5-70	19 Cedar Ave	So Jamestown to Inc	\$ 5,000.00	\$ 6,939.42
PA-187-2011	060800-387.12-6-4	20 Cedar Ave	Marcia E Coone	\$ 350.00	\$ 489.88
PA-188-2011	060800-387.12-6-5	Cedar Ave	Marcia E Coone	\$ 350.00	\$ 248.12
PA-193-2011	060800-387.13-4-1	Palmer St	John Steven Nelson	\$ 550.00	\$ 1,828.50
PA-194-2011	060800-387.13-4-82	Hallock St	John Steven Nelson	\$ 550.00	\$ 558.81
PA-198-2011	060800-387.14-1-82	9 Tew St	Nicholas C Bennett	\$ 5,500.00	\$ 7,637.79
PA-199-2011	060800-387.14-10-38	19 Columbia Ave	David Lipari	\$ 75.00	\$ 2,661.12
PA-200-2011	060800-387.14-2-57	Chapman St	Walter W Pickut	\$ 50.00	\$ 563.52

PA-201-2011	060800-387.14-3-12	10 Colfax St	So Jamestown to Inc	\$ 4,500.00	\$ 5,661.40
PA-204-2011	060800-387.14-3-81	Delaware Ave	Arthur B Davidson	\$ 25.00	\$ 278.69
PA-209-2011	060800-387.14-6-68	35 Charles St	So Jamestown to Inc	\$ 4,000.00	\$ 2,051.74
PA-211-2011	060800-387.14-6-84	157 Mckinley Ave	Mahendra Basdeo	\$ 6,500.00	\$ 33,608.93
PA-212-2011	060800-387.14-7-44	63 Barrett Ave	Jason R Foster	\$ 17,000.00	\$ 3,044.59
PA-213-2011	060800-387.14-7-68	31 Barrett Ave	Kimberly D Miller	\$ 500.00	\$ 5,638.06
PA-214-2011	060800-387.14-8-9	Mckinley Ave	Arthur B Davidson	\$ 25.00	\$ 167.69
PA-216-2011	060800-387.15-10-50	23 Broadhead Ave	Thomas R Stahlman	\$ 5,500.00	\$ 7,630.13
PA-219-2011	060800-387.15-3-1	225 Allen St	Jonathan D Ribbing	\$ 1,000.00	\$ 2,465.19
PA-225-2011	060800-387.16-10-24	Hedberg Rd	Arthur B Davidson	\$ 25.00	\$ 775.40
PA-152-2010	060800-387.16-6-72	Elm St	Eric W Anderson	\$ 50.00	\$ 1,302.72
PA-226-2011	060800-387.17-5-15	376 Baker St	Chautauqua Opportunities Inc	\$ 29,000.00	\$ 8,951.81
PA-228-2011	060800-387.18-5-73	213 Barrett Ave	Kimberly D Miller	\$ 6,500.00	\$ 11,901.81
PA-233-2011	060800-387.19-6-26	Broadhead Ave	Angelo Donisi	\$ 1,600.00	\$ 409.40
PA-235-2011	060800-387.25-1-30	Spring St	Billy L Birt Jr	\$ 25.00	\$ 830.02
PA-236-2011	060800-387.25-1-39	866.5 Spring St	Telly Ortiz	\$ 400.00	\$ 4,215.48
PA-237-2011	060800-387.25-4-53	635 Prendergast Av	Jesus Figueroa-Cruz	\$ 4,500.00	\$ 5,513.26
PA-238-2011	060800-387.26-1-13	315 Lincoln St	So Jamestown to Inc	\$ 6,000.00	\$ 12,137.94
PA-239-2011	060800-387.26-1-30	36 Liberty St	Kimberly D Miller	\$ 1,000.00	\$ 3,784.81
PA-134-2009	060800-387.26-3-4	Winsor St	Arthur B Davidson	\$ 25.00	\$ 25,111.96
PA-243-2011	060800-387.26-4-52	21 Bush St	Scott R Herman	\$ 500.00	\$ 4,773.16
PA-246-2011	060800-387.31-1-18	W 8 th St	Kimberly D Miller	\$ 250.00	\$ 425.24
PA-247-2011	060800-387.31-1-21	709 Jefferson St	Kimberly D Miller	\$ 1,000.00	\$ 3,347.71
PA-248-2011	060800-387.31-1-5	W 8 th St	John R Rogowski	\$ 25.00	\$ 193.05
PA-249-2011	060800-387.32-1-12	708-710 Washington St	Jesus Torres	\$ 17,000.00	\$ 7,390.10
PA-251-2011	060800-387.32-1-2	209 W 8 th St	Billy L Birt Jr	\$ 3,500.00	\$ 3,674.44
PA-255-2011	060800-387.32-2-17	W 7 th St	Douglas C Riley	\$ 200.00	\$ 228.71
PA-256-2011	060800-387.32-2-2	33 W 8 th St	Laura Taylor	\$ 10,000.00	\$ 3,113.40
PA-257-2011	060800-387.32-2-49	22 W 7 th St	Douglas C Riley	\$ 200.00	\$ 9,777.98
PA-258-2011	060800-387.32-2-7	15 W 8 th St	Billy L Birt Jr	\$ 1,000.00	\$ 3,763.63
PA-260-2011	060800-387.33-1-12	621 Prendergast Av	Anne M Gutkowski	\$ 500.00	\$ 7,673.13
PA-268-2011	060800-387.34-2-9	6 Lincoln St	Derek Wert	\$ 1,000.00	\$ 6,152.46
PA-269-2011	060800-387.34-3-10	36 Cross St	So Jamestown to Inc	\$ 7,500.00	\$ 8,908.02
PA-270-2011	060800-387.34-4-17	215-217 Winsor St	Mahendra Basdeo	\$ 4,500.00	\$ 10,617.77
PA-271-2011	060800-387.34-4-26	207 Chandler St	So Jamestown to Inc	\$ 750.00	\$ 2,848.21
PA-272-2011	060800-387.40-1-9	W 5 th St	Ronald Miller	\$ 150.00	\$ 248.12
PA-273-2011	060800-387.40-3-39	10-12 E 2 nd St	Brian Taylor	\$ 5,000.00	\$ 6,495.72
PA-148-2009	060800-387.42-3-10	Chandler St	John Siggins	\$ 25.00	\$ 537.81

PA-276-2011	060800-387.42-3-5	103 Cross St	Foxpiper LLC	\$ 2,250.00	\$ 2,021.09
PA-278-2011	060800-387.48-1-20	24 N Main St	Etonia Raj	\$ 1,100.00	\$ 4,441.99
PA-279-2011	060800-388.05-1-49	110 Vega St	So Jamestown to Inc	\$ 19,000.00	\$ 7,803.92
PA-280-2011	060800-388.05-2-35	Peterson St	Mahendra Basdeo	\$ 25.00	\$ 213.10
PA-281-2011	060800-388.05-2-36	Peterson St	Kimberly D Miller	\$ 25.00	\$ 416.12
PA-282-2011	060800-388.05-3-27	3 Vega St	So Jamestown to Inc	\$ 13,000.00	\$ 2,840.10
PA-283-2011	060800-388.05-3-42	86 Eagle St	Foxpiper LLC	\$ 2,500.00	\$ 3,727.92
PA-284-2011	060800-388.05-6-42	545 Willard St	Jason Chinni	\$ 10,000.00	\$ 57,276.69
PA-286-2011	060800-388.09-1-5	378.5 Willard St	Angelo Donisi	\$ 400.00	\$ 2,796.34
PA-288-2011	060800-404.06-8-11	846 Forest Ave	Joshua H Stahlman	\$ 8,000.00	\$ 5,428.63
PA-289-2011	060800-404.06-8-25	Lee Ave	Daniel McMurray	\$ 150.00	\$ 352.04
PA-290-2011	060800-404.06-8-26	Lee Ave	Daniel McMurray	\$ 150.00	\$ 329.60
PA-291-2011	060800-404.06-8-27	Lee Ave	Daniel McMurray	\$ 150.00	\$ 352.04
PA-292-2011	060800-404.06-8-28	Forest Ave	Daniel McMurray	\$ 150.00	\$ 371.23
PA-293-2011	060800-404.06-8-29	Forest Ave	Daniel McMurray	\$ 150.00	\$ 352.04
PA-295-2011	060800-404.07-4-63	S Main St	3 rd & Cherry Business Centre	\$ 25.00	\$ 335.89
PA-297-2011	060800-404.08-6-4	Brad St	Kimberly D Miller	\$ 25.00	\$ 924.99
PA-298-2011	060800-404.08-6-5	Brad St	Kimberly D Miller	\$ 25.00	\$ 924.99
PA-299-2011	060800-404.08-6-6	Brad St	Kimberly D Miller	\$ 25.00	\$ 924.99
PA-300-2011	060800-404.08-6-7	Brad St	Kimberly D Miller	\$ 25.00	\$ 828.46
PA-301-2011	060800-404.08-6-8	Brad St	Kimberly D Miller	\$ 25.00	\$ 924.99
PA-304-2011	062000-166.00-1-45	2996 Bard Rd	Jason Genovese	\$ 6,500.00	\$ 3,982.66
PA-305-2011	062000-183.00-1-2	8311 Hall Rd	Feliks Zarczynski, Jr	\$ 8,000.00	\$ 10,282.93
PA-308-2011	062201-368.20-4-7	5 Gerald Ave	Daniel J Dolan	\$ 7,500.00	\$ 6,742.92
PA-309-2011	062201-385.07-4-12	Shadyside Ave	Kathy A Sullivan	\$ 100.00	\$ 15.33
PA-314-2011	062201-385.10-2-13	Laurel St	Timothy C Adam	\$ 3,900.00	\$ 711.19
PA-317-2011	062201-385.12-2-41	185 Maplecrest Ave	3 rd & Cherry Business Centre	\$ 34,000.00	\$ 11,040.85
PA-318-2011	062201-385.12-5-9	Elmcrest Ave	Craig D Merchant	\$ 25.00	\$ 301.41
PA-319-2011	062201-386.05-2-33	9 Squires Ave	Arlie Quackenbush	\$ 13,000.00	\$ 3,307.52
PA-320-2011	062201-386.05-3-9	511 E Terrace Ave	Duncan Oleshak	\$ 44,000.00	\$ 4,604.29
PA-325-2011	062289-384.08-1-9	Simpson Road-Ashville Rd	John Siggins	\$ 1,500.00	\$ 1,716.77
PA-326-2011	062289-384.12-3-32	2197 Third Ave	Kathy A Sullivan	\$ 25.00	\$ 910.42
PA-330-2011	062289-420.00-1-34	3632 Mead Rd	Christopher M Maher	\$ 7,500.00	\$ 2,791.93
PA-334-2011	062400-423.00-1-10.1	W Main St	James J Rauh	\$ 1,000.00	\$ 3,820.18
PA-335-2011	062400-423.00-1-9	W Main St	James J Rauh	\$ 1,000.00	\$ 1,478.12
PA-336-2011	062400-423.05-1-69	35 Railroad Ave	A & K East West	\$ 27,000.00	\$ 5,176.39

			Corporation		
PA-337-2011	062400-423.09-1-13	REAR W Main St	James J Rauh	\$ 1,000.00	\$ 1,925.62
PA-338-2011	062400-423.09-1-14	129 W Main St	James J Rauh	\$ 38,000.00	\$ 16,492.10
PA-343-2011	062400-459.00-1-29	Anderson Rd	Robert P Rizzardi	\$ 2,100.00	\$ 773.33
PA-344-2011	062601-251.03-1-21	Corner Park & Kent	Betty J. Ridout	\$ 1,400.00	\$ 4,200.39
PA-346-2011	062689-235.00-1-1	2407 East Rd	Gail Walter	\$ 9,500.00	\$ 2,574.62
PA-216-2010	062689-250.00-2-47	6221 Route 60	James B Thompson	\$ 6,500.00	\$ 5,383.81
PA-348-2011	062801-262.07-3-50	32 Valley St	Paul V Defrisco	\$ 37,000.00	\$ 17,786.13
PA-354-2011	063001-237.08-1-12	502 Maple Ave	Jason Syracuse	\$ 100.00	\$ 486.43
PA-356-2011	063001-237.11-1-64	6765 Main St	Bradley A Mason	\$ 700.00	\$ 3,336.40
PA-357-2011	063001-237.12-1-35	Southside Ave E	Stacy L Lawton	\$ 3,000.00	\$ 4,285.05
PA-359-2011	063089-203.00-1-32.2	7815 Aldrich Hill Rd	Eric William Eaton	\$ 31,000.00	\$ 12,438.13
PA-361-2011	063089-237.00-1-40	6445 South Rd NYS Rt 83	Herbert C Nobles	\$140,000.00	\$ 12,571.16
PA-367-2011	063689-281.09-1-42	Route 430 Rear	Todd Strong	\$ 500.00	\$ 596.83
PA-372-2011	063689-333.14-2-10	Merritt Rd	Michael D Allenson	\$ 125.00	\$ 262.00
PA-373-2011	063689-333.14-2-9	Merritt Rd Rear	Michael D Allenson	\$ 125.00	\$ 170.62
PA-602-2011	063689-369.01-1-2	2953 Route 430	Runaway Properties, LLC	\$ 13,000.00	\$ 19,384.47
PA-378-2011	063689-369.01-1-16	Sunnyside Rd	Chautauqua Watershed Conservancy	\$ 1,200.00	\$ 954.60
PA-379-2011	063689-369.09-3-74	Sunnyside Rd	Robert H Schneider	\$ 600.00	\$ 271.52
PA-380-2011	063801-369.19-1-10	35 Conewango Ave	Kevin R Brown	\$ 450.00	\$ 7,076.90
PA-384-2011	063801-369.19-5-5	E Tenth St	Lauri A Johnson	\$ 25.00	\$ 639.30
PA-385-2011	063801-369.19-5-6	E Tenth St	Lauri A Johnson	\$ 25.00	\$ 639.30
PA-386-2011	063801-386.06-3-43	Jackson Ave	Scott Dewey	\$ 75.00	\$ 345.90
PA-387-2011	063801-386.06-3-44	Jackson Ave	Scott Dewey	\$ 75.00	\$ 345.90
PA-389-2011	063801-386.07-2-11	E Fifth St (Rear)	Tracy Bankowski	\$ 25.00	\$ 253.60
PA-390-2011	063801-386.07-2-12	E Fifth St (Rear)	Tracy Bankowski	\$ 25.00	\$ 253.60
PA-391-2011	063801-386.07-2-13	E Fifth St (Rear)	Tracy Bankowski	\$ 25.00	\$ 253.60
PA-394-2011	063801-386.08-2-40	N Butts Ave	Jason Richard Evans	\$ 25.00	\$ 516.81
PA-395-2011	063803-371.06-2-17	70 W Mosher St	Dependable Apartments LLC	\$ 26,000.00	\$ 8,640.49
PA-396-2011	063803-371.07-3-26	Arthur Ave	Patricia Lang	\$ 25.00	\$ 736.70
PA-399-2011	063803-371.14-1-30	Allen St Ext (Rear)	Power Drives, Inc	\$ 2,200.00	\$ 717.08
PA-402-2011	063889-335.00-3-15	3276 Turner Rd	Angelo Donisi	\$ 1,300.00	\$ 5,583.59
PA-403-2011	063889-336.00-2-29	Tompkins Rd	Jay Holmquist	\$ 7,100.00	\$ 3,324.54
PA-404-2011	063889-336.00-3-25	Falconer-Kimball Stand Rd	Thomas C Flangella	\$ 225.00	\$ 262.00
PA-406-2011	063889-354.16-1-20	1856 E Main St Ext	Larry R Bowman	\$ 500.00	\$ 1,933.85
PA-407-2011	063889-369.11-2-10	Denslow Ave	Chautauqua Watershed	\$ 25.00	\$ 179.69

REGULAR SESSION

			Conservancy		
PA-409-2011	063889-370.09-1-12	Fluvanna Ave Ext	Jason Richard Evans	\$ 225.00	\$ 595.95
PA-410-2011	063889-370.09-1-4	Fluvanna Ave Ext (Rear)	JC Commercial Properties LLC	\$ 25.00	\$ 242.72
PA-411-2011	063889-371.00-2-16	Peck Settlement Rd	Thomas F Shelters	\$ 4,300.00	\$ 2,419.59
PA-413-2011	063889-371.14-3-6	Allen St Ext	Power Drives, Inc	\$ 2,200.00	\$ 2,303.12
PA-414-2011	063889-371.14-3-7	Allen St Ext	Power Drives, Inc	\$ 2,200.00	\$ 637.63
PA-418-2011	063889-386.11-5-17	Howard Ave	Carl J Carmen	\$ 50.00	\$ 873.52
PA-419-2011	063889-386.11-5-18	Howard Ave	Carl J Carmen	\$ 50.00	\$ 587.01
PA-424-2011	063889-386.14-2-75	S Alleghany Ave	Eileen Anne Healy	\$ 775.00	\$ 1,298.33
PA-425-2011	063889-386.14-2-76	S Alleghany Ave	Eileen Anne Healy	\$ 775.00	\$ 797.95
PA-428-2011	063889-386.20-1-2	Howard Ave	John A Dietrick	\$ 50.00	\$ 1,467.27
PA-429-2011	063889-388.06-1-17	Paxford Rd	Susanne M Zentz	\$ 25.00	\$ 351.05
PA-435-2011	064000-323.00-1-3	4290 Leach Hill Rd	Jeffrey A Haley	\$ 20,000.00	\$ 4,100.17
PA-438-2011	064200-394.00-1-14	9422 Reagan Rd	Larry R Bowman	\$ 9,500.00	\$ 2,003.17
PA-442-2011	064489-301.00-2-26	Route 380	David Lipari	\$ 7,500.00	\$ 1,060.02
PA-445-2011	064489-302.18-1-9	E Side 2 nd St	Michael J Seagrave Jr.	\$ 300.00	\$ 614.79
PA-446-2011	064489-302.18-2-24	4439/4441 Gerry -Levant Rd	Roy A Lindsley	\$ 22,000.00	\$ 4,835.08
PA-450-2011	064489-320.00-2-12	2280 Hanson Rd	Scott Herman	\$ 1,100.00	\$ 68.21
PA-452-2011	064603-32.17-3-10	6 Lincoln Ave	Foxpiper LLC	\$ 5,000.00	\$ 19,921.37
PA-264-2009	064603-32.18-7-23	0 Central Ave	David S Russo	\$ 100.00	\$ 955.64
PA-454-2011	064603-32.18-7-24	305 Central Ave	David S Russo	\$ 400.00	\$ 6,918.36
PA-455-2011	064603-49.06-3-5	13 Babcock Ave	Dawn M Capitano	\$ 31,000.00	\$ 3,349.10
PA-456-2011	064603-49.06-4-19	47 Burgess St	Alan Hebeler	\$ 19,000.00	\$ 6,400.99
PA-458-2011	064689-100.00-1-22	1121 Hopper Rd	Derek J Case	\$ 26,000.00	\$ 21,120.83
PA-468-2011	064689-33.00-1-22	0 Alleghany Rd	Laurie Bifaro	\$ 300.00	\$ 495.04
PA-469-2011	064689-33.05-1-63	0 Alleghany Rd	Alan Hebeler	\$ 5,000.00	\$ 5,376.92
PA-472-2011	064689-49.02-2-25	0 Hanford Rd	Sandra Maroney	\$ 25.00	\$ 253.83
PA-477-2011	064801-398.08-1-6	53 North St	Jason M Widrig	\$ 25.00	\$ 2,064.74
PA-478-2011	064889-383.04-1-44	Hwy 474 Blockville	Pamela L Sali	\$ 400.00	\$ 205.21
PA-484-2011	065000-405.00-3-24	S Of Co Rd 380	Brian G Nelson	\$ 2,100.00	\$ 1,020.45
PA-487-2011	065200-359.06-1-31	2823 Rt 426	James H Zank	\$ 38,000.00	\$ 83,180.54
PA-488-2011	065200-359.14-5-14	Ball Diamond Rd	Wayne L Norcross	\$ 350.00	\$ 281.24
PA-489-2011	065200-359.14-5-15	Ball Diamond Rd	Wayne L Norcross	\$ 350.00	\$ 281.24
PA-490-2011	065200-376.00-2-28	2113 Rt 426	Ervin Byler	\$ 6,000.00	\$ 5,502.68
PA-495-2011	065400-332.20-1-71	Route 394	Diman Smith	\$ 50.00	\$ 2,363.16
PA-498-2011	065400-367.00-2-18	2419 Fardink Rd	Ronald E Saxton	\$ 20,500.00	\$ 8,480.19
PA-499-2011	065400-367.00-2-24	Co Rd 43 Rear	Timothy D Ruth	\$ 250.00	\$ 1,397.45

PA-500-2011	065400-367.14-1-34	Ashville Bay Rd	Gerald Quinn	\$ 1,100.00	\$ 440.20
PA-501-2011	065400-367.14-1-38	Ashville Bay Rd	Gerald Quinn	\$ 1,100.00	\$ 318.46
PA-502-2011	065400-367.14-1-39	Ashville Bay Rd	Gerald Quinn	\$ 1,100.00	\$ 217.43
PA-503-2011	065400-367.14-1-40	Route 394	Gerald Quinn	\$ 1,100.00	\$ 2,166.24
PA-504-2011	065400-384.11-1-10	4790 Route 474	Obdullio Inc	\$ 24,500.00	\$ 13,370.84
PA-506-2011	065600-374.00-2-4.2	Mud Creek Rd	Delman D Lowers Jr	\$ 7,250.00	\$ 6,682.29
PA-507-2011	065801-113.07-3-33	Lambert Ave	JSG Marina Holdings, LLC	\$ 500.00	\$ 9,325.05
PA-508-2011	065801-113.10-2-21	Maple Ave	Robert C Cash	\$ 100.00	\$ 621.75
PA-510-2011	065801-113.15-4-48	104 Eagle St	ROM Properties Management Inc	\$ 20,000.00	\$ 15,803.87
PA-512-2011	065889-111.00-1-14	Berry Rd	JSG Marina Holding, LLC	\$ 12,000.00	\$ 2,056.35
PA-513-2011	065889-112.00-1-23	Van Buren Rd	John R Davis Jr	\$ 650.00	\$ 1,369.74
PA-514-2011	065889-112.00-1-36	Berry Rd	Raymond Ceranowicz	\$ 25.00	\$ 842.39
PA-517-2011	065889-145.00-2-75.1	Walden Rd	Frank Bartela	\$ 3,750.00	\$ 513.78
PA-518-2011	065889-145.00-2-79	5315 W Main Rd	Obdullio Inc	\$ 33,000.00	\$ 10,669.02
PA-519-2011	065889-147.00-3-45	Osborne Rd	David P DeJoe	\$ 8,250.00	\$ 769.60
PA 334-2010	066001-144.20-2-31	Smith St	Karen M Ardillo	\$ 25.00	\$ 1,278.76
PA-522-2011	066001-145.17-3-10	65 E Main St	Feliks Zarczynski, Jr	\$ 8,000.00	\$ 10,542.47
PA-523-2011	066001-162.09-1-25	89 Old Mill Rd	Obdullio Inc	\$ 33,000.00	\$ 11,789.35
PA-524-2011	066089-143.16-1-47	Rt 5	Nathan A Terrill	\$ 200.00	\$ 432.50
PA-525-2011	066089-143.16-1-62	Rt 5	Nathan A Terrill	\$ 200.00	\$ 284.23
PA-526-2011	066089-144.00-1-57	9049 Pecor St	Sandra J Herr	\$ 50.00	\$ 1,527.50
PA-527-2011	066089-145.00-1-42	5720 Rt 20	Lance Holden Cave	\$ 6,500.00	\$ 10,179.65
PA-530-2011	066089-161.02-1-27.1	6186 Rt 20	Paul A Bigelow	\$ 6,000.00	\$ 9,071.13
PA-531-2011	066089-161.10-2-5	6393 Rt 20	Mark Bal	\$ 10,000.00	\$ 8,290.15
PA-533-2011	066200-208.10-1-19	E Lake Rd	James B Miller	\$ 1,100.00	\$ 782.59
PA-534-2011	066200-208.10-1-22	First Ave	James B Miller	\$ 25.00	\$ 171.31
PA-539-2011	066200-239.08-1-12	6443 Valley Dr	Tim D Furlow	\$ 5,000.00	\$ 1,550.38
PA-540-2011	066200-240.11-1-21	135 W Main St	Anthony Almeida	\$ 3,750.00	\$ 71,424.30
PA-541-2011	066200-240.12-2-10	15 N State St	Justin J Safford	\$ 1,800.00	\$ 11,194.12
PA-542-2011	066200-240.12-3-14	32 W Main St	Ronald Belson	\$ 1,750.00	\$ 5,034.45
PA-545-2011	066200-240.15-1-12	10231 W Main Rd	Amanda M Belson	\$ 4,000.00	\$ 139,407.21
PA-546-2011	066200-240.15-1-7	W Main Rd	Amanda M Belson	\$ 4,000.00	\$ 26,925.71
PA-547-2011	066200-240.15-1-8	W Main Rd	Amanda M Belson	\$ 500.00	\$ 8,654.74
PA-548-2011	066200-240.16-1-4	114 W Main St	Barbara L Feiss	\$ 2,500.00	\$ 86,262.49
PA-552-2011	066200-241.00-1-27	6499 Klondike Rd	Bobbie J White	\$ 900.00	\$ 2,682.26
PA-553-2011	066200-241.05-1-1	Wiley Rd	Amanda M Belson	\$ 100.00	\$ 1,629.71

REGULAR SESSION

PA-554-2011	066200-241.13-1-10	26 Mechanic St	Ronald Belson	\$ 2,750.00	\$ 12,756.87
PA-559-2011	066200-293.00-1-19	4745 Rt 76	Elizabeth A Rotunda	\$ 5,200.00	\$ 5,236.75
PA-560-2011	066200-293.00-1-20	4749 Rt 76	Elizabeth A Rotunda	\$ 3,000.00	\$ 7,166.02
PA-563-2011	066400-63.00-2-36	Newell Rd – Rear	David Palmatier	\$ 5,400.00	\$ 905.18
PA-565-2011	066400-80.00-3-28.1	3213 Middle Rd	Denison Enterprises Real Estate	\$115,000.00	\$ 114,044.34
PA-567-2011	066601-328.06-2-27	122 Church St	Douglas A Neal	\$ 100.00	\$ 5,728.42
PA-568-2011	066601-328.10-1-54	West Main St	Dennis Paul Kulpa	\$ 150.00	\$ 193.83
PA-569-2011	066601-328.11-1-48	104 Miller St	Wendy Ryan	\$ 4,000.00	\$ 7,207.77
PA-570-2011	066689-327.00-2-12	8575 Route 430	John Wall	\$ 12,000.00	\$ 2,670.88
PA-573-2011	066889-196.00-4-5.1	5124 Route 380 N	John R Davis	\$ 9,000.00	\$ 4,987.48
PA-574-2011	066889-199.00-1-3	Rt 60 rear	Denison Enterprises Real Estate	\$ 25.00	\$ 274.50
PA-575-2011	066889-214.08-1-28	7334 N Main St	William T Johnston	\$ 100.00	\$ 9,146.96
PA-576-2011	066889-214.12-1-12	4610 W Railroad Ave	Elizabeth Perry	\$ 1,200.00	\$ 4,135.02
PA-579-2011	066889-232.00-1-34	6409 S Stoc-Cass Rd	Elizabeth Perry	\$ 8,500.00	\$ 5,019.58
PA-580-2011	066889-249.00-1-38	James Rd	Tammy L Beaman	\$ 1,300.00	\$ 892.55
PA-582-2011	067000-169.00-1-39	Route 83	H3 LLC	\$ 4,500.00	\$ 4,137.69
PA-583-2011	067000-169.00-1-44	Butcher Rd	H3 LLC	\$ 4,500.00	\$ 3,472.25
PA-584-2011	067000-187.00-1-22		Jason Zollinger	\$ 400.00	\$ 464.02
PA-586-2011	067201-193.13-1-18	25 Clark St	Virgilio Rodriguez	\$ 25.00	\$ 5,854.32
PA-589-2011	067289-208.06-3-36	Ninth Ave (Shorehaven)	Jason Richard Evans	\$ 100.00	\$ 755.73
PA-590-2011	067289-208.06-3-37	Ninth Ave (Shorehaven)	Jason Richard Evans	\$ 100.00	\$ 755.73
PA-591-2011	067289-208.06-4-19	Wilson Dr (Shorehaven)	Ernest J Rammelt	\$ 125.00	\$ 284.28
PA-592-2011	067289-208.06-4-20	Tenth Ave (Shorehaven)	Ernest J Rammelt	\$ 125.00	\$ 284.28
PA-593-2011	067289-208.06-4-21	Tenth Ave (Shorehaven)	Ernest J Rammelt	\$ 125.00	\$ 284.28
PA-594-2011	067289-208.06-4-22	Tenth Ave (Shorehaven)	Ernest J Rammelt	\$ 125.00	\$ 284.28
PA-595-2011	067289-208.06-4-23	Tenth Ave (Shorehaven)	Ernest J Rammelt	\$ 125.00	\$ 284.28
PA-596-2011	067289-208.06-4-24	Tenth Ave (Shorehaven)	Ernest J Rammelt	\$ 125.00	\$ 284.28
PA-597-2011	067289-208.10-4-24	Seventh Ave (Shorehaven)	Ernest J Rammelt	\$ 100.00	\$ 578.71
PA-598-2011	067289-208.10-4-25	Seventh Ave (Shorehaven)	Ernest J Rammelt	\$ 100.00	\$ 578.71
PA-599-2011	067289-208.10-4-28	Seventh Ave (Shorehaven)	Ernest J Rammelt	\$ 100.00	\$ 603.08
PA-601-2011	067289-260.00-2-38	Sherman Rd	Jason Richard Evans	\$ 25.00	\$ 184.56

				\$2,120,875.00	\$1,942,767.79
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Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

MOVED by Legislator Barmore, SECONDED by Legislator Himelein to amend by the following:

Offer #	Munic.	S/B/L	Property Location	Purchaser	Offer Amount	Taxes Owning
Parcels to be Removed						
PA-12-2010	C/Dnk	060300-79.14-1-53	139 W Second St	Robert J Dunckley	\$ 8,000.00	\$ 5,899.32
PA-43-2011	C/Dnk	060300-79.16-5-35	315 Townsend St	Jacob E Sam	\$25,000.00	\$ 6,824.37
PA-61-2011	C/Dnk	060300-79.20-1-69	166 King St	Jesus Cruz-Corraliza	\$15,000.00	\$ 3,978.81
PA-66-2011	C/Dnk	060300-96.15-1-14	Fairview Ave	Mahendra Basdeo	\$ 3,000.00	\$ 1,168.17
PA-67-2011	C/Dnk	060300-96.15-1-27	Central Ave Rear	Mahendra Basdeo	\$ 3,000.00	\$ 5,075.23
PA-97-2011	C/Jmstn.	060800-370.20-2-31	171 Falconer St	Tiffany R Borst	\$16,000.00	\$ 8,507.50
PA-101-2011	C/Jmstn.	060800-370.20-2-56	Falconer St	Tiffany R Borst	\$ 200.00	\$ 336.02
PA-141-2011	C/Jmstn.	060800-387.06-6-2	57 W 9Th St	Micheal Lisciandro	\$ 5,500.00	\$ 4,642.20
PA-164-2011	C/Jmstn.	060800-387.12-1-2	9 Willard St	Eric W Anderson	\$20,000.00	\$ 8,191.04
PA-211-2011	C/Jmstn.	060800-387.14-6-84	157 Mckinley Ave	Mahendra Basdeo	\$ 6,500.00	\$33,608.93
PA-237-2011	C/Jmstn.	060800-387.25-4-53	635 Prendergast Av	Jesus Figueroa-Cruz	\$ 4,500.00	\$ 5,513.26
PA-256-2011	C/Jmstn.	060800-387.32-2-2	33 W 8Th St	Laura Taylor	\$10,000.00	\$ 3,113.40
PA-270-2011	C/Jmstn.	060800-387.34-4-17	215-217 Winsor St	Mahendra Basdeo	\$ 4,500.00	\$10,617.77
PA-273-2011	C/Jmstn.	060800-387.40-3-39	10-12 E 2Nd St	Brian Taylor	\$ 5,000.00	\$ 6,495.72
PA-280-2011	C/Jmstn.	060800-388.05-2-35	Peterson St	Mahendra Basdeo	\$ 25.00	\$ 213.10
PA-308-2011	V/ Lkwd	062201-368.20-4-7	5 Gerald Ave	Daniel J Dolan	\$ 7,500.00	\$ 6,742.92
PA-344-2011	V/ Sincl.	062601-251.03-1-21	Corner Park & Kent	Betty J. Ridout	\$ 1,400.00	\$ 4,200.39
PA-216-2010	Charlotte	062689-250.00-2-47	6221 Route 60	James B Thompson	\$ 6,500.00	\$ 5,383.81
PA-602-2011	Ellery	063689-369.01-1-2	2953 Route 430	Runaway Properties, LLC	\$13,000.00	\$19,384.47
PA-394-2011	V/Celoron	063801-386.08-2-40	N Butts Ave	Jason Richard Evans	\$ 25.00	\$ 516.81
PA-396-2011	V/Falconer	063803-371.07-3-26	Arthur Ave	Patricia Lang	\$ 25.00	\$ 736.70
PA-409-2011	Ellicott	063889-370.09-1-12	Fluvanna Ave Ext	Jason Richard Evans	\$ 225.00	\$ 595.95
PA-499-2011	North Harmony	065400-367.00-2-24	Co Rd 43 Rear	Timothy D Ruth	\$ 250.00	\$ 1,397.45
PA-512-2011	Pomfret	065889-111.00-1-14	Berry Rd	JSG Marina Holding, LLC	\$12,000.00	\$ 2,056.35
PA-539-2011	Ripley	066200-239.08-1-12	6443 Valley Dr	Tim D Furlow	\$ 5,000.00	\$ 1,550.38
PA-589-2011	Westfield	067289-208.06-3-36	Ninth Ave (Shorehaven)	Jason Richard Evans	\$ 100.00	\$ 755.73
PA-590-2011	Westfield	067289-208.06-3-37	Ninth Ave (Shorehaven)	Jason Richard Evans	\$ 100.00	\$ 755.73

PA-601-2011	Westfield	067289-260.00-2-38	Sherman Rd	Jason Richard Evans	\$ 25.00	\$ 184.56
					\$172,375.00	\$148,446.09

Parcels going to backup bidders

PA-45-2011	C/Dnk	060300-79.16-6-1	501 S Roberts Rd	Alma Latina Mex *****	\$ 12,500.00	\$ 23,963.22
PA-156-2011	C/Jmstn.	060800-387.08-8-48	52 Hedges Ave	Mary C Joyce *****	\$ 3,500.00	\$ 3,424.06

Unanimously Adopted as amended – R/C Vote: 24 Yes; 1 Absent – June 22, 2011

LOCAL LAW
INTRODUCTORY NUMBER 6-11
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
RE: SIZE OF COUNTY LEGISLATURE

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

Section I. Amendment to County Charter.

Section 2.00 of the Chautauqua County Charter governing the form and composition of the County Legislature is hereby amended as follows:

Section 2.00 County Legislature

The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, comprised of members elected as the County Legislature may determine. Commencing after the regular federal census in 2010, all plans of apportionment of the County Legislature thereafter adopted shall provide for a County Legislature consisting of no greater than nineteen (19) members, and shall be enacted pursuant to the grant of authority set forth in Section 10(1)(ii)(a)(13) of the New York State Municipal Home Rule Law.

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 of either (i) a permissive referendum is held in accordance with Municipal Home Rule Law, or (ii) the County Legislature on its own motion, in the manner provided in the Municipal Home Rule Law, shall provide that this Local Law shall be submitted to the qualified electors of the County for their approval.

Mailed: 6/10/11

Adopted by Legislature: 6/22/11 R/C Vote: 23 Yes; 1 No; 1 Absent (No: Richmond)

Public Hearing: 7/8/11

Adopted as LL 5-11

New Language Underlined

2nd Privilege of the Floor

Mr. Lance Spicer, 32 W. James Street, Falconer, N.Y. Good evening members of the Chautauqua County Legislature. I am the Chairman of the Board of Trustees of Jamestown Community College and former Chairman of this Legislature from 1990 through 1995. First I would like to offer the regards of Dr. DeCinque, President of the college. He is not able to be here this evening due to an outstanding out of town commitment scheduled quite some time ago. I want to express my deep appreciation along with that of the Board and administration of the college and that of a thousand of students who will now use the new resident's hall over the decades to come. For passing this resolution authorizing the use of Chautauqua County's debt service facility for the financing of the third resident's hall. By authorizing the issuance of debt service on behalf of the college, of course, to be fully repaid with interest, over the term of the debt by the college, you have provided significant savings to future generations of JCC students and have made the dream of attending college more affordable. We have fortunate indeed to have government leaders like you with a vision to continue to enter into partnership arrangements such as the one which you voted on tonight, which enables the betterment of those who live and work in our County's communities. This partnership between JCC and the County is truly a benefit for both entities. For the County it means both that it's home grown students will have an opportunity to remain local and that the economic region will benefit from having students from inside and outside of JCC service areas live here and contribute to our economy. For Jamestown Community College it means that affordable, dependable, long term financing for the resident's hall is being made available and that the college's viability will be fortified through the ability to offer an even stronger resident's life program. Having the ability to attract students from outside our service area, will help us maintain our enrollment in the face of declining local demographics and will allow us to continue to provide the quality education for which JCC has become known and respected. I am certain that what you have approved this evening will serve as a best practice for community colleges throughout New York State just as I am certain that the collegial professional manner in which the college and Chautauqua County government interact is the envy of many if not all SUNY community colleges. I wish to extend a sincere thanks of the college to County Executive Greg Edwards, County Attorney, Steve Abdella, Director of Finance, Darin Schulz. I also wish to thank Chairman Croscut, Committee Chairs, Legislators Jay Gould and Legislator Larry Barmore and each and every member of this Legislature for your leadership and support of our request for assistance in obtaining financing. We at Jamestown Community College look forward to our continued partnership with Chautauqua County government and the mutual benefits to be derived there from. Have a pleasant evening, it was nice to visit. I have watched your deliberations and it brought back a lot of memories. Thank you.

Chairman Croscut: Anyone else to speak to the privilege of the floor?

Mr. William Reynolds, III, I live at 5064 Bly Hill in Ashville, N.Y., in the wonderful time in North Harmony which was privilege to serve as Supervisor for 7 terms and I appreciate all the hard work that all of you Legislators do. Just a quick announcement that the Chautauqua Lake Twin Tier Antique Classic Boat Show is July 8th and 9th and we're collaborating with the Ferry group to celebrate the 200 anniversary too, so you are all invited to come and see some relics, if you would, of some of these antique and classic boats.

Chairman Croscut: Anyone else?

MOVED by Legislator DeJJoe, SECOND by Legislator Borrello and duly carried the meeting was adjourned. (8:15 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, July 27, 2011
Clarion
30 Lake Shore Dr.
Dunkirk, N.Y. 14048

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

Clerk Lemon called the roll and announced a quorum present.

Legislator Barmore delivered the prayer and pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator Runkle and duly carried the minutes were approved. (6/22/11)

Privilege of the Floor

My name is Mike Gleason, with the Ashville Fire Department. My physical address is Iden Road, Mayville, N.Y.. I live just outside of Panama. I have been a past Fire Chief of the Ashville Fire Department, past Commissioner of the Ashville Fire Department and I now currently hold the position of 3rd Battalion Fire Coordinator for Chautauqua County. But what I am here for tonight is, there is, on the agenda the approval for the sale of property of the County Park's barn in the Village of Ashville or the borough of Ashville. Technically there is no Village of Ashville. Our fire department is not in favor of our commissioners buying this building. They are actually buying this building to appease 10 people. Why have 250 people that say they don't want us to speak against it. So that is why I am here tonight for them. Plus myself, I am a taxpayer of the Town. I don't want to see us waste our money if we don't have to. The whole purpose of us, we had a fire hall that was falling into the creek, we tore it down and built a brand new fire station in Stow, closer to the center of our fire district. So consolidation, which is huge across our State and County, we have all been fighting for that for years. So, we did that last August, so we have gone almost a year of consolidation, everything has been working fine. We have two commissioners that think we should have another fire station which is added cost, added everything to our tax base and everything in the Town. I have a list here and I am kind of going through this as I can as quick as possible. But our biggest concern is that we don't need another building. Now, for the County to sell that building to somebody is a great thing. It adds to our budget, helps us out throughout the County and that is great but to take, for the fire district, it creates another headache for us because it's another building to maintain, after we just spent a million dollars to build a building to consolidate. So the taxpayers that I have talked with, I have talked with specially, is Mark Anderson who owns Camp Chautauqua, which is one of our biggest tax landowners in our Town. He wanted me to speak out. He's 100% against us spending more money. The biggest thing, I am standing here protecting the taxpayers from us to buy something that we don't need and for the County, I have seen throughout watching the newspapers and talking with all of the Legislators, consolidation is huge. We have 42 fire departments in our County. Less than 5 miles from your house anywhere in the County, you have a fire station. So if we consolidate a few of them where the departments that have two fire stations we're going to save our taxpayers of the Town of North Harmony and in the big picture, we'll save us all money doing the same job. That is why I am here. It is your decision on whether you make the sale. I don't know there were bids on the building. Not even sure if we are the high bidder. It wasn't through public knowledge how it all worked. Our Commissioners actually sent the bid and I am a past Commissioner so I know the rules, sent that bid to the County for the purchase of that building and didn't even have it approved at a meeting. We don't have a permissive referendum yet to change our budget to even know if you guys are even going to get the money. We have the money, but not saying that you are going to get it. So it is one of those ones that I really personally speaking on behalf of people of the Town and myself think that we should research this before anybody ever buys that building. That building is also zoned residential

one. I talked with the Zoning Officer which isn't even zoned for a fire station which we would have to go to the Zoning Board, which shouldn't be hard because it would be a fire station. But there is a lot of homework to be done on that before our taxpayers should even try and pay for that. The last thing that baffles me and it happens everyday but, I have a hard time dealing with taxpayers buying a taxpayers building. One side of the taxpayers own it, where going to take taxpayers money and buy it again. It's almost like robbing Peter to pay Paul. But thank you for your time. There is definitely a lot of concern in our Town. There are 10 or 12 people for it but there is more than 200 plus that are against it that would rather see it go to the vote of the taxpayers whether we purchase that or not in our own Town. So, I thank you your time. If anybody has a question I would be glad to answer it.

Chairman Croscut: Anyone else to speak to the first privilege of the floor?

My name is Jean Pasota, from Forestville, N.Y. I notice on your agenda you have some resolution for confirmation of appointments to the Chautauqua County Ethics Board. This is a great concern to me only because I have been involved in several altercations that kind of says that there is no ethics out there. I do know that Governor Paterson had tried to pass something at the State level but he vetoed that measure and I think that Governor Cuomo us also attempting it but the biggest problem is there is no teeth. So I was just wondering what the Chautauqua County Ethics Board, is there teeth if there is wrongdoing on the part of politicians? It seems that their shenanigan gets widespread down play by certain media sources here in Chautauqua County. I am sure that there are areas that need some improvement. I have studied this and I think without integrity and moral development among the people that represent us, it's essential that there is that code of ethics involved in their actions. So, I was just wondering, is this Board just in name only or does it have some kind of teeth, or is it a weapon against the wrongdoings that are in political office and really are kind of doing things that are not kosher. Thank you.

Chairman Croscut: We do not usually do questions and answers during the first privilege of the floor but a simple answer would be yes.

Mrs. Pasota: Is that downloadable off the computer?

Chairman Croscut: We can send it to you if you would come up and give your name to one of the two people sitting over there and we'll be more happy to send it to you. Anyone else to speak to the first privilege of the floor? Seeing none, I'll close the first privilege of the floor.

COMMUNICATIONS:

1. Letters (5)-Co. Executive-Appts/Re-Appts. Stop DWI; Disaster Preparedness; Seneca Trail Resource; Ethics Bd; Chaut. Opportunities
 2. Report-Dir of Finance-Schulz -June 2011 Investment Report
 3. Minutes-Soil & Water Conserv. Dist. 06/23/11
 4. Letter-Assemblyman Kolb-Ack. Receipt of Motion 11-11
 5. Fax-Senator Young-Ack. Receipt of Invitation to Audit & Control
 6. Highlights-NYS Fish & Wildlife-03/15-05/15/11
 7. Letter-NYSAC-RE: Health Insurance Costs
 8. Letter-Fulton County-Cause and Effects-State-Imposed Mandates and Prop. Taxes
 9. Letter-Insyte Consulting-RE: Tech. Asst. Program
 10. RES-Village of Celoron-RE: Implementation of Emerg. Commun. System
 11. Letter-Cornell Coop Ext.-RE: Invite to the 4-H Teen Ambassador Program
 12. Letter-Scandinavian Folk Festival-Letter of Thanks-Occupancy
 13. Letter-NYS Public Service Commission-RE: Mobile Stray Voltage Testing
 14. Report-Budget Department-RE: Cost Allocation Plan
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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 06/22/11

MOTION: (On file w/ Leg. Data)
12-11 Support Bill #5255C – RE: Regionalization of School District in Chautauqua County – Adopted
w/ Legislator Downey voting "no"

RES. NO. 144-11
Confirm Appointments - Chautauqua County Ethics Board

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Ethics Board.

William Tucker 5 Hilldale Ave. Jamestown, N.Y. 14701	Replacing Vince Horrigan Term Expires: 1/31/12
Susan Crossett Dilks 8320 Shumla Rd. Cassadaga, N.Y. 14718	Replacing Dave Thomas Term Expires: 1/31/12

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – July 27, 2011

RES. NO. 145-11
Confirm Appointment & Re-Appointments - Chautauqua County Opportunities Inc.

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

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

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

Re-Appointments:

Patricia Christina One Brendon Court Fredonia, NY 14063 Term to Expire: 6/30/12	Joseph A. Gerace 235 Hunt Road, W.E. Jamestown, NY 14701 Term Expires: 6/30/12
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Legislator Douglas Richmond
27 East Main Street

Benjamin Spitzer
5841 Snug Harbor Dr.

Westfield, NY 14787
 Term to Expire: 12/31/11

Mayville, N.Y. 14757
 Term Expires: 6/30/12

Paul Whitford
 25 Pearl Ave.
 Jamestown, N.Y. 14701
 Term Expires: 6/30/12

New Appointment:

Kurt Lindstrom
 Cappello Arms
 47 Main Street
 Silver Creek, N.Y. 14136

Replacing Susan Forrester Mackay

Term Expires: 6/30/12

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James

Unanimously Adopted – July 27, 2011

RES. NO. 146-11
 Confirm Appointment – STOP DWI Advisory Board

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

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

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

Paula DeJoy
 219 Barrows St.
 Jamestown, N.Y. 14701

Legislative Representative
 Term Expires: 12/31/11

Signed: Richmond, Himelein, Duff, Mueller, Downey

Unanimously Adopted – July 27, 2011

RES. NO. 147-11
 Confirm Appointments - Chautauqua County Disaster Preparedness Commission

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Disaster Preparedness Commission.

New Appointments:

Stacey Hannon Replacing John D'Agostino
 71 Newton Ave.
 Jamestown, N.Y. 14701 Term Expires: 12/31/13

Warren Riles Barry Swanson
 PO Box 357 201 E. 2nd St.
 39 Main St. Jamestown, N.Y. 14701
 Forestville, N.Y. 14062 Term Expires: 12/31/13
 Term Expires: 12/31/13

Signed: Richmond, Himelein, Duff, Mueller, Downey

Unanimously Adopted – July 27, 2011

RES. NO. 148-11

Confirm Appointment & Re-Appointments – Seneca Trail Resource Conservation & Development Board

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

WHEREAS, County Executive Gregory J. Edwards, has submitted the following appointment 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 Seneca Trail Resource Conservation and Development Board:

Re-Appointments:

Lawrence Brown (Soil & Water Conservation District)
 11 Snell Place
 Jamestown, New York 14701
 Term Expires: 5/31/2014

Fred Croscut (Representing Legislature)
 3375 Waits Corners Road
 Sherman, New York 14781
 Term Expires: 5/31/2014

New Appointment:

Tom Ormond (Member-at-Large) Replacing
 225 Miller Valley Rd. Lawrence Rater
 Kennedy, N.Y. 14747
 Term Expires: 5/31/2014

Signed: Park, Kindberg, Borrello, Tarbrake

Unanimously Adopted – July 27, 2011

RES. NO. 149-11

Authorize Public Hearing on Proposed Lease of Airport Restaurant Facilities at Chautauqua County Airport at Jamestown

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Airport Manager has tentatively negotiated a proposed lease with Teel Wolcott, 4095 Pickard Road, Sinclairville, New York, for operation of the restaurant facilities at the County Airport at Jamestown; and

WHEREAS, the Airport Commission has considered and recommended a lease with the proposed tenant; and

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

RESOLVED, That pursuant to provisions of the General Municipal Law a public hearing shall be held at the meeting of the County Legislature on August 24, 2011 at 6:45 pm in Legislative Chambers, Gerace Office Building, Mayville, NY 14757 on the proposed lease of airport restaurant facilities at the County Airport in Jamestown upon substantially the following proposed terms and conditions:

1. Rent: Payment of the sum of \$600 per month due on the first day of each month;
2. Term: A one year term beginning on or about September 1, 2011;
3. Utilities: County shall provide electric, gas and water and Tenant shall provide telephone and waste disposal service;
4. License: Lease shall be contingent upon issuance of a liquor license to Tenant by the New York State Liquor Authority;
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: Babbage, DeJoe, Barmore, Stewart, Nazzaro

Unanimously Adopted – July 27, 2011

RES. NO. 150-11

Accept Grant from FAA to Relocate Newell Rd. Construction Phase 1 Part of R/W 24 Extension Project at the Dunkirk Airport

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Legislature by prior resolutions, the Airport Commission, the NYSDOT and FAA have approved a project for the Chautauqua County Airport at Dunkirk for the construction of Newell Rd. Relocation Phase I, for Runway 24 extension, AIP Project # 3-36-0022-44-11; and

WHEREAS, the FAA has issued a grant in the amount of \$623,770 to relocate Newell Road – Construction Phase I as part of the Runway 24 Extension Project; and

WHEREAS, the NYSDOT has offered a matching grant to the Federal grant for 2.5% of the non-federal share of eligible costs; and

WHEREAS, Chautauqua County had committed funds in its 2011 adopted budget for the construction phase of the above mentioned project; therefore be it

RESOLVED, That Chautauqua County hereby accepts the grant offer from the Federal Aviation Administration for financial assistance for AIP Project #3-36-0022-44-11 at the Chautauqua County Airport at Dunkirk; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary documents and agreements on behalf of Chautauqua County with New York State, FAA, engineers and contractors in connection with this project.

Signed: Babbage, DeJoe, Barmore, Stewart, Nazzaro, Gould, Runkle, Park, Richmond

Adopted w/ Legislators Ahlstrom, Gullo, Heenan, Mueller voting "no" – July 27, 2011

RES. NO. 151-11

Authorize Transfer of Funds to Reimburse Capital Contingent Account

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

WHEREAS, Resolution 79-11 authorized the transfer of \$38,000 from the County Contingency account to purchase a 1999 Oshkosh 2 Stage Snow Blower Attachment; and

WHEREAS, that purchase was completed and the funds dispersed to the seller; and

WHEREAS, the county received \$37,645.20 from the insurance company as a result of the claim for damage to the original blower attachment; therefore be it

RESOLVED, That the Finance Director is hereby directed to make the necessary adjustments to the 2011 Budget in order to reimburse the Contingency Account:

DECREASE CAPITAL REVENUE ACCOUNT:

H.5610.152.R503.1000	Interfund Transfer – Interfund Transfer	\$37,645.20
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ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.152.R268.0000	Insurance Recoveries	\$37,645.20
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DECREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfer – Transfer to Capital	\$37,645.20
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INCREASE APPROPRIATION ACCOUNT:

A.1990.----.4	Contractual – Contingency	\$37,645.20
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Signed: Babbage, DeJoe, Barmore, Stewart, Nazzaro, Gould, Runkle, Park, Richmond

Unanimously Adopted – July 27, 2011

RES. NO. 152-11

Authorize Agreement with City of Jamestown for Award of 2011 Edward Byrne JAG Grant

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

WHEREAS, the Office of the Sheriff and the City of Jamestown Police Department have successfully been awarded a 2011 Edward Byrne Justice Assistance Grant (JAG) in the amount of \$17,690.00; and

WHEREAS, the Sheriff's Office will be receiving \$8,845.00 of the JAG funds for purchase of surveillance cameras and equipment; and

WHEREAS, an agreement with the City of Jamestown must be established to properly distribute the funds; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the City of Jamestown for the proper receipt and distribution of grant funds to the County Sheriff's Office.

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Runkle, Park

Unanimously Adopted – July 27, 2011

RES. NO. 153-11

Authorize Acceptance of Aid to Prosecution Funds 2011-2012

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

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$38,900.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from April 1, 2011 through March 31, 2012; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the District Attorney plans to include the appropriations and funding for this grant in the 2012 Budget; therefore be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to prosecute serious felony cases; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State program will not be continued if said program is abolished.

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Runkle, Park

Unanimously Adopted – July 27, 2011

RES. NO. 154-11
Increase Appropriation Accounts for WIC COLA Funding

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

WHEREAS, the New York State Department of Health has awarded a Cost of Living Adjustment (COLA) award in the amount of \$52,967 to the Chautauqua County Department of Health for the Women, Infants and Children's (WIC) grant program pursuant to Part F of Chapter 111 of the Laws of 2010; and

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

WHEREAS, the Health Department has utilized \$7,000 of this funding to reduce the 2011 local share by offsetting salary and fringe benefits for staff already in the 2011 budget; and

WHEREAS, the 2011 Chautauqua County Adopted Budget does not include the balance of this additional grant funding, therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.4082.4	Contractual – WIC Program	\$45,967
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INCREASE REVENUE ACCOUNT:

A.4082.R345.0WIC	State Aid – WIC COLA	\$45,967
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Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James, Nazzaro, Runkle, Park, Richmond

Unanimously Adopted – July 27, 2011

RES. NO. 155-11
Accept Enhanced Drinking Water Grant Funding

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

WHEREAS, the New York State Health Department has awarded \$154,364 per year in grant funding to the Chautauqua County Health Department for the Enhanced Drinking Water Program for the period 4/1/10 to 3/31/15; and

WHEREAS, no matching funds are required for this grant and the 2011 portion is included in the 2011 budget, and

WHEREAS, this grant will enable the County to ensure drinking water from public water supplies is as safe as possible and that the County's drinking water program complies with New York State requirements, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the above-named grantor for funding on an annual basis for so long as the Department of Health

continues to be funded by this program, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

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

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James, Nazzaro, Runkle, Park, Richmond

Unanimously Adopted – July 27, 2011

RES. NO. 156-11
Adjust 2011 Homeland Security Accounts

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

WHEREAS, the Health Department wishes to purchase an inventory software system and two scanners with Homeland Security grant funding; and

WHEREAS, the Health Department desires a transfer of funds to the account class under which the above mentioned items can be purchased; therefore be it

RESOLVED That the Director of Finance be and hereby is directed to make the following changes to the 2011 budgetary accounts:

INCREASE APPROPRIATION ACCOUNT:
A.4010.3 Depreciable Equipment –Public Health Admin \$15,600

DECREASE APPROPRIATION ACCOUNT:
A.4010.4 Contractual – Public Health Admin \$15,600

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James, Nazzaro, Runkle, Park, Richmond

Unanimously Adopted – July 27, 2011

RES. NO. 157-11
Authorize the County of Chautauqua to Participate in the Chautauqua Lake Watershed Compact

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

WHEREAS, pursuant to Motion 2-11, the Chautauqua County Legislature made a statement of support for the vision and goals of the Chautauqua Lake Watershed Management Plan to promote the proper management of Chautauqua Lake and its watershed to ensure the sustained health, ecology, and use of this natural resource for our children and future generations, and

WHEREAS, Motion 2-11 further provided that the Chautauqua County Legislature supported the establishment of an inter-municipal Chautauqua Lake Watershed Compact of all local governments within the Chautauqua Lake watershed to facilitate the implementation of the Chautauqua Lake Watershed Management Plan; and

WHEREAS, an inter-municipal agreement for the formation of the Chautauqua Lake Watershed Compact has been created to promote the implementation of the Chautauqua Lake Watershed Management Plan; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the Chautauqua County Executive to execute the inter-municipal agreement to confirm the County of Chautauqua's participation in the Chautauqua Lake Watershed Compact.

Signed: Park, Kindberg, Borrello, Tarbrake

Unanimously Adopted – July 27, 2011

RES. NO. 158-11

Designate Chautauqua County as Lead Agency under SEQRA for the Review of Chautauqua County Agriculture District #2, Towns of Sheridan, Hanover, Pomfret and Dunkirk

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

WHEREAS, Chautauqua County Agricultural District # 2, (Towns of Sheridan, Hanover, Pomfret and Dunkirk) is undergoing the District's 8-year review as required pursuant to Article 25-AA of the New York State Agriculture and Markets Law; and

WHEREAS, the Chautauqua County Legislature's decision to consider modifications to the existing Agricultural District # 2 is discretionary and subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, as the single agency directly undertaking the action to consider the continuation, modification or termination of Chautauqua County Agricultural District # 2, the County must comply with the provisions of the State Environmental Quality Review Act and applicable regulations; therefore be it

RESOLVED, That Chautauqua County will act as the Lead Agency for the review process pursuant to 6NYCRR Part 617 and, as Lead Agency, will undertake compliance with SEQRA requirements during the Agricultural District # 2 review process.

Signed: Park, Kindberg, Borrello, Tarbrake

Unanimously Adopted – July 27, 2011

RES. NO. 159-11

Allocation of Chautauqua County Housing and Neighborhood Revitalization Trust Fund

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards & Legislators Cornell and Downey:

WHEREAS, pursuant to Resolutions 193-08 and 203-09, the County of Chautauqua established a Chautauqua County Housing and Neighborhood Trust Fund with initial funding of \$200,000.00, and created a task force to make recommendations regarding use of the trust fund monies and revitalization of the County's housing stock; and

WHEREAS, the New York State Legislature has recently adopted legislation awaiting approval by the Governor that authorizes municipalities to make application to the State for approval of the establishment of not-for-profit land bank corporations to facilitate conversion of vacant or abandoned properties into productive use; and

WHEREAS, the Housing and Neighborhood Trust Fund Task Force has recommended that \$50,000.00 of the trust fund be administered by the County's Department of Planning and Economic Development as matching grant funds for housing-related initiatives in the County, with the remaining \$150,000.00 retained as seed money to facilitate the development of a land bank; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the following allocation of the Chautauqua County Housing and Neighborhood Trust Fund monies, as follows:

1. Chautauqua County Housing Assistance (Grant) Program

\$50,000.00 shall be utilized for grants to be approved by the County Executive and administered by the County Department of Planning and Economic Development that leverage other funding on a 25% match basis (4:1), with a maximum available of \$10,000 per grantee based on the guidelines proposed in the Housing and Neighborhood Task Force Plan and recommendations made by the Housing Focus Group for the County Comprehensive Plan.

2. Chautauqua County Land Bank Program

Subject to further approval by the Chautauqua County Legislature, \$150,000.00 shall be retained as seed money to facilitate the development of a land bank in Chautauqua County, and the Department of Planning and Economic Development is requested to make recommendations regarding the feasibility of establishing a land bank corporation pursuant to the pending State legislation, or utilizing other models to establish a land bank;

and be it further

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

<u>DECREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.1310.677.4	Contractual – Housing Revitalization	\$50,000
<u>ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:</u>		
A.8668.----.4	Contractual – Home Rehabilitation	\$50,000
<u>DECREASE CAPITAL REVENUE ACCOUNT:</u>		
H.1310.677.R269.0000	Sale of Property/Compen – Tobacco Settlement	\$50,000
<u>ESTABLISH AND INCREASE REVENUE ACCOUNT:</u>		
A.8668.----.R269.0000	Sale of Property/Compen – Tobacco Settlement	\$50,000

and be it further

RESOLVED, That the Housing and Neighborhood Trust Fund Task Force shall be discontinued upon the effective date of this resolution, and the Clerk of the County Legislature is directed to provide written thanks and acknowledgement to the current members of the task force on behalf of the County Legislature and County Executive.

Signed: Park, Kindberg, Borrello, Tarbrake (Failed in A.C. – 3 to 2 w/ 2 Absent – No's: Runkle and Nazzaro)

MOVED by Legislator Cornell, SECONDED by Legislator Mueller to amend as follows:

Delete the second RESOLVED that calls that the Director of Finance is authorized and empowered to make the following budgetary changes. Which deals with the handling of the \$50,000 portion of this resolution. I would like to further the amendment by addressing the last RESOLVED in the resolution so that it reads: RESOLVED, That the Housing and Neighborhood Trust Fund Task Force shall be discontinued upon the effective date of the creation of a land bank, and that, and then continue as is there.

Adopted as amended w/ Legislators Runkle, Scudder, Stutzman voting "no" – July 27, 2011

RES. NO. 160-11

Amending Policy Guidelines for Original 3% Occupancy Tax

By Planning & Economic Development Committee:
At the Request of Legislators Park, Kindberg, and Borrello:

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

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

WHEREAS, policy guidelines to allocate the limited resources generated by the first three-fifths of the revenue (the original 3% tax) were established pursuant to Resolution 118-08, and further amended by Resolutions 166-09 and 110-11, and it is appropriate to further amend such guidelines to limit the number of consecutive years that each specific project may be funded; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the policy guidelines set forth in Resolutions 118-08 and 166-09 for the allocation of the original 3% occupancy tax revenue, as follows:

1. 55% of the occupancy tax budgeted shall be provided to CCVB to support the CCVB's efforts to market, promote and publicize Chautauqua County and its municipalities as well as recruiting group functions to the County and working to support and enhance all tourism efforts.
2. 5% of the occupancy tax budgeted shall be further provided to CCVB for development and marketing of the "World's Learning Center" brand.
3. 15% of the occupancy tax budgeted shall support the maintenance and operation of the County parks and trail system including the Sheriff's marine and snow patrol.

New Language Underlined

4. 7.5% of the occupancy tax budgeted shall support non-County maintained trail establishment and development projects, including snowmobile trails.
5. 5% of the occupancy tax budgeted shall be utilized by the Chautauqua County Department of Finance for collection and enforcement purposes.
6. 5% of the occupancy tax budgeted shall be utilized to support arts and culture through the provision of funding to the following organizations:
 - a. United Arts Appeal – 63.4% of the 5% allocated to arts and culture.
 - b. Fenton Historical Society – 18.4% of the 5% allocated to arts and culture.
 - c. Historical Society of Dunkirk – 5.4% of the 5% allocated to arts and culture.
 - d. Chautauqua County Historical Society – 12.8% of the 5% allocated to arts and culture.
7. 7.5% of the occupancy tax budgeted shall be utilized to support the development of attractions and events that help develop Chautauqua County as a point of destination for visitors and support existing efforts that act as attractions within the County. The following method shall be utilized to determine how 80% of the 7.5% is distributed annually:
 - a. Up to a seven (7) member tourism panel to include representatives from the following organizations shall make funding recommendations to the Legislative Planning and Economic Development Committee for projects and organizations that submit for the 7.5% portion of the occupancy tax: CCVB Director and one (1) CCVB member, one (1) Chautauqua County Chamber of Commerce member, one (1) Industrial Development Agency Board member, and one (1) member of the Chautauqua County Planning Board.
 - b. All requests for funding shall be submitted on forms as originally prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. All requests will be evaluated against the County's planning, development and tourism agency priorities to ensure the County's tourism development goals are obtained. Commencing with awards for 2012, each specific project may be funded for no more than three (3) consecutive years, including years prior to 2012. The three (3) year limitation for each specific project does not preclude an organization from being eligible for funding for other distinct specific projects. The tourism panel charged with evaluating projects and organization requests may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.
 - c. All requests shall be initially ranked on an "Occupancy Ranking Form" prior to final prioritization and recommendations by the Tourism Panel to the Legislative Committee. The remaining 20% of the 7.5% shall be held in a contingency account, and the tourism panel shall not later than June 1st of each year make additional funding recommendations for said contingency in the manner set forth above after review of previously unfunded project requests and any new unanticipated project requests that were received on or before May 1st.

Signed: Park, Kindberg, Borrello, Tarbrake

Unanimously Adopted – July 27, 2011

RES. NO. 161-11
Submission of Local Law Introductory No. 6-11 to Referendum

By Administrative Services Committee:
At the Request of Legislators Runkle, Gullo, Scudder, Borrello, Ahlstrom, Mueller, Babbage,
DeJoe, Nazzaro:

New Language Underlined, Deletion indicated by strikethrough

WHEREAS, the County Legislature has adopted Local Law Introductory No. 6-11 entitled "A Local Law Amending the Chautauqua County Charter Re: Size of County Legislature;" and

WHEREAS, pursuant to Section 34(4) of Municipal Home Rule Law, the County Legislature on its own motion may adopt a resolution providing that such a local law be submitted to the qualified electors of the County for their approval; therefore be it

RESOLVED, That the County Legislature does hereby direct that a proposition for the approval of Local Law Introductory No. 6-11 be submitted to the qualified electors of the County for their approval at the next general election to be held November 8, 2011, and be it further

RESOLVED, That the form of the proposition shall be as follows:

Shall Local Law Introductory No. 6-11 of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Charter Re: Size of County Legislature," which amends the County Charter to require that all redistricting plans adopted after the 2010 census provide for a County Legislature consisting of no greater than nineteen (19) members, be approved?

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – July 27, 2011

RES. NO. 162-11

Approving Transfer of Tax Foreclosure Property to Chautauqua Watershed Conservancy, Inc.

At the Request of Administrative Services Committee:

WHEREAS, the County acquired via tax foreclosure an approximately 12 acre vacant wetland parcel bordering Cassadaga Lake in the Village of Cassadaga and Town of Stockton identified as Section 181.19, Block 2, Lot 29 on the Chautauqua County tax map; and

WHEREAS, the property remains unsold after the County's tax foreclosure auction and has been identified by the Cassadaga Lake Association and the Chautauqua Watershed Conservancy as an important wetland that should be preserved to enhance the health of the Cassadaga Lake watershed and its plants and wildlife; and

WHEREAS, the Chautauqua Watershed Conservancy has offered to accept title to the property with the condition that the property be kept in a vacant and natural condition; therefore be it

RESOLVED, That pursuant to Section 1166 of the New York State Real Property Tax Law, the County Executive is hereby authorized and empowered to convey by quitclaim deed at no charge to the Chautauqua Watershed Conservancy, Inc., the tax foreclosure parcel in the Village of Cassadaga and Town of Stockton identified as Section 181.19, Block 2, Lot 29 on the Chautauqua County tax map, with the condition that the property be kept permanently in a vacant and natural condition; and be it further

RESOLVED, That the County shall retain responsibility for the cost of all real property taxes until the property becomes tax exempt, and the Conservancy shall be responsible for the cost of all recording charges related to the transfer and shall be responsible for obtaining tax exempt status for the property as of the next taxable status date.

Signed: Barmore, Runkle, Cornell, DeJoy (Scudder "no")

Unanimously Adopted – July 27, 2011

RES. NO.163-11

Authorize Sale of Property Located at 2097 South Maple Avenue in the Town of North Harmony

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

WHEREAS, the County owns property located in Ashville in the Town of North Harmony designated on the Chautauqua County Tax Map as Section 35, Block 6, Lot 9 & 10 consisting of the building formerly known as the parks department and the adjacent lot; and

WHEREAS, in response to a recent RFP the County received two proposals to purchase the aforementioned property; and

WHEREAS, the Department of Public Facilities has reviewed the two proposals and have recommended accepting the proposal of the Ashville Fire District;

WHEREAS, such property is no longer needed for public use; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all documents necessary to sell the aforementioned property to the Ashville Fire District 5338 Stow Road Ashville, NY 14710 for the purchase price of \$85,000.

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell, Gould, Park, Richmond, Nazzaro

MOVED by Legislator Ahlstrom, SECONDED by Legislator Mueller to TABLE.

TABLED w/ Legislators Gould, Himelein, Barmore, Park voting "no" – July 27, 2011

RES. NO. 164-11
Quit Claim Deeds

By Administrative Services Committee:
At the Request of Legislator Larry Barmore:

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. 137-09; 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	Property Location	Purchaser	Offer Amt	Taxes Owning
PA-61-2011	C/Dnk.	060300-79.20-1-69	166 King St	Jesus Cruz-Corraliza	\$15,000.00	\$ 3,978.81
PA-66-2011	C/Dnk.	060300-96.15-1-14	Fairview Ave	Mahendra Basdeo	\$ 3,000.00	\$ 1,168.17
PA-67-2011	C/Dnk.	060300-96.15-1-27	Central Ave Rear	Mahendra Basdeo	\$ 3,000.00	\$ 5,075.23
PA-97-2011	C/Jmst.	060800-370.20-2-31	171 Falconer St	Tiffany R Borst	\$16,000.00	\$ 8,507.50
PA-101-2011	C/Jmst.	060800-370.20-2-56	Falconer St	Tiffany R Borst	\$ 200.00	\$ 336.02
PA-144-2011	C/Jmst.	060800-387.06-6-9	35 W 9th St	Mahendra Basdeo ***	\$ 50.00	\$ 3,409.52
PA-211-2011	C/Jmst.	060800-387.14-6-84	157 Mckinley Ave	Mahendra Basdeo	\$ 6,500.00	\$33,608.93
PA-270-2011	C/Jmst.	060800-387.34-4-17	215-217 Winsor St	Mahendra Basdeo	\$ 4,500.00	\$10,617.77
PA-308-2011	V/Lakewd.	062201-368.20-4-7	5 Gerald Ave	Daniel J Dolan	\$ 7,500.00	\$ 6,742.92
PA-344-2011	V/Sinclair.	062601-251.03-1-21	Corner Park & Kent	Betty J. Ridout	\$ 1,400.00	\$ 4,200.39
PA-216-2010	Charlotte	062689-250.00-2-47	6221 Route 60	James B Thompson	\$ 6,500.00	\$ 5,383.81
PA-499-2011	N.Harmony	065400-367.00-2-24	Co Rd 43 Rear	Timothy D Ruth	\$ 250.00	\$ 1,397.45
PA-539-2011	Ripley	066200-239.08-1-12	6443 Valley Dr	Tim D Furlow	\$ 5,000.00	\$ 1,550.38
Totals					\$68,900.00	\$85,976.90

Reacquisition:

Offer Number	Munic	S/B/L	Property Location	Purchaser	Offer Amt.	Taxes Owning
QC-138-2011	C/Jmstn.	060800-387.09-6-11	W 9th St	Mahendra Basdeo	\$420.55	\$ 420.55
Totals					\$420.55	\$ 420.55

Previously approved at the 06/13/11 ASC Meeting

Signed: Barmore, Runkle, Scudder, DeJoy (Cornell "no)

MOVED by Legislator Barmore, SECONDED by Legislator DeJoe to amend by adding:

PA-273-2011	C/Jmst.	060800-387.40-3-39	10-12 E 2Nd St	Brian Taylor	\$5,000.00	\$6,495.72
PA-280-2011	C/Jmst.	060800-388.05-2-35	Peterson St	Mahendra Basdeo	\$ 25.00	\$ 213.10
Totals					\$5,025.00	\$6,708.82

Unanimously Adopted - R/C Vote: 13 Yes; 11 No; 1 Abstention (Gullo) – (No's: Ahlstrom, Barmore, Cornell, DeJoy, Downey, Gould, Heenan, James, Kindberg, Mueller, Nazzaro, Stutzman) –July 27, 2011

2nd Privilege of the Floor

Jeanie Poliso, from Forestville, N.Y. I want to commend the Legislator's Mr. Runkle, Gullo, Scudder, Borrello, Ahlstrom, Mueller, Babbage, DeJoe, and Nazzaro for this referendum for the people to have their say on the Legislature on reducing the numbers. I think that it is totally unconscionable to think that you are able to vote for your own self service in the government and yes, things are changing in Chautauqua County. We have gone from 139,000 down to 135,000 which is a 5% decrease. It just seems like it's logical to do something. With the referendum, I think the voice of the people will be heard. As for the discussion for this property, I commend Mrs. Kindberg and Mrs. Cornell having to stay in that vein of, we are a Country of laws. I think the Seneca Nation would have something to say about that also. So I speak very lowly on that principal that if you vote into legislation a bill or an ordinance, whatever you want to call it, you stand by it. If you don't like it, then change it but right on this floor right now and saying because of money, that money God is getting very bothersome for me. I think Mr. Borrello made a comment that we're not going to set a precedent of giving \$1,600 to a non-profit who is trying to ensure our water sources and the fact is, I think that is essential. It's not sort of like an iffy proposition here, especially with hydro-fracking coming into play. I think that there was bill over in Ohio that they wanted to use 5 million gallons of fresh water from the lakes in order for industrial use. I think that water is essential. That is not a vote because of non-profit. It's our existence. I just don't understand. Sixteen hundred versus \$17,000 and we're going to break the law but we're not going to give a break to our water resource. There is something wrong here in regards to our overall line of discipline of thinking. If you are a Legislature, you put in laws that are well thought out or not. I think a lot of people around here are very disenchanting with what is going on with this Legislature. The fact is, you borrow in order to spend, that is not sound economics and we, as the people, have to accept this kind of business. Anybody that knows what business is about, you have a limit to that spending. And to say that just because we need \$17,000, we're just going to turn our backs on the law. That is unconscionable. I can't give any credit to anyone that says that. I do appreciate the comments that are very positive in that vein. If we are going to be a Country that believes in laws then we have to stand up for those laws.

My name is Eda Sek, I live in Dunkirk. I was born and raised in Dunkirk, N.Y. and I love everything about it. The reason I am talking, I would like to ask the Legislators if anything is being done about returning our Social Services workers and the departments back to Dunkirk? We are always at the short end of the stick in Dunkirk and I think it's time it stops. You have so many committees and I know that you work very hard at everything that you do. I mean, I am not complaining. I am interested in everything that goes on but I am wondering if you have a committee working on this? I went to the meeting when Edwards was in our City Hall about the terrible offices that they have and all the problems that they have and nothing has been done. It's up to you folks that we vote in that please, at least start a committee and somebody really work hard at it. We definitely need our offices back in Dunkirk. I am sorry about the fire. It was a hardship for everybody. But, it's hurting Dunkirk terrible and I thank you for the time.

My name is Bob Frederickson, Chief of Ashville Fire Department. I thank you for tabling your vote tonight on that property in North Harmony. The fire district and the fire department are really two separate organizations. The district takes care of the tax money that we get through the fire tax. The department basically operates the department. We go to the calls, we take care of the fire trucks, we do all of the work. They take care of the money and we do the work. The district is a board, Board of Fire Commissioners, decided that we needed to put a bid in on this building. They did not come to myself, as being Chief, or any of my other assistant officers or assistant chiefs as Mr. Gleason said. They decided to take, on their own, to put a bid in on this building of \$85,000 of, like he said,

taxpayers' money to pay for taxpayers owned building. Makes no sense to me whatsoever. We consolidated like he said, into this one building a year ago. Things are working fine. We've changed our automatic mutual aid, people are not, as they are complaining about coverage like there was, everything is fine. We do not need this building. The building that we have is working good, the system is working good. If we get this building, we have more expenses. If people think that we can move into this building, put a fire truck in, we have a fire station, not so. The building has to be brought up to code. Myself, as an officer, I have not even been in the building. I have no idea what is it going to take to get this building up and running but this bid of \$85,000 is not anywhere near what it is going to cost the taxpayers of North Harmony to have a fire station there. We are going to have a building sitting there with several bays in it that we don't have equipment to put down there because we have the equipment in Stow. We're utilizing all of our bays, we just really don't need it. I appreciate you tabling it, I hope that you give it plenty of thought before you make a motion on what to do with this. Thank you.

Legislator Ahlstrom: I would like to make a request for information from the County. I would like to know the cost of wages, fringe benefits, and any attorney fees that the County has expended in the Janice Slaton case in the Public Defender's office. I would like an update on that on what we have invested in that up to this point and time.

Chairman Croscut: Any one else?

MOVED by Legislator Gould, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. (8:13 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, August 24, 2011
Mayville, N.Y. 14757

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

Clerk Lemon called the roll and announced a quorum present. (Absent: Ahlstrom)

Legislator Barmore delivered the prayer and pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator Himelein and duly carried the minutes were approved. (7/27/11)

Privilege of the Floor

My name is Teel Wolcott, I reside at 4095 Pickard Rd, Sinclairville. I currently own the Backyard Bar and Grill Restaurant/Tavern in Kimball Stand and I am here tonight because I want to open the airport restaurant. I have been in business for 10 years and I am hoping this will pass through. If you have any questions, I would be happy to answer any of them. Thank you.

Mr. Mike Gleason: I live at 6525 Eiden Road, Mayville, N.Y. I am here representing the Ashville Fire Department about a resolution from the previous meeting in Dunkirk. Just real quick, the Commissioners voted to take it to the taxpayers of the Town of North Harmony at a later date, sometime in September. We kind of won the battle from the fire department that we're going to take it to the taxpayers so they can vote on it. But the fire department wants to apologize to the Legislators for dragging you in to the middle of a squabble between the fire department and the Commissioners, is about what it amounts to. So, like I said, we're here to apologize from the whole fire department. The Commissioner's didn't want you to get in the middle of it either. I am sure of it. I am not speaking for all of them but I am pretty sure that they didn't want that. So, like I said, for everybody's information, it is going to go to a public vote. It has been advertised. There is going to be a public meeting this Sunday for all of the people so they can get all their questions answered. Like I said, I am here more just to say sorry to drag you in the middle of it. I don't want to see the Legislature get in the middle of it because there is bigger things than just little ole Ashville. There is a lot of problems that we need to figure out a way to save money and spend money but like I said, just for your sake, it is going to a public vote and I really appreciate everybody because by you tabling it last month, let a lot of things come out and now a lot of things are going to get done and let the people speak instead of just a few people. So, on that behalf, I am here to say I am sorry and thank you for your time and I am headed to Findley Lake for another meeting so thank you.

PRESENTATION:

PROGRESS ON CHAUTAUQUA
LAKE MANAGEMENT PLAN & 2% PROJECTS
BY: LYLE HAJDU & JEFF DIERS
(Report on file w/ Leg. Data)

6:45 P.M.

PUBLIC HEARING
RE: PROPOSED LEASE OF RESTAURANT
AT JAMESTOWN AIRPORT

Chairman Croscut opened the public hearing at 6:57 p.m.. No one chose to speak during the public hearing. Chairman Croscut closed the public hearing at 6:58 p.m.

COMMUNICATIONS:

1. Letter – Legislative Clerk's Resignation – R. Lemon
2. Proof of Publication – Airport Restaurant Lease
3. Letters (4) – Co. Executive – Appts. to Disaster Preparedness; Traffic Safety; STOP DWI; and County Planning Board
4. Report – Fn. Dir. Schulz – Re: July 2011 Investment Report
5. Minutes – Fire Advisory Board 7/21/11
6. E-mail – T. Kester Re: Purchase of Ashville Bldg. by Fire District
7. Highlights – NYSDEC – Fish & Wildlife 5/15/11-6/15/11
8. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motion 12-11
9. Documents (2) - NYS Office Real Property Tax Service – 2011 Equal. Rates

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 07/27/11

TABLED RES. NO. 163-11 – Authorize Sale of Property Located at 2097 South Maple Avenue in the Town of North Harmony – Adopted w/ Legislators Cornell and Kindberg voting "no" (See page 213 for text)

MOTION: (On File w/ Leg. Data)

13-11 Declaring September 16, 2011 as National POW/MIA Recognition Day – Unanimously Adopted

RES. NO. 165-11

Confirm Appointments – North County Industrial Water District No. #1 & North County Industrial Sewer District No. 1

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

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

WHEREAS, Resolutions 245-78 and 246-78 provide that the duration of the terms of the Water District and Sewer District Board Members is six years, with approximately half of the terms expiring in one year, and the remaining terms expiring three years later; and

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

WHEREAS, the County wishes to confirm the appointments, set forth the terms of each board members appointment, and appoint a fifth member to the boards; now therefore be it

RESOLVED, That the following individuals shall serve on both the North County Industrial Water District No. 1 and the North County Sewer District No. 1 Boards, with the terms to expire as set forth below:

Donald Cotton
11393 Center Road
PO Box 203

Kevin Muldowney
10 Beach Road
Dunkirk, NY 14048

Sheridan, NY 14135
 Term Expires: 12/31/12

Term Expires: 12/31/15

Edward Divine
 618 Main Street
 Dunkirk, NY 14048
 Term Expires: 12/31/12

Brian Puro
 10932 S. Roberts Road
 Dunkirk, NY 14048
 Term Expires: 12/31/15

Anthony J. Dolce
 132 S. Serval Street
 Dunkirk, NY 14048
 Term Expires: 12/31/12

Signed: Babbage, Barmore, DeJoe, Nazzaro

Unanimously Adopted – August 24, 2011

RES. NO. 166-11
 Confirm Appointment – Disaster Preparedness Commission

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

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

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

Eric Meka	Replacing Peter Calhoun
10532 Newell Rd.	
Dunkirk, N.Y. 14048	Term Expires: 12/31/13

Signed: Richmond, Himelein, Duff, Mueller, Downey

Unanimously Adopted – August 24, 2011

RES. NO. 167-11
 Confirm Appointment – STOP DWI Board

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

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

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

Patrick Flanders	Replacing Ann Abdella
PO Box 528	
1443 Southwestern Dr.	
Lakewood, N.Y. 14750	Term Expires: 7/31/13

Signed: Richmond, Himelein, Duff, Mueller, Downey

Unanimously Adopted – August 24, 2011

RES. NO. 168-11
Confirm Appointment – Traffic Safety Board

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

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

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

Patrick Flanders	Replacing Nichole Adams
PO Box 528	
1443 Southwestern Dr.	
Lakewood, N.Y. 14750	Term Expires: 7/31/13

Signed: Richmond, Himelein, Duff, Mueller, Downey

Unanimously Adopted – August 24, 2011

RES. NO. 169-11
Confirm Appointments – Chautauqua County Planning Board

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Planning Board:

Garrett A. Brooks	Replacing Truman Bradley Jr.
129 Hotchkiss St.	
Jamestown, N.Y. 14701	Term Expires: 4/30/12
Margaret J. Lawrence	Replacing Linda Fairbanks
2330 Mezzio Rd.	
Forestville, N.Y. 14062	Term Expires: 12/31/13

Signed: Park, Heenan, Borrello

Unanimously Adopted – August 24, 2011

RES. NO. 170-11

Authorize Lease of Airport Restaurant Facilities at Chautauqua County Airport at Jamestown

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

WHEREAS, the Airport Commission has considered and recommended that the County lease the Airport Restaurant Facilities to Teel Wolcott for the operation of a full-service restaurant and bar; and

WHEREAS, the necessary public hearing pursuant to Article 14 of the General Municipal Law has been held; therefore be it

RESOLVED, That the County Executive is authorized to execute a lease agreement with Teel Wolcott, 4095 Pickard Road, Sinclairville, NY 14782 for the Airport Restaurant Facilities at the County Airport in Jamestown upon substantially the following proposed terms and conditions:

1. Rent: Payment of \$600 per month on the first day of each month;
2. Term: One year term commencing on or about September 1, 2011;
3. Utilities: County shall provide electric, gas and water and Tenant shall provide telephone and waste disposal services;
4. License: Lease shall be contingent upon issuance of a liquor license to Tenant by the New York State Liquor Authority;
5. Other: As negotiated by the County Executive.

Signed: Babbage, DeJoe, Barmore, Stewart, Nazzaro, Gould, Runkle, Park, Richmond

Unanimously Adopted – August 24, 2011

RES. NO. 171-11

Amending Resolutions 44-09 and 137-09 Regarding RPTL Article 11 Tax Foreclosure

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

WHEREAS, pursuant to Resolutions 44-09 and 137-09, the County Legislature confirmed an amended County policy regarding the disposition of tax foreclosure properties and related procedures under Article 11 of the Real Property Tax Law; and

WHEREAS, it is appropriate that such policy be amended to amend the timeline for the commencement of tax foreclosures and the last date that offers will be accepted from foreclosed owners and mortgagees; therefore be it

RESOLVED, That the County Legislature hereby reconfirms a policy regarding tax foreclosure properties with the following amendments:

1. Schedule for Article 11 Tax Foreclosures. No later than January 1, 2012, it shall be the policy of the County of Chautauqua to adhere to the extent practicable to the ~~minimum~~

New Language underlined, Deletion strikethrough

following time requirements: ~~set forth in Title 3 of Article 11 of the RPTL, including, but not limited to,~~ the filing of the list of delinquent taxes (10 months after lien date) and the petition of foreclosure (~~24~~ 24 months after lien date), ~~in order to obtain a judgment of foreclosure as soon as possible after the statutory redemption period has expired 24 months after lien date.~~ After a judgment of foreclosure has been obtained by the County, transfers of tax foreclosure properties to municipal entities, foreclosed owners, mortgagees, and purchasers at public auction pursuant to this resolution shall be accomplished as soon as practicable.

2. Deeds in Lieu of Foreclosure – RPTL § 1170.

In lieu of prosecuting a proceeding to foreclose a tax lien on any parcel of real property pursuant to Article 11 of the RPTL, the County Department of Finance, Division of Taxation (Tax Enforcement Officer), is authorized to accept a conveyance of the interest of any person having any right, title, interest, claim, lien or equity of redemption in or to such parcel, after a review of the title search has been conducted by the County Law Department.

3. Transfers of Tax Foreclosure Properties to Municipal Entities.

A. Circulation of List of Foreclosed Properties to Municipal Entities.

The Division of Taxation shall circulate Schedule A of the Application for Default Judgment which is the list of potential foreclosed parcels to towns, villages, and cities (and their local code enforcement officers), school districts, County sewer districts, and the County of Chautauqua Industrial Development Agency (CCIDA), immediately following the filing of a petition of foreclosure in the office of the County Clerk. Any other governmental entities and local development organizations will also upon request be provided with this list.

B. Transfers to Towns, Villages, Cities, School Districts, and Municipal Corporations.

Upon receipt of a written request from any entity described in paragraph 2A above received by the County after circulation of the list and on or before the last day for redemption pursuant to RPTL, subject to approval by the County Legislature, the County shall:

(1) transfer property acquired through tax foreclosure to the municipal corporations described in paragraph 2A above for the purpose of municipal use, provided that such a transfer is in the best interest of the County, upon payment by the municipal entity of applicable recording charges and all delinquent taxes and current year taxes levied on such parcels but not yet returned to the County for enforcement; and

(2) transfer property acquired through tax foreclosure to the municipal corporations described in paragraph 2A above for the purpose of improvement or remediation for an amount based on the taxes the County previously paid to such entity when it guaranteed such taxes, provided that such a transfer is in the best interest of the County. In the event the municipal entity should resell such property, then the proceeds of such sale shall be applied first to reimburse the municipal entity for the reasonable costs of improvements or reasonable demolition costs. The remaining proceeds shall be split between the County and the municipality based on the proportionate share of outstanding delinquent taxes existing at the time of the County's transfer to the municipal entity.

C. Transfers to CCIDA and Local Development Organizations..

Upon receipt of a request from the CCIDA or a Local Development Organization received

New Language underlined, Deletion strikethrough

by the County on or before the last day for redemption pursuant to RPTL, the County shall transfer property acquired through tax foreclosure to the CCIDA or a local development organization, subject to terms and conditions approved by the County Legislature.

4. Transfers of Tax Foreclosure Properties to Foreclosed Owners and Mortgagees.

If no timely request is received from an entity described in paragraph 2A above, the Division of Taxation shall notify the foreclosed owner and mortgagees of record by first class mail at their last known address that the County would consider their offer to reacquire the property for the amount of all delinquent taxes, interest, penalties and associated charges outstanding on the property. Any such offers with the full amount owing must be received by the County on or before ~~the day~~ two weeks before the County's auction of foreclosed properties, and the foreclosed owner shall have priority over mortgagees. Where more than one mortgagee makes an offer, priority shall be given on a first-come, first-serve basis as between competing mortgagees. Offers from foreclosed owners and mortgagees of residential properties other than owner-occupied one family, two family, and three family residential properties must be accompanied by either: (1) a letter from the local code compliance officer that such code compliance officer has made an inspection of the property and that there are no pending code violations, or (2) a plan to bring the premises into compliance approved by the local code compliance officer. Acceptance of offers shall be subject to approval of the County Legislature. The County Executive is hereby authorized to deed such properties to foreclosed owners and mortgagees that reacquire property pursuant to the parameters set forth in this paragraph.

5. Transfers of Tax Foreclosure Properties by Tax Payment Agreements with Foreclosed Owners.

Notwithstanding the requirement set forth in Paragraph 3 above that the full amount owing must accompany offers made to the County by foreclosed owners, the Division of Taxation is hereby authorized on or before ~~the day~~ two weeks before the County's auction of foreclosed properties to enter into tax payment agreements with foreclosed owners of owner-occupied residential property, for a payment term not to exceed one (1) year. These agreements will allow the foreclosed owner of a tax foreclosure property to pay up to twelve (12) equal monthly payments of the outstanding delinquent taxes, interest, penalties, and associated charges. Upon final payment pursuant to said agreements, the County shall deed the property in question back to the foreclosed owner. Should the foreclosed owner default on the agreement entered into as authorized by this resolution, the agreement shall be automatically terminated, and the property may be sold at public auction. For the purposes of this resolution, "default" shall mean no payment is made pursuant to the agreement within fifteen (15) days subsequent to the agreed-upon date of payment. Offers from foreclosed owners of residential properties other than owner-occupied one family, two family, and three family residential properties must be accompanied by either: (1) a letter from the local code compliance officer that such code compliance officer has made an inspection of the property and that there are no pending code violations, or (2) a plan to bring the premises into compliance approved by the local code compliance officer. ~~Acceptance of offers~~ Tax payment agreements shall be subject to approval of the County Legislature.

6. Transfer of Tax Foreclosure Properties by Public Auction.

If no request is received from an entity described in paragraph 2A above, or from a foreclosed owner or mortgagee, the tax enforcement officer shall sell foreclosed properties at public auction, subject to approval of the County Legislature. Should a foreclosed owner, mortgagee, or other party with a prior interest in the property bid at the auction, their bid shall be required to be no less than the amount of all delinquent taxes, interest, penalties, and associated charges outstanding on the property. ~~Except for any such foreclosed owners, mortgagees, or other parties with a prior interest bidding on a property in which they have a prior interest, no bidder who is the owner of tax delinquent property~~

New Language underlined, Deletion strikethrough

~~within the County of Chautauqua at the time of the auction shall be permitted to submit a bid at the auction. For purposes of this paragraph, "tax delinquent property" shall mean property with unpaid taxes or re-levied taxes that are unpaid as of June 1st after the previous County tax levy, and remain unpaid at the time of the auction.~~

7. Application of Policy.

A. This resolution shall not be interpreted or construed:

(1) as affecting the authority of the County Legislature to impose by resolution special requirements, restrictions, terms, or conditions applicable to a particular tax parcel, or to otherwise determine in its sole discretion whether or not, or to whom, to sell a particular tax parcel; or

(2) as conferring any rights whatsoever on prospective purchasers and transferees of tax foreclosure properties, including foreclosed owners, mortgagees, and other parties with a prior interest in the properties; or

(3) as affecting the authority of the County's tax enforcement officer to withdraw property from the tax foreclosure proceeding if warranted pursuant to RPTL § 1138.

B. The County, at its option and in its sole discretion, may cancel any sale or transfer of tax foreclosure properties at any time before the actual delivery of the deed, and the Division of Taxation shall advise all prospective purchasers and transferees that conveyances are not final until delivery of the deed has occurred, provided, however, that the failure to notify a prospective purchaser or transferee of the County's right to cancel shall not in any way abrogate the County's right to cancel.

C. The County's tax enforcement officer is hereby authorized to develop procedures and/or rules and regulations to implement the policies of this resolution.

Signed: Barmore, Runkle, Scudder (Cornell voting "no")

Adopted – R/C Vote: 18 Yes; 6 No; 1 Absent - Legislators DeJoy, Mueller, Cornell, Kindberg, James, Stutzman voting "no" – August 24, 2011

RES. NO. 172-11

Authorizing Contract for 2012 Administration of Chautauqua County Self-Insurance Plan

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

BE IT HEREBY RESOLVED, That the Administrative Services Committee of the Chautauqua County Legislature be authorized and empowered to contract with the County of Chautauqua for the administration of the Self-Insurance Plan to be accomplished by the Chautauqua County Department of Finance during the year 2012; and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Thirty-Two Thousand Eight Hundred Eight Dollars (\$132,808) for the 2012 year, and to include personnel services and office expenses; and be it further

New Language underlined, Deletion strikethrough

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

Signed: Barmore, Runkle, Scudder, Cornell, Gould, Nazzaro, Park, DeJoe, Richmond

Unanimously Adopted – August 24, 2011

RES. NO. 173-11

Participant's Share of 2012 Chautauqua County Self-Insurance Plan Costs

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

RESOLVED, That pursuant to the Workers' Compensation Law and Local Law No. 4, Chautauqua County, New York 1984, as amended, the following amounts shall be apportioned, in 2012 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 towns and 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 2012.

TOWNS

Arkwright	\$35,928.23	Harmony	\$20,218.39
Busti	\$53,424.98	Kiantone	\$17,117.65
Carroll	\$18,088.71	Mina	\$38,241.38
Charlotte	\$ 7,663.10	N. Harmony	\$41,643.73
Chautauqua	\$127,818.60	Poland	\$61,945.98
Cherry Creek	\$18,970.91	Pomfret	\$57,123.73
Clymer	\$8,041.92	Portland	\$39,313.56
Dunkirk	\$18,121.11	Ripley	\$21,325.28
Ellery	\$83,053.66	Sheridan	\$38,660.77
Ellicott	\$105,251.09	Sherman	\$5,945.87
Ellington	\$7,567.70	Stockton	\$32,438.38
French Creek	\$12,883.56	Villanova	\$6,056.37
Gerry	\$7,489.22	Westfield	\$19,196.37
Hanover	\$51,940.16		

VILLAGES/CITIES

Bemus Point	\$7,986.89	Mayville	\$16,894.59
Brocton	\$10,126.04	Panama	\$1,573.08
Cassadaga	\$4,730.16	Sherman	\$4,965.55
Celoron	\$4,208.19	Silver Creek	\$45,690.88
Cherry Creek	\$1,576.72	Sinclairville	\$1,908.01
Falconer	\$16,260.94	Westfield	\$74,844.59
Forestville	\$2,428.05		
Fredonia	\$187,112.24	Dunkirk (City)	\$248,964.64
Lakewood	\$28,073.02	Jamestown (City)	\$699,066.69

Chautauqua County \$1,688,119.40

Signed: Barmore, Runkle, Scudder, Cornell, Gould, Nazzaro, Park, DeJoe, Richmond

Unanimously Adopted – August 24, 2011

RES. NO. 174-11
Authorize County to Accept Aid to Defense Grant

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Division of Criminal Justice Services for Aid to Defense; and

WHEREAS, the grant award covers for the period from April 1, 2011 to March 31, 2012 and provides funding in the amount of Fourteen Thousand Dollars and 00/100 (14,000.00) dollars; and

WHEREAS, these funds have been appropriated in the current budget; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State Grant will not be continued if said State Aid is abolished or discontinued.

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Park, DeJoe (A.C. Runkle voting "no")

Unanimously Adopted – August 24, 2011

RES. NO. 175-11
Authorize County to Accept Alternatives to Incarceration Grant

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

WHEREAS, The New York State Division of Probation and Correctional Alternatives has approved and offered a funding level of \$15,269.00 for the operational period of January 1, 2011 through December 31, 2011, for the Alternatives to Incarceration Program for this calendar year; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant for the current year; and

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

WHEREAS, these revenues have been included in the adopted 2011 budget; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for Alternatives to Incarceration Program for the 2011 calendar year in the amount of \$15,269.00; and be it further

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

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

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Park, DeJoe (A.C. Runkle voting "no")

Unanimously Adopted – August 24, 2011

RES. NO. 176-11
Authorize Acceptance of Operation Impact Funds 2011-2012

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

WHEREAS, the office of the District Attorney has successfully applied for and received a grant from the New York State Division of Criminal Justice Services in the amount of \$228,100.00 for the Operation IMPACT Partnership Program for the term from July 1, 2011 to June 30, 2012; and

WHEREAS, the IMPACT VIII grant is a multi-agency award funded to reduce violent crimes in the primary IMPACT jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the County of Chautauqua will be required to share a portion of the grant funds with the City of Jamestown in support of its Police Department to reduce violent crime through intelligence-led enforcement strategies to the extent of \$82,500.00; and

WHEREAS, the office of the District Attorney (\$88,000.00), the office of the Chautauqua County Sheriff (\$48,800.00), and the office of Probation (\$8,800.00) will share the balance of such funds; and

WHEREAS, the offices of the District Attorney, Sheriff, and Probation have included a portion of these grant funds in the 2011 budget with the balance to be included in the 2012 budget; therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Impact VIII Grant contract with the New York State Division of Criminal Justice Services in the amount of \$228,100.00 for the term from July 1, 2011 to June 30, 2012; and be it further

RESOLVED, That the County Executive is hereby authorized to execute an appropriate agreement with the City of Jamestown consistent with the grant requirements and project goals.

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Runkle, Park, DeJoe

Unanimously Adopted – August 24, 2011

RES. NO. 177-11

Authorize Agreement with NYS Division of Homeland Security for Port Security Grant Program

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

WHEREAS, the Office of the Sheriff applied for and has been awarded the Port Security Grant from the NYS Division of Homeland Security for the period June 1st 2009 through May 31st 2012 for the amount of \$493,326.00 with a local match of \$164,442; and

WHEREAS, these grant funds are to be used toward enhancing interoperability communications; and

WHEREAS, Chautauqua County must upgrade its radio systems by 2013 in order to be compliant with Federal regulations; and

WHEREAS, a subsequent resolution to amend the budget will be submitted at such time it is determined the County's course of action for implementing such a radio system; therefore be it

RESOLVED, That the County Executive is authorized to execute the agreement with the NYS Division of Homeland Security for the Port Security Grant.

Signed: Richmond, Himelein, Duff, Mueller, Downey, Nazzaro, Park, DeJoe, Gould, Runkle

Unanimously Adopted – August 24, 2011

RES. NO. 178-11

Establishing the Lake Erie Management Commission

By Planning & Economic Development Committee:
At the Request of Legislators Borrello, Heenan, Richmond, Ahlstrom, Park, Tarbrake, Runkle, Himelein, Gould, DeJoe, Stutzman, and Chairman Croscut:

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; decreased ability to launch and navigate watercraft within harbors and waterways; and

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

WHEREAS, there is not an entity or entities for which funding may be directed and appropriated to specific watershed related projects; and

WHEREAS, Resolution 133-05 established a similar Lake Commission for Chautauqua Lake, called the Chautauqua Lake Management Commission (CLMC), whose mission was to create and annually monitor a lake management plan; and

WHEREAS, Chautauqua County and communities within the Lake Erie watershed would benefit greatly from the creation of a new Commission dedicated to resolve Lake Erie watershed issues; and

WHEREAS, This new Commission will provide recommendations for the utilization of dedicated 2% Occupancy Tax funds for the Lake Erie watershed, prioritize watershed related projects, seek additional funding for future watershed projects, seek funding to create a watershed management plan similar to the Chautauqua Lake Management Plan 2010, and to develop 3 and 5 year plans for the completion of the management plan and implementation; therefore be it

RESOLVED, That there is hereby established a "Lake Erie Management Commission" (LEMC) as follows:

A. Membership. The Commission shall be composed of nine (9) members: Eight (8) of the members will represent stakeholder groups within the watershed, with the Chautauqua County Watershed Coordinator serving as the tenth member on an ex officio basis with no voting powers. The members listed below will serve as initial interim Commission members in order to efficiently develop the governing framework of the LEMC by-laws to be approved by the County Legislature. George Borrello will serve as the Chairman of the interim Commission until a formal governing framework is developed and approved. Upon approval of LEMC by-laws, the interim Commission will recommend members from the representative stakeholder groups for consideration and appointment by the Legislature.

1. Jeffrey Diers (Chautauqua County Watershed Coordinator)(ex officio);
2. George Borrello (Hanover Harbor Representative);
3. Shaun Heenan (Dunkirk Harbor Representative);
4. Doug Richmond (Barcelona Harbor Representative);
5. Dave Wilson (Chautauqua County Soil and Water Conservation District);
6. Lee Servatius (Water Quality Task Force Representative);
7. Bill Boria (Chautauqua County Health Dept.);
8. Seneca Nation of Indians Environmental Protection Dept. (Person to be designated by Seneca Nation);
9. Jim Joy (National Grape Coop.);

B. By-Laws. The initial task of the Commission shall be to formulate by-laws and official membership for approval by the County Legislature, to include its recommended responsibilities, voting requirements, and such other procedures deemed necessary and appropriate by the Commission.

Signed: Park, Heenan, Borrello

Unanimously Adopted – August 24, 2011

RES. NO. 179-11

Authorizing Grant Application and Subsequent Agreements for the Creations, Preservation, and Maintenance of Snowmobile Trails

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

WHEREAS, Chautauqua County strongly supports the snowmobile industry as both an economic development tool and quality of life enhancement for Chautauqua County residents and

recognizes the significant economic impact from the snowmobile industry; both in tourism and in local small business employment; and

WHEREAS, grant funding from snowmobile registrations is available from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for the creation, preservation and maintenance of snowmobile trails; and

WHEREAS, NYSOPRHP encourages counties to coordinate and sponsor snowmobile trail programs within their jurisdiction; and

WHEREAS, the Chautauqua County Federation of Snowmobile Clubs (Federation) has requested that Chautauqua County sponsor a single snowmobile trail program incorporating all the trails funded by NYSOPRHP, submit grant applications for NYSOPRHP funding and act as a pass-through agency for the funding; and

WHEREAS, the County intends to enter into an agreement with the individual participating snowmobile clubs represented by the Federation to administer the program, the development of documents required of participants in the program by NYSOPRHP and the performance of other administrative duties consistent with the program, including an administrative fee of \$30.00 per hour up to a maximum of \$1,500.00, and

WHEREAS, the Federation agrees to hold the County harmless in this program; therefore be it

RESOLVED, That Chautauqua County shall sponsor the NYSOPRHP-funded snowmobile trail system within Chautauqua County; and be it further

RESOLVED, That the County Executive hereby is authorized and directed to submit any necessary applications for funding and to enter into agreements with NYSOPRHP, the Federation and the individual participating clubs to implement the snowmobile trail program in Chautauqua County.

Signed: Park, Heenan, Borrello

Unanimously Adopted – August 24, 2011

RES. NO. 180-11

Environmental Assessment for Establishment of New Segment of Chautauqua County Snowmobile Trail "B" within the Town of Charlotte

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of new segment of snowmobile trail "B", which is proposed to begin at the intersection of Housington and Lewis Roads and head due north along Lewis Road to the intersection of Lewis and Cook Roads, and the junction of existing snowmobile trail C1 (within 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 new segment of snowmobile trail "B", which is proposed to begin at the intersection of Housington and Lewis Roads and head due north along Lewis Road to the intersection of Lewis and Cook Roads, and the junction of existing snowmobile trail C1, within the Town of Charlotte, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Park, Heenan, Borrello

Unanimously Adopted – August 24, 2011

RES. NO. 181-11

Environmental Assessment for Reclassification of Segment of Chautauqua County Snowmobile Trail S19 within the Town of Charlotte

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the reclassification of a segment of snowmobile trail S19 from a secondary to a corridor level trail beginning at the intersection of Lewis and Housington Roads and traveling east .56 miles to its junction with snowmobile trail C1 (within the Town of Charlotte); and

WHEREAS, the County Department of Planning and Economic Development has prepared Environmental Assessment Forms (EAF's) for consideration by the County Legislature with said EAF's indicate that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that reclassification of a segment of snowmobile trail S19 from a secondary to a corridor level trail beginning at the intersection of Lewis and Housington Roads and traveling east .56 miles to its junction with snowmobile trail, within the Town of Charlotte, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Park, Heenan, Borrello

Unanimously Adopted – August 24, 2011

RES. NO. 182-11

Environmental Assessment for Establishment of New Segment of Chautauqua County Snowmobile Trail "G" Within the Town of Cherry Creek

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

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 a new segment of snowmobile trail "G", which is proposed to begin at the

termination point of existing snowmobile trail "G" on the lands of Eugene Heilman (202.00-1-10), east of Farrington Hollow Road, and head north across open fields, utilizing existing farm lanes on the property of Richard Mansfield (202.00-1-29) to a junction with existing snowmobile trail C4 (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 a new segment of snowmobile trail "G" which is proposed to begin at the termination point of existing snowmobile trail "G" on the lands of Eugene Heilman (202.00-1-10), east of Farrington Hollow Road, and head north across open fields utilizing existing farm lanes on the property of Richard Mansfield (202.00-1-29) to a junction with existing snowmobile trail C4 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: Park, Heenan, Borrello

Unanimously Adopted – August 24, 2011

RES. NO. 183-11
Reallocation of 2011 2% Occupancy Tax

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards and Legislators Borrello, Park, Tarbrake:

WHEREAS, pursuant to Resolution 206-10, the Chautauqua County Legislature adopted the prioritized recommendations for Waterways Panel projects to be completed with the 2011 2% Occupancy Tax; and

WHEREAS, pursuant to Resolution 109-11, the Chautauqua County Legislature reconfirmed a policy for expenditure of the 2% Occupancy Tax providing that if a project cannot be undertaken, the next project on the prioritization list would be considered for funding but if no project exists on the annual prioritization list that can viably begin within the fiscal year, the funds from the original project will be returned to the reserve fund for Lakes and Waterways; and

WHEREAS, the approved projects for the Repair of Ney Trail Culvert awarded to Rails to Trails in the amount of \$25,000.00, and the Hunt Road Detention Pond project awarded to the Town of Ellicott in the amount of \$40,000.00 will not be undertaken in 2011; and

WHEREAS, no additional 2011 projects were recommended by the Waterways Panel for funding with the 2% Occupancy Tax; therefore be it

RESOLVED, That awards made to Rails to Trails (\$25,000.00) and to the Town of Ellicott (\$40,000.00) for a total of \$65,000.00 in 2011 are hereby canceled and no other awards for 2011 projects are granted at this time.

Signed: Park, Borrello, Heenan, Nazzaro, Gould, Runkle, DeJoe, Richmond

Unanimously Adopted – August 24, 2011

RES. NO. 184-11

Authorize SEQRA Review of Waterways Panel 2012 Occupancy Tax Recommendations

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards and Legislators Park and Mueller:

WHEREAS, pursuant to Resolution 109-11, the Chautauqua County Legislature reconfirmed a means to distribute the Occupancy Tax and that portion derived from such tax over three-fifths (the 2% tax) to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County; and

WHEREAS, such resolutions provided that a portion of the 2% tax shall support the establishment and maintenance of the position of "Chautauqua County Watershed Coordinator" and further assigned lump sums to the Chautauqua County Soil and Water Conservation District, Chautauqua Lake Association, Findley Lake Association, Cassadaga Lake Association, Lake Erie Watershed, and the Conewango Watershed Commission; and

WHEREAS, such resolutions also provided that the use of the remainder of the 2% tax would be evaluated by a seven (7) member Waterways Panel made up of representatives from the Chautauqua County Water Quality Task Force (WQTF), and said panel would prioritize all lake and stream protection and enhancement projects and submit its recommendations and findings to the Planning and Economic Development Committee for consideration; and

WHEREAS, the seven (7) member Waterways Panel has carefully reviewed and prioritized requests for Occupancy Tax funding in 2012 for the enhancement and protection of waterways; and

WHEREAS, the amount available for 2012 awards for enhancement and protection of waterways is currently estimated to be \$161,250; therefore be it

RESOLVED, That this Legislature approves the Waterways Panel recommendations set forth below, and hereby determines that the projects ranked numbers 9, 10, 11, 12, 14, 16, 24, 25, and 26 are Type II actions requiring no further review pursuant to the New York State Environmental Quality Review Act (SEQR), and be it further

RESOLVED, That the Chautauqua County Legislature authorizes and directs the Department of Planning & Economic Development to arrange SEQR review of the projects ranked # 1 – # 8 recommended by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Falconer Village Park (Moon Brook Streambank Stabilization /Village of Falconer	1	\$ 36,500.00	\$ 36,500.00
Goose Creek Streambank Stabilization /Chautauqua County Soil and Water Conservation District	2	\$ 40,000.00	\$ 40,000.00
Tinkertown Bay Shoreline Restoration /Tinkertown Bay Homeowner's Association	3	\$ 40,000.00	\$ 40,000.00
Findley Lake Streambank Stabilization /Findley Lake Watershed Foundation	4	\$ 28,780.00	\$ 28,780.00
Moon Brook Streambank Stabilization-JCC /Chautauqua County Soil and Water Conservation District	5	\$ 40,000.00	\$ 15,970.00
Twenty-Eight Mile Creek Streambank	6	\$ 29,000.00	\$ 0.00

Stabilization /Town of Ellington			
Dewittville Creek Weir Stabilization /Chautauqua County Soil and Water Conservation District	7	\$ 40,000.00	\$ 0.00
Kiantone Creek Streambank Stabilization /Chautauqua County Soil and Water Conservation District	8	\$ 40,000.00	\$ 0.00
Chautauqua Lake Watershed Road Ditch Stabilization /Chautauqua County Soil and Water Conservation District	9	\$ 20,000.00	\$ 0.00
Tyler Road Ditch Stabilization-Dewittville /Town of Chautauqua	10	\$ 12,000.00	\$ 0.00
Chautauqua County Road Ditch stabilization Project /Chautauqua County Soil and Water Conservation District	11	\$ 20,000.00	\$ 0.00
Watershed Technical Services /Chautauqua County Soil and Water Conservation District	12	\$ 25,000.00	\$ 0.00
Village of Westfield Watershed Stabilization /Bruce E. Robinson Forestry, Inc.	13	\$ 13,500.00	\$ 0.00
Chautauqua Lake Buffer Strips /Chautauqua Watershed Conservancy	14	\$ 20,133.00	\$ 0.00
Lake Erie Erosion Control Project /Gary Ladd	15	\$ 20,000.00	\$ 0.00
Johnson Road Ditch /Town of Ellery	16	\$ 10,600.00	\$ 0.00
Canadaway Creek Conservation /Alberto Rey	17	\$ 4,832.00	\$ 0.00
Shoreline Protection /Chautauqua Lake Marina, Inc.	18	\$ 32,000.00	\$ 0.00
Bendway Weirs /Village of Silver Creek	19	\$ 40,000.00	\$ 0.00
Blaisdell Creek Streambank Stabilization /Town of Cherry Creek	20	\$ 15,850.00	\$ 0.00
Harris Hollow Streambank Stabilization /Town of Ellington	21	\$ 23,550.00	\$ 0.00
Highway Building Sediment Trap and Constructed Wetland /Town of North Harmony	22	\$ 39,355.00	\$ 0.00
Snake Creek Watershed /Michael White	23	\$ 31,200.00	\$ 0.00
Continuation of Weed Control /Bear Lake Property Owners Association, Inc.	24	\$ 4,000.00	\$ 0.00
Pervious Concrete-Highway Building /Town of North Harmony	25	\$ 39,415.00	\$ 0.00
Fire Hall-Mill Street Storm Drain Redevelopment /Village of Cassadaga	26	\$ 6,000.00	\$ 0.00
Parson's Pond Waterway Bank Restoration and Stabilization /Town of Hanover	27	\$ 40,000.00	\$ 0.00

Install Grade Stabilization Near Culvert /Chautauqua Rails to Trails, Inc.	28	\$ 33,400.00	\$ 0.00
Rip Rap /Village of Silver Creek	29	\$ 40,000.00	\$ 0.00

Signed: Park, Heenan, Borrello, Nazzaro, Gould, Runkle, DeJoe, Richmond

Unanimously Adopted – August 24, 2011

RES. NO. 185-11

2012 Distribution of the 3% Occupancy Tax to Various Organizations

By Planning & Economic Development and Audit & Control Committee:
At the Request of Legislator Park:

WHEREAS, the County of Chautauqua established an Occupancy Tax by Local Law 12-03 pursuant to Chapter 366 of the Laws of 1989 of the State of New York; and

WHEREAS, it is appropriate for the County to make plans for the use of the Occupancy Tax net proceeds; and

WHEREAS, the Occupancy Tax Tourism Panel, created by Resolution #118-08, has carefully reviewed and prioritized requests for Occupancy Tax funding in 2012 for the promotion of tourism and visitors; therefore be it

RESOLVED, That the following organizations be awarded the following amounts of Occupancy Tax funds in the 2012 County Budget:

Lucille Ball Comedy Festival/Program & Event Series	\$16,960
Destination Grape Discovery, Grape Belt Heritage Association	\$8,026
Lawson Boating Heritage Center	\$4,048
15 th Annual Antique & Classic Boat Show	\$1,800
Art in the Woods/Audubon Nature Center	\$2,864
Jamestown Regional Celtic Festival & Gathering of the Clans	\$11,302
Total	\$45,000

Signed: Park, Heenan, Borrello, Nazzaro, Gould, Runkle, DeJoe, Richmond

Unanimously Adopted – August 24, 2011

RES. NO. 186-11

Accept Immunization Action Plan Grant Funding

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

WHEREAS, the New York State Department of Health has awarded Immunization Action Plan grant funding to the Chautauqua County Health Department to support local immunization activities; and

WHEREAS, the immunization activities are designed to reduce vaccine preventable disease and improve the immunization levels among children, adolescents and adults by conducting

immunization assessments with private health care providers, providing education and outreach activities, providing health department sponsored immunization clinics, and participation in a statewide immunization registry; and

WHEREAS, the expenditures for these activities have already been appropriated in the adopted 2011 County budget; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the above-named grantor for funding on an annual basis for so long as the Department of Health continues to be funded by this program, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

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

Signed: Gould, Ahlstrom, James, Stutzman

Unanimously Adopted – August 24, 2011

RES. NO. 187-11
Appointing Clerk of the Legislature

At the Request of Chairman Fred C. Croscut:

RESOLVED, That Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective September 1, 2011, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$17,640.00 for 49% time.

Signed: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent - August 24, 2011

RES. NO. 188-11

Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

Be it enacted by the County Legislature of the County of Chautauqua, as follows:

SECTION 1. Section 4-A of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one-half of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2010, and ending November 30, 2013. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and

collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (e) of subdivision (1) of section 11 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(e) With respect to the additional one-half of one percent rate of taxes imposed for the period beginning December 1, 2010, and ending November 30, 2013, in respect to the use of property used by the purchaser in this county prior to December 1, 2010.

SECTION 3. Subdivision (c) of section 14 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(c) Disposition of net collections from the additional rate of sales and compensating use taxes in the county. Notwithstanding any contrary provision of law, if the county imposes the additional one-half of one percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2010, and ending November 30, 2013, the county shall allocate three-tenths of the net collections from the additional one-half of one percent to the cities, towns, and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the General Municipal Law completed and published prior to the end of the quarter for which the allocation is made, and allocate the remainder of the net collections from the additional one-half of one percent as follows: (1) to pay the county's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chautauqua that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the General Municipal Law. The net collections from such additional rate shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county to be used for purposes above described.

SECTION 4. This enactment shall take effect December 1, 2011.

Signed: Barmore, Runkle, Scudder, Gould, Nazzaro, Park, DeJoe, Richmond (A.S. Cornell voting "no")

Adopted – R/C Vote: 20 Yes; 4 No; 1 Absent – (No's: Legislators Cornell, Gullo, James, Kindberg) – August 24, 2011

2nd Privilege of the Floor

Mr. Mel McGinnis, Frewsburg, New York, representing Southern Tier Tea Party Patriots. Good to be here on Wednesday evening because of my ministerial responsibility, usually can't make it on this night but it's been very interesting, especially on Ron Lemon's last night here. The Tea Party has been concerned about of course the \$18 million dollar deficit and one of my motions that we passed was to have all step wage increases frozen. We think that would save at least \$2 million dollars. We would ask that the County consider that proposal so as to save taxpayers on that matter. As I understand it, negotiations are going on right now and we would encourage that no increase be given so that not only do the taxpayers save but, all employees may have their jobs saved.

One of the things that we noticed through Steuben County was a unanimously decision made by them to have the State pick up the entire tab of Medicaid. They are frustrated over there with regard to these unfunded State mandates and with this unfunded State mandate of course, there is

no mandate reform included. I would say that if the Legislature here did something like that, the Tea Party would really be behind that because they feel the impact that the property taxes having on our citizens here and are very concerned in regards to that issue.

Also, with regard to the matter of understanding our State, I sure appreciate Legislator Downey coming to the Tea Party last night because I feel like she lit the certain prairie fire among us and helping us to understand the constitution of New York State and how that constitution really limits us as a County to work independently rather than under the thumb screws of the State. I really see that we basically are a thief dump of the State and we need to get ourselves loose from that. I don't know how we're going to do it but I think the Tea Party's across the State may be coalescing so that the County is given more power and the State from Albany is given much less power. So, I appreciate Legislator Downey for coming last night to share with the Tea Party.

MOVED by Legislator Runkle, SECONDED by Legislator Gould and duly carried the meeting adjourned. (8:08 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, September 28, 2011
Mayville, N.Y. 14757

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

Clerk Lemon called the roll and announced a quorum present.

Legislator Cornell delivered the prayer and pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator Tarbrake and duly carried the minutes were approved. (8/24/11)

Privilege of the Floor

My name is Todd Trantum, I am the President and CEO of the Chautauqua County Chamber of Commerce and the Executive Director of the Manufacturers Association. I own property in the City of Jamestown and the Town of Charlotte. Thank you for the opportunity to speak this evening. We represent 1,200 businesses in Chautauqua County. We're a privately funded organization and I am here just to say point blank, we can't afford any increase in property taxes. We are opposed to the tax cap override and we hope that either stays tabled or does not come back up for discussion. We do understand your dilemma. I think that we all understand these are very, very difficult challenging times for the County and it's going to take a combination of cuts and some significant changes in Albany to get through this. This is not a situation that was brought on by one individual or one administration or one political party. I think we all recognize this is an accumulation of years and years and years of not taking on some of the challenges we needed to when we had the opportunity to. So, we're in this together and please don't believe it's lost on us, the challenges you have, and we do appreciate the time you spend here and the work you do to try and resolve these issues. But, we're at a tipping point. This is it. We can no longer put tax increases and increase revenues to the County coffers on the shoulders of the County taxpayers. We need significant change. We do look at this body and look to you as the highest elected officials in the County to help drive that change. Whether it's consolidating school districts, whether it's consolidating municipalities, whether it's bringing those folks together and using the leverage and power that you have, the leadership opportunity you have to do that, we need you there. And we need you to provide the care and if necessary the stick, to facilitate those discussions. Those are some things that are within our local control. Now, there are things outside of our direct control certainly at the State level and I will address those as well. I think we also and this body also needs to have a serious conversation with the municipalities around the sales tax revenue. Think about the last 40 years, what the County has taken on its shoulders. The Department of Social Services, Countywide law enforcement, landfills, airports, roads and bridges. That has cost a lot of money. Did the County get compensated for that? I don't think so. So, those are some of the hard discussions that need to take place and furthermore, I think we all recognize that change has to come out of Albany. What we have tried so far over the past 10 or 12 years related to Medicaid reform, apparently haven't gotten the message across. That is why we ask you, as a body, to pass a resolution and we're willing to stand shoulder to shoulder with you, arm to arm, telling the State, we're not going to send the check. Five hundred and sixty thousand dollars a week, think of what we could be doing with that money for the people of Chautauqua County and the taxpayers of Chautauqua County in an effort to reduce taxes as well as continue to provide necessary services. It's time we take a stand. We're here as a business community to support you in that stand but it is time that we stand up and make our case. Again, I thank you for your time and appreciate all the hard work that you are doing in here.

My name is Mattie McIntyre: I too am a small business owner in the State of New York, Chautauqua County, Town of Pomfret. I speak in conjunction with the young gentleman here that just

spoke. We need to stand up to Albany. Our taxes, everything that is taken aside, is being taken away from Chautauqua County and getting put into Albany in an overall fund. As he said, we're taking over areas that are growing and in the same breath, we're looking at taking away from the areas that need to stay here. Medicaid is the biggest one. We have areas and talks where people are thinking about closing down certain facilities, certain businesses and everything else. People are walking and it's getting to the point where our Legislators are going to have to do something to keep the small businesses in the area.

My name is Herm Rollman, I have Rand Machine Products in Falconer and Spartan Tool in Gerry. I have 100 employees. The withholdings for my payroll in a year's time is \$1.3 million dollars have gone to taxes right now. This proposed tax increase is not acceptable. It has to be – we need to change things in New York State. Instead of attracting people and being first or second to California, and attracting people here that don't work, that want welfare and Medicaid and give away programs, we need to change ours. Rather than being first or second, I want to be 50th in the nation and encourage the people to move elsewhere that don't want to work. New York State needs to be a place to work and thrive. Too many businesses are moving out of the area. We're losing our industrial base. It's not a good thing. We really need to change things and Albany needs to change. They are spending money that they don't have. They are attracting these people that want these benefits and from what I can see, New York State is the easiest one to get things out of and it's not right. It needs to be turned around. The other thing is that, nobody seems to go after the medical industry. All of our costs are being aggravated by the cost of health insurance whether it is Medicaid or just traditional health insurance. The cost of living in the last 20 years has gone up about 3% per year except for the medical industry, the health care and that has been going up anywhere from 10 to 30% every year and it's not justified. Most of the drugs are being made in China now so it should be cheaper if anything. There is over utilization for all of these services. I had my mother-in-law was in Lutheran Social Services and they did a blood test on her every day. There was no reason to do a blood test. My wife and her sisters pleaded with them and signed papers that they stop it. The doctor at Lutheran Social Services says, what do you care, you don't have to pay for it. Well, yes we do and that is something that nobody is attacking. Somebody needs to do it. If you just eliminate the TV advertising from the pharmaceuticals there would be a tremendous amount of money saved. But you really need to look at where these costs are coming from and deal with it. I have meetings with the Air Force once a year. I will be going down next week. The General of the Air Force, from the Pentagon, says that all of their funding goes to take care of the retiree's health care costs. They are going to keep the B52 aircraft in flight until it is 100 years old. We use to change our aircrafts every 15 or 20 years and to take an aircraft and fly it for 100 years that is ridiculous. You need to go back and pass on the changes that need to be made the some accountability. I realize the pharmaceuticals fund more of the election campaigns for our Federal officials and that is why they don't attack them. But, they do need to be attack. It is out of control and needs to be repaired.

Chairman Croscut: Anyone else to speak? If not, we'll close the first privilege of the floor.

COUNTY EXECUTIVE EDWARDS
2012 TENTATIVE BUDGET

[The 2012 County Executive's Tentative Budget can be viewed in Legislature's office.](#)

COMMUNICATIONS:

1. Letters (3) – Co. Exec. Appts. to STWRRA; Ethics Bd., & Planning Bd.
2. Report – Dir. of Finance, Schulz - August 2011 Financial Report
3. Letter – K. Engstrom – Re: Recognition of Sheriff's Deputy Kirschman
4. Letter – D.A. – Re: Order of Appted. D.A's Powers & Duties
5. Report – Qrtly. Sm. Business Dev. Center – 4/1/11-6/30/11
6. Minutes – Chaut. Co. Soil & Waster Conservation District – 8/11

7. Letter – NCLSD Bd. of Dir. – Re: Proposed Total Daily Maximum Load
8. Annual Report – 2010-2011 – STW Regional Planning & Dev. Board
9. Highlights (2) – Fish & Wildlife (6/15 – 7/15 - 7/15 & 7/15 – 8/15/11)
10. Res. – County of Fulton – Re: Req. Comptroller to Reform NYS Common Retirement Fund
11. Letter – Senator Young – Re: Sponsoring Recognition of Lucille Ball, Robert H. Jackson and Roger Tory Peterson
12. Letter – Senator Young – Re: Ack. Receipt of Motion 12-11
13. 2012 Tentative Budget

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 08/24/11

RES. NO. 189-11

Confirm Appointment - Chautauqua County Ethics Board

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

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

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

Rose Sebouhian	Replacing: Marcia Bliss
6 Ventura Circle	
Fredonia, N.Y. 14063	Term Expires: 1/31/14

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – September 28, 2011

RES. NO. 190-11

Confirm Appointment - Chautauqua County Planning Board

At the Request of County Executive Gregory J. Edwards and Legislator Jerry Park:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Planning Board:

Maureen Morabito	Replacing Kathy Tampio
123 Main St.	
Silver Creek, N.Y. 14136	Term Expires: 12/31/12

Signed: Park

Unanimously Adopted – September 28, 2011

RES. NO. 191-11

Confirm Appointment – Southern Tier Extension Railroad Authority

At the Request of County Executive Gregory J. Edwards and Legislator Jerry Park:

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

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

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

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

Frank "Jay" Gould
70 Hoag Road
Ashville, New York 14710
Term Expires: 8/31/14

Signed: Park

Unanimously Adopted – September 28, 2011

RES. NO. 192-11

Adopting Chautauqua County Information Technology Policy

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 166-00, the Chautauqua County Legislature adopted a computer use policy for County government pertaining employee use of computers, the internet, and email; and

WHEREAS, massive increases in technology as well as significant expansion of State and Federal regulation of information since 2000 require the County to dramatically enlarge the breadth and scope of the policy, including issues pertaining to smartphones, tablet computers, printers, copiers, social networks, removable media, anti-virus and malware, third party access, remote access, wireless networks, and software use/licensing; and

WHEREAS, the Chief Information Officer of the County has developed a new comprehensive Information Technology Policy to address current needs but will have to regularly update the policy on short notice to confront new technologies and security threats as they appear; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the Chautauqua County Information Technology Policy developed by the Chief Information Officer dated September 2011 on file with the Clerk of the County Legislature; and be it further

RESOLVED, That the Chief Information Officer of the County, with the approval of the County Executive, is authorized and empowered to amend said policy as needed in the future to adapt to continuing changes in technology, security concerns, and regulatory requirements, and shall file copies of such amendment(s) with the Clerk of the County Legislature and the Legislature's Administrative Services Committee.

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – September 28, 2011

RES. NO. 193-11

Authorize Lease of Office Space at 58 South Portage Street, Westfield, N.Y. for the Chautauqua County Department of Social Services

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County is in need of office space to better provide services to the public in the Westfield community and surrounding areas; and

WHEREAS, the YWCA of Westfield, is ready, able and willing to lease office space to County for use by the Department of Social Services upon reasonable terms; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with YWCA of Westfield, NY, for such office space on substantially the following terms and conditions:

1. Premises: One large room and the use of common space and facilities primarily on Mondays to be utilized for CCDSS staff in the performance of its duties at 58 South Portage Street, Westfield, NY.
2. Term: October 1, 2011 to December 31, 2012 with options to renew as negotiated by the County Executive.
3. Rent: \$200.00 per month.
4. Utilities: Landlord shall pay the cost of all utilities.
5. Other: As negotiated by the County Executive.

Signed: Gould, Nazzaro, Runkle, Park, DeJoe, Richmond

Unanimously Adopted – September 28, 2011

RES. NO. 194-11

Authorize Contract for Development of a Financial Plan for County Land Bank and Adjust Accounts for Housing and Neighborhood Trust Fund

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 159-11, the County Legislature approved the allocation of the Chautauqua County Housing and Neighborhood Trust Fund to consist of \$50,000 for a Chautauqua County Housing Assistance Grant Program, and \$150,000 as seed money to facilitate

the development of a land bank in Chautauqua County, subject to further approval by the County Legislature; and

WHEREAS, Resolution 159-11 further provided that the Department of Planning and Economic Development make recommendations regarding the feasibility of establishing a land bank corporation, and the Department has obtained a proposal from the Center for Community Progress (CCP), which employs national experts on land banks, to analyze and prepare a financial plan for the proposed Chautauqua County Land Bank Program; and

WHEREAS, a viable financial plan for the land bank program will be necessary to obtain New York State approval that is required for establishment of a land bank program pursuant to the new Article 16 of Not-For-Profit Corporation Law signed into law by the Governor on July 29, 2011; and

WHEREAS, the initial funding resolutions in 2008 and 2009 placed the \$200,000 of trust fund monies in a capital account but the aforementioned allocations approved in Resolution 159-11 are now not expected to be utilized for capital purposes; and

WHEREAS, a trust account would be a more appropriate account for these expenditures; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the expenditure of up to \$15,000 of the Land Bank Program seed money for the preparation of a land bank financial plan by the Center for Community Progress (CCP); and be it further

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

DECREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Transfer to Capital – Interfund Transfers	\$200,000
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and be it further

RESOLVED, That the Director of Finance is directed to implement the following:

DECREASE THE USE OF FUND BALANCE:

A.----.----.909	Fund Balance	\$200,000
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ESTABLISH AND INCREASE TRUST ACCOUNT:

TA.98.CCHN	Chautauqua County Housing and Neighborhood Trust Fund	\$200,000
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and be it further

RESOLVED, That the Director of Finance is directed to close Capital Project H.1310.677 and return \$200,000 to the reserve for capital.

Signed: Gould, Nazzaro, Park, DeJoe, Richmond (A&C: Runkle voting "no")

Adopted w/ Legislators Gullo, Runkle, Scudder voting "no" - September 28, 2011

RES. NO. 195-11

Authorize Reimbursement Agreement with Jamestown Community College for Repayment of Debt Service of County Bonds for Third Dormitory Building at Jamestown Campus

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

WHEREAS, pursuant to Resolution 142-11 of the Chautauqua County Legislature adopted June 22, 2011, the County approved a bond resolution to finance the construction of a third dormitory building on the Jamestown campus of Jamestown Community College ("JCC"), conditioned upon JCC reimbursing the County the full amount of the debt service on such bonds from rental income derived from said third dormitory building, and JCC further providing a guarantee for repayment of the debt service on such bonds; and

WHEREAS, approval of the lender (the "Bank") for the first two student housing facilities previously constructed by JCC Development Corp. ("JCCDC") at the Jamestown campus is required for JCC to construct, own and operate the third housing facility financed by Resolution 142-11; and

WHEREAS, as a condition of the Bank's approval, JCC will enter into an agreement with the Bank (the "Bank Agreement") that provides that 214 of the beds in the first two JCCDC facilities will be licensed prior to licensing any beds in JCC's third housing facility (the "First Fill Requirement"), with JCC having the option to place one or more students in JCC's third housing facility prior to satisfaction of the First Fill Requirement if JCC enters into a license agreement with JCCDC for the equivalent number of beds (up to 214) in the two JCCDC facilities; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into a reimbursement agreement with JCC for repayment of the debt service on the County bonds to be issued pursuant to Resolution 142-11, on the following terms and conditions:

1. Reimbursement Obligation. JCC shall reimburse the County for the full amount of the debt service on the County bonds issued pursuant to Resolution 142-11.
2. Rental Income. JCC shall first satisfy its reimbursement obligation to the County from rental income derived from the third housing facility, subject to and subordinate to JCC's obligations under the Bank Agreement but only as to the rental income covering up to 214 beds.
3. Guarantee. Apart from its obligation to satisfy the reimbursement obligation from rental income, JCC shall also provide the County a general guarantee for the reimbursement obligation from its resources other than rental income, and such resources other than rental income shall not be subject to or subordinate to the Bank Agreement in any way.
4. Default. In the event of a default by JCC in its reimbursement obligation, the County shall have the right to withhold and retain from the County's capital chargeback payments to JCC the amount(s) necessary to satisfy JCC's reimbursement obligation.
5. Other. As negotiated by the County Executive.

Signed: Gould, Nazzaro, Runkle, Park, DeJoe, Richmond

Adopted w/ Legislator Duff voting "no" – September 28, 2011

RES. NO. 196-11

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2012 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of Chautauqua County Legislature and its Chairman

By Audit & Control Committee:
At the Request of Chairman Fred C. Croscut:

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 2012 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 26, 2011 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 2012 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: Gould, Nazzaro, Runkle, Richmond, Park, DeJoe

Adopted w/ Legislators Ahlstrom, Kindberg, Cornell, Duff, DeJoe, James, Stutzman, Heenan, Gullo, Mueller voting "no" – September 28, 2011

RES. NO. 197-11
Investment Policy for the County of Chautauqua

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

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, it is desirable that the County's current policy be amended to modify the lists of depositories, financial institutions, dealers, and custodians; therefore be it
RESOLVED, That the County Investment Policy is hereby amended to read as follows:

XIV. 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.

XV. 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).

XVI. 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.

XVII. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

XVIII. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

XIX. 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.

XX. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$30,000,000 for each institution, are:

Community Bank Key Bank of New York Lakeshore Savings & Loan

M & T Bank	Jamestown Savings Bank	HSBC America
Evans Bank, N.A. PayPal	Citizen's Bank N.A. First Niagara Bank	JP Morgan Chase, N.A.

XXI. 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:

4. 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.
5. 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.
6. 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.
- 7.

XXII. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

XXIII. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- *Special time deposit accounts;
- *Certificates of deposit;
- *Obligations of the United States of America;

*Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;

*Obligations of the State of New York;

*Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;

*Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;

*Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;

*Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceed: of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

XXIV. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

Prudential Securities	Crew & Associates
Merrill Lynch	Mischler Financial Group
Bank of New York	Federal Reserve Bank –Treasury Direct
First Empire Securities	Manufacturer’s & Traders Trust Co.
Morgan Stanley Dean Witter	Finacorp Securities
McDonald Investments	JP Morgan Chase, N.A.
Wachovia Securities	RBS Greenwich Capital
Edward Jones	Duncan-Williams Inc

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RBS Greenwich Capital
Federal Reserve Bank	Manufacturer’s & Traders Trust Co.
Wachovia Securities	JP Morgan Chase, N.A.
Edward Jones	First Niagara Bank

XXV. PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

2. 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.

XXVI. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

* All repurchase agreement must be entered into subject to a Master Repurchase Agreement. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

* Obligations shall be limited to obligations of the United States of America, and obligations guaranteed by agencies of the United States of America, where principal and interest are guaranteed by the United States of America.

* No substitution of securities will be allowed.

* The custodian shall be a part other than the trading partner.

Signed: Barmore, Runkle, Scudder, Richmond, DeJoy, Cornell, Gould, Nazzaro, Park, DeJoe

Unanimously Adotped – September 28, 2011

RES. NO. 198-11
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-11; therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer #	Munic.	Parcel ID No	Property Location	Purchaser	Offer Amt	Taxes Owning
QC-55-	C/Dnk.	060300-79.19-6-	634 Leopard St	Home Solutions	\$ 2,170.77	\$2,170.77

2011		25.1		Partners I, LP		
TOTALS:					\$2, 170.77	\$ 2,170.77

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – September 28, 2011

LOCAL LAW
INTRODUCTORY NO. 7-11
CHAUTAUQUA COUNTY

A LOCAL LAW OVERRIDING TAX LEVY LIMIT FOR FISCAL YEAR 2012

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

1. Overriding Tax Levy Limit for 2012. For fiscal year 2012, the County of Chautauqua overrides the real property tax levy limit established by Chapter 97 of the Laws of 2011 of the State of New York, and may adopt a budget for fiscal year 2012 that requires a tax levy that is greater than such tax levy limit.
2. Effective Date. This Local Law shall become effective upon filing with the Secretary of State.

Mailed: 9/16/11

TABLED in Legislature: 9/28/11 R/C Vote: 19 Yes; 6 No (No's Ahlstrom, Cornell, DeJoy, Duff, James, Kindberg-to table)
NO ACTION TAKEN: 10/26/11

LOCAL LAW
INTRODUCTORY NO. 8-11
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 2-89 REGARDING COUNTY COLLECTION OF DELINQUENT VILLAGE REAL PROPERTY TAX

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

1. Purpose. In 1989, the Chautauqua County Legislature enacted Local Law 2-89, which authorized the collection of delinquent village real property taxes if such collection is requested by resolution of the board of trustees of any village in the County. Upon the enactment of Local Law 2-89, the County began making such villages whole for the amount of delinquent village taxes. It has recently come to the attention of the County Legislature that some villages are including in their return of delinquent taxes to the County unpaid assessments for demolition, repair, or clean-up work performed by the village. The County is thereby placed in the position of underwriting the expense of unsafe property remediation work for villages in the County, even though the County does not do so for cities and towns, and has no role whatsoever in village code enforcement activities. The purpose of this Local Law is to clarify Local Law 2-89 to make clear that the expense of demolition, repair, or clean-up work incurred by a village and assessed against real property will not be collected, enforced, or guaranteed by the County.
2. Amendment. Section 2 of Local Law 2-89 of the County of Chautauqua, entitled "Authorizing County Collection of Delinquent Village Real Property Tax," is hereby amended by substitution to read as follows:

2. Collection of Delinquent Village Taxes. The County of Chautauqua shall assume responsibility for the collection of delinquent village taxes, if such collection is requested or has been previously requested by resolution of the board of trustees of any village within the County, for village taxes levied on or after January 1, 1990. For the purposes of this Local Law, "delinquent village taxes" shall mean ad valorem taxes and special assessments levied or imposed by a village board of trustees, but shall not include any assessments imposed by such board of trustees on real property for the cost of demolition, repair, clean-up, or code enforcement work undertaken by a village.

3. Invalidity of Local Law. In the event that any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, ineffective, or unenforceable, this Local Law and Local Law 2-89 shall both be deemed to be immediately repealed in their entirety and the County of Chautauqua shall immediately cease to collect, enforce, or guarantee any delinquent village taxes.

4. Effective Date. This Local Law shall become effective upon filing with the Secretary of State.

Mailed: 9/16/11

Adopted by Legislature: 9/28/11

R/C Vote: 25 Yes

Adopted as Local Law 4-11

2nd Privilege of the Floor

My name is Rose Conti, 50 Lake Ave., Brocton, N.Y. I am the CSEA President for unit 6300, so I will be speaking on behalf of my organization. I just have a few questions for the legislative body. I don't expect answers tonight, but have copies of all the questions and I would like to know if it's permissible to pass them out to you. They would also have contact information so you can contact me if you have answers to my questions.

When you are making your decisions, that will have such a broad impact on my members and the residents of this County and the residents to the County Home, I just ask that you think about these questions and maybe see if you can provide the answers for them. My first question is: what is your rush to sell? My second question is: when there was money taken from the County Home and placed in the General Fund years ago, what happened to it? Where is that money and why can't we get that back? My next question is; has anyone here considered contacting the Center for Governmental Research Inc., and asking them to do a study? Before you decide to sell, shouldn't we have an unbiased opinion of the long range implications of such a drastic move? Why weren't the residents of the Chautauqua County Home informed before the newspaper and before the marketing group of Marcus & Millichap were informed? Has anyone considered doing an economic impact study on what this is going to do to the County? I would like to know what would happen to the businesses in the north end of the County if we replace families of sustaining jobs with low income jobs. Will the workforce become users of the social programs such as Medicaid, food stamps, and HEAP? Programs earlier this evening that you were talking about how they hurt us. Why hasn't the gas well that was drilled, been connected to the County Home? Isn't that why we drilled it in the first place? What will happen to the residents that need a higher level of care when there is no longer a County Nursing Home? Will their families have to travel hours to visit them? How can you tell them that it will be alright when you have no control after you have sold their home to the highest bidder? And finally, after working hard all of your life and giving up everything you have, someone came to your home tomorrow and told you that they were selling it out from under you, I would like to know how you would feel? Speaking of Mr. Larson, he reminded me back in 1986, was the first time that we talked about selling the County Home out from under the residents that lived there. We're still talking about doing that to them and I think that we have to take a look at the history of why we decided that was a bad idea and why we have a responsibility to these people who have given their whole lives to

this County. We find money for the things we want, I think we have time to take a look and see what we can do about saving what one person calls the jewel of Chautauqua County. Thank you.

Once again my name is Mattie McIntyre. I am a small business owner. I don't work at the County Home. I'm a small business owner and a taxpayer but more important than that, I am the granddaughter of a woman that use to kiss my bruises, tape up my wounds, cook Sunday dinners and provide the best Christmas for a child that there was. Today, she is at the County Home because we chose to put her there. We searched high and low, we looked at places like the Water's, we looked privately owned nursing homes and we chose the County Home because of the quality of care there. I am a little upset that we're hearing through the newspapers, we, the taxpayers, are hearing through the newspapers that the County Home is going to be privatized. We're hearing through the newspapers that we may not even have a say in it. We don't know when the vote is, we don't know any of it. Nothing is brought public for us, me, the taxpayer. Me, the granddaughter who is trying to care for her grandmother the best that we know how. I just don't think that it is right. I think that it is up to this County to allow us, the taxpayers, to have a better say and to be able to see and know exactly what is going on when it comes to our loved ones. These are our elders and I don't know how you feel about it but we said a prayer at the beginning of this forum and the Bible says that we will take care of our elders, the widow's and the children. It is our responsibility to make sure that our people, our families, have the best care possible and right now the County Home is that care.

Mr. Greg DeCinque, President of Jamestown Community College. I would like to take a moment and thank the Legislature for the support on the resolution that you passed this evening concerning supporting the financing of our 3rd resident's hall. I want to make it very clear to everyone in the audience is aware, that our 3rd residents hall, which we have no doubt will be fully occupied as the two halls that we currently have we're full for this year last April. We had a very substantial waiting list that developed very quickly. But this project is fully self sustaining. The assistance that we are receiving from the County here is in the financing. There is absolutely no costs to the taxpayer and the debt will be fully paid from the rents paid for the resident's hall. So on behalf of the 4,000 students who attend JCC, the 9,000 individuals who take advantage of workforce development and other training activities through JCC, I truly do want to thank you. I also want to single out County Executive Edwards, Chairman Croscut, members of the Audit & Control Committee, Darin Schulz, Kitty Crow, who really worked with us to find a very creative solution to what can be a very difficult problem for us in finding the kind of financing that allows these kinds of self sustaining projects to cash flow. If you would like an example of an excellent public entity to public entity partnership where everyone benefits, this is it. Mr. John Garfoot, our Vice President for Administration, last week attended the State University Board of Trustees Finance Committee meeting where they also acted on a resolution authorizing the capital project. Mr. Carl McCall, where some of you may know the name, the former New York State Comptroller, who is a member now of the SUNY Board of Trustees commented and wanted to know how we were again, able to pull this off, because this is clearly and this is a gentleman who understands financing, is clearly a best practice and should be touted throughout New York State. So, I would like again, thank the members of the Legislature and those who worked with us to make this project very affordable for our students. Thank you.

Laura Damon, from Northlake Informed Citizens. I listened very attentively to what County Executive Edwards had to say about our future. As you know, I am principally involved in coming to your meetings and school board meetings and town board meetings, to keep tabs on the taxes for the residents of, principally of the Institution. My kids love it that I am institutionalized. As well as other people in the neighboring areas. I would hope that you all would be as bipartisan as you could be as you work on the problems that were presented before you. I am sure County Executive Edwards realizes that there is real strength in numbers and whatever the other 61 counties decide to do, let's not be outside that loop. Their proposal seemed reasonable to me, both of them, as does yours. But, if we are going to be heard in Albany, let's make it a chorus and not a solo.

Fred Larson. Thank you for a welcoming me earlier. I appreciate that. I served on this body from 1985 to 1993 and without any mandated term limits there is a lot of turn over in this Legislature so a number of you don't know me. Adopting the budget is the most important thing that any County Legislature does. It's where you exercise your power to tax people. Whether it's the sales tax, mortgage tax, occupancy tax, motor vehicle surcharges, or the property tax, it's an awesome power. In politics and government, occasionally the facts sometimes gets lost or buried. Here on the facts and not my opinion about Medicaid. The actually County budget in 2006 for Medicaid was \$27,600,000. The County Executive's tentative budget for 2012, six years later, is \$32,600,000. Yes, that is an increase of \$5,000,000, but, the County tax levy in 2006 was \$53,800,000. The proposal before you this week is for \$67,000,000, an increase of \$13,200,000. So the non-Medicaid portion of the increase over these last 6 years is \$8,200,000. The State of New York has kept its promise made in 2005 to cap our County's Medicaid share at an annual increase of less than 3%. About the rate of inflation. It is true that the County will not receive anymore of President's Obama stimulus money to support our share of Medicaid in 2012. It was not prudent however or conservative for this County in the 2010 and 2011 budgets to treat the millions of dollars of one shot Federal stimulus money as though it was recurring revenue that could be counted on in the 2012 budget and the years to come. Mr. Chairman and members of the Legislature, Medicaid is no longer since 2005 with the cap, Medicaid is no longer the problem for Chautauqua County government.

Legislator Duff: I would like to thank Darin Schulz and Kitty Crow for all of the hours and hours and hours that I know they have spent. They have done an excellent job and I tip my hat to them. (Applause)

My name is Kathy Snyder and I am from the County Home and we're with the County Home Watchdog Committee. I would like to comment about the Ad Hoc recommendations that were made in March of 09, concerning therapy reimbursement. I would like to read this to you. Understanding reimbursement potential of rehab is not complicated. Medicaid aid brings in the greatest money, Part B and HMO's less money. Therefore you want to increase Part A patients whenever possible. Part A is reflected in rehab RUGS scores. You can't get the RUGS rehab money without supplying rehab. Each RUGS level has a reimbursement amount. The combination of the nursing component and a total number of therapy minutes determine the rehab RUGS level for each patient. The greater the number of minutes in nursing score, the more money you get. Having said that, any variables that interfere with getting more treatment minutes, reduces the RUGS score, thereby decreasing reimbursement. Facilities that have managed these variables have made millions of dollars in revenue. Let's talk a little bit about history. We have had three consultants come into the facility. These people were paid to provide a service but the recommendations were never followed. IM Solutions came in, in 2006 and stated that we could make more money and pretty much reiterated of what we have been saying for years. They made recommendations but the recommendations were not followed. Beginning in October, 2010, there were governmental changes made to the way we could provide rehab. They made it more difficult to provide therapy. To spite these changes, RUGS reimbursement actually increased by 12%. Facilities increased staffing to accommodate the changes and made much more money that expected. Our facility lost reimbursable staff hours well before October 1st, and continued after October 1st. So once again, we have the opportunity to increase revenue but were unable. About six months ago, Harmony International was hired. They stated that we could increase reimbursement. Now, six months later, we still do not have the result of the report. We don't know what was found, we don't know what the recommendations were. I do know the report does not contain any projections for increasing reimbursement. That component would have cost extra money but would have been a vital piece of information. As taxpayers and employees, we want to know the purpose or intent of this evaluation. If it wasn't meant to help us help the facility, then what was it for? So this is another week, another month, and another year in lost revenue.

I'm Linda Chase from Dunkirk and I would just like to finish this letter. This can not and should not be an emotional or sentimental issue. This has to be a business issue with a business plan to make this facility work. We have to say, this is what we need to do, this is how we can keep what

we have, and this is how we can make money. Being a County facility does not dictate that we should be losing money. As you can see, there really has never been a business plan to help the County Home. Despite new October 2011 changes in reimbursement, we believe our facility has the potential to increase revenue. We want a serious business plan, not a plan to privatize. If your business began to fail, you would explore every option before selling. We aren't convinced that this is happened with the County Home. As elected officials, you must have the integrity to do the right thing before a decision is made to privatize. The right thing is to educate yourselves on past recommendations from consulting companies and therapy reports so you understand the process and then obtain a comprehensive analysis of the current situation. We want an analysis performed by the Center of Governmental Research. This is a non-bias, non-partisan agency. It drives public policy action and change by making achievable recommendations. We want the results made available to the public. If recommendations are made, we want the creation of a board comprised of non-management employees, family members and north County professionals. This board would serve to create accountability and motivation to follow through and maintain recommendations that were made. This would take the burden off of County government. I would encourage you to ask questions as you go through this process and please direct your inquiries and discuss important issues with department and people that are involved in the day to day operations that are being questioned so that you can further understand. Thank you.

Mr. Greg DeCinque: May I make an amendment. I was remised and I know that he would not want me to do this however, I do need to add to the individuals who really made a very unique approach to financing the possible. County Attorney Steve Abdella. He was absolutely instrumental. As many of you know, these processes when we stand up here and talk quickly, how hard could it of been, but I can tell you that this was not easy to do and Steve's legal expertise and always (*inaudible*) patients helped us get through successful conclusion. So, thank you.

Mr. Doug Champ, 225 Bowen Street, Jamestown. I am normally talking about energy issues and I am not going to do that tonight. What I am going to say, I hope echo's over this next month to each of you legislators. You actually represent around 5,200 people in your districts. What do those people want you to do? It's not what you want to do. It's what the people feel you need to do. Now, I am not here to debate as a citizen whether the County Home is warranted or not, I do not know enough information about it. But what I don't want to hear is political rhetoric this next month and grandstanding or whatever term is applied. We are in a tipping mode. I want the best ideas to come forward, I want the Legislators to work together and come up with an approach that is workable for this County now. I don't want to hear about thrums of the past, formulas that didn't work and whatever else you want to put in terms of objectives. The time is now. It's not last year, it's now at what you are going to do for the future for the 5,200 plus people that you represent is up to you. Now some of you are not running against someone. So you are going to be here next year. Some of you are going to have to go out and knock on doors and say, what am I here for? I want you to explain that well because they will want to know this. Now, whether you want a tax increase, tax decrease, a sales tax increase, a mortgage tax, you want to lay people off that is up to you. But, we are at a point, that if you don't make decisions that are the basics of economies, this County will not have a future. I will go on a bus with any of you Legislators to Albany if you want to propose an approach that was talked about tonight. Now how you want to go about that it up to you but I don't want to hear about it in the paper of what you don't like, or you don't like someone that is not the time now. This County is too small for that kind of rhetoric. So let's see what you can do, what you can come up with. Using intelligence of economics to make those decisions. So next month when everyone shows up, I hope that we don't get into a debate over who's going to do it right, who's going to do it wrong. Thank you.

My name is Rita Koharski (?), and I live in Brocton to talk about the County Home. I have been affiliated there for 12 years as a worker. My father spent 4 years at the County Home and he died with dignity and out of pain, the best care he ever could have gotten was there. My mother, who fell and broke her wrist, the therapy department that they talked about is now home again and living on her own and independent. I feel closing this place would be the biggest deterrent to the County. I can't say enough for it and like I said, I have been affiliated there for 12 years. I see people with

cancer. I have seen doctors dying with cancer at the County Home and we keep them comfortable and they do die with dignity. There is more to it than just getting people up, feeding people, putting people to bed. We hold their hands, we talk to them, and we are there while they are dying too.

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

MOVED by Legislator DeJoe, SECONDED by Legislator Borrello and duly carried the meeting was adjourned. (8:18 p.m.)

Regular and Budget Meeting
Chautauqua County Legislature
2:00 P.M. & 6:30 P.M.
Wednesday, October 26, 2011
Mayville, N.Y. 14757

Chairman Croscut called the meeting to order at 2:03 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator DeJoe delivered the prayer and pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Gould and duly carried the minutes were approved. (9/28/11)

Privilege of the Floor

My name is Debra Cassman and I'm from Jamestown, N.Y. and I am here to speak about – asking you to rethink your cuts to the Youth Bureau which fund many valuable programs in Chautauqua County such as the Boys and Girls Clubs, Infinity, and my own organization Chautauqua Striders. I work collaboratively with the County over the past 20 years, providing for programs, mainly in the North County and have now, in the last few years, advanced to the north County providing academic and tutoring programs in Dunkirk and in the south County in Jamestown. We have recently added a mentoring program in the north County and we have outreach programs in the south County also funded by the County, the Youth Bureau. Cuts to the Youth Bureau funding which will then come back to Striders will greatly limit my ability to continue my academic program in Dunkirk. That means, 162 children there will not have the access to academic help that they have had in the past. It will also limit our ability to have our Teen Outreach program down in Jamestown. That program meets daily with teens. I am very concerned that we cut those funds to the people, the young people who need us most at the times of the day that they are needed most. We work very diligently with other agencies providing these programs and I think when we lose contacts with the children because we have lost funding and can not support our programs, then the children also lose something very valuable in their life and that is another adult who can help them grow and succeed in our communities. So, please, I know that you have very difficult decisions ahead of you but I don't want you to forget the children and please consider at least re-looking at your cuts to the Youth Bureau.

Todd Trantum, President and CEO of the Chautauqua County Chamber of Commerce and the Executive Director of the Manufacturing Association of the Southern Tier, 512 Falconer Street in Jamestown. I am also a taxpayer in Chautauqua County. I live at 345 Crossman, I own property in the Town of Charlotte and hopefully by the end of tomorrow, I'll have some property in Ellery. If you are wondering, I am starting my own land bank program (*inaudible*). Love this County and love the fact that I moved back here and I have been able to raise a family here. Simply this is the place to be but we're certainly met by some significant challenges here. I want to take one brief second to acknowledge the work that has been done on the Regional Economic Development Council and particular recognize our County Executive, Greg Edwards, for the work that he has done there. I've spent a lot of time in Erie and Niagara County. I think that we kind of wish we were spending more time in Chautauqua, Catt., and Allegheny County having some of these discussions but I do want to say that I have been approached multiple times by my peers when I have been up at the regional council meetings as well as other economic development professionals and they have just commented on the great job and great representation we've had on that council through our County Executive and others how have participated in that effort.

I also want to thank all of you for your hard work on the budget. I know that you have spent a lot of hours, late nights, toiling through this process, so, I just want to recognize you for that, recognizing that it's not an easy process. We remain opposed to tax increases. We feel any tax

increases are going to continue to make our region less competitive for economic growth and development and ultimately job creation.

A couple of things. As I have stated here before that I really feel this body needs to look at and one is, the 3% of the sales tax that is getting shared with the municipalities. Again, reiterating that it's roughly \$10 million dollars that could be helping the County with your budget woes in compensation for the fact that the County has taken over a number of roads, a number of bridges, provided County wide law enforcement, taking over the landfill, Department of Social Services, and I think that it is time that the municipalities pay up for those services. Secondly, I just want to encourage you to take a position and continue to stand behind our County Executive and our position as well in terms of withholding the Medicaid payments to New York State. We continue to reach out through our business organizations throughout New York State to reinforce this message. I really think that we're starting to get some traction. I think particularly in light of the positioning of the Governor on this issue and his opposition of the State taking over the Medicaid payment. We have to take a strong united stand on this issue and we need to take action and we need to send a message back to Albany that we can no longer shoulder the burden of these unfunded mandates. So, I just want again to say, thank you for your time and continue your hard work.

Chairman Croscut: Is there anyone else to speak to the first privilege of the floor? If not, before I close the first privilege of the floor, I would just like to thank the Audit & Control Committee and all of the committees that spent some time this year. I know that I spent more time here than I have in the past and learned a lot more. Whether or not that transpires into a budget this evening, at least we can say that we worked hard to do what we have done so far. I also want to thank, on behalf of the whole Legislature, the work that Kitty and Darin have done. Any time that we had questions, you were there to answer. I see Nick Dean hobbling back there. I also want to thank the press, I think they probably did as good a job this year of bringing out what we have discussed and putting it in the paper as they have in the past. So, I thank you for that Nick and the same thing with the radio stations, who are not here, but, I just wanted to take that opportunity. So, at this point, I will close the first privilege of the floor.

COMMUNICATIONS:

1. Letters (2) Co. Executive – Appts. Traffic Safety & IDA Board
2. Report – Fn. Director Schulz – Sept. 2011 Investment Report
3. Annual Financial Summary of Municipal Budgets – M. Deas
4. Report – Public Defender – Dir. Ranking – Jamestown Pilot Project
5. Letter – FLPB – Re: Ag. District #2 – Sheridan/Hanover/Pomfret
6. Minutes – Chaut. County Soil & Water Conservation Dist. – 9/22/11
7. Letter – JCC – Re: President's Round Table – Ethical Intelligence
8. Res. – Fulton County – Re: Multi-Year State Takeover of Local Share/Medicaid
9. Highlights – NYS Fish & Wildlife – 8/15/11-9/15/11
10. Fax – Assemblyman Joseph M. Giglio – Re: Objection of Eye Exam Elimination
11. 2010 Financial Audit Report
12. Proof of Publication – Public Hearing – 2012 Tentative Budget
13. E-Mail – Major C. Cummings – Re: State Police Presence

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 9/28/11

PUBLIC HEARING – 2012 TENTATIVE BUDGET & SEWER DISTRICT ASSESSMENT ROLLS

Chairman Croscut: If there is no one else, we kind of covered the public hearing on the budget and the sewer district assessment rolls and I guess we'll move right into the rest of the agenda.

MOTION: (On file w/ Leg. Data)

14-11 Declaring the Month of November as Veterans Remembrance Day – Unanimously Adopted

RES. NO. 199-11

Confirm Appointment - Chautauqua County Traffic Safety Board

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Lisa Vanstrom
99 Plummer Ave.
Jamestown, N.Y. 14701
Term Expires: 10/31/14

Signed: Richmond, Himelein, Duff, Mueller

Unanimously Adopted – October 26, 2011

RES. NO. 200-11

Authorize Director of Finance to Increase Appropriations for Sprague Avenue Bridge (BIN 2258350) Replacement Project (PIN5757.39)

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolutions 202-06 and 60-11 approved a project for the Replacement of the Sprague Avenue Bridge over the Chadakoin River and committed 100% of the funds to cover the project's Non Federal Share of the Preliminary Engineering and constructions phases; and

WHEREAS, the County was granted an additional \$206,000 funding via supplemental agreement No. 2 for PIN 5757.39; and

WHEREAS, the project's Preliminary Engineering (Design I-VI), Right of Way Incidentals, Right of Way Acquisition, and Construction and Construction Inspection Phases, are currently estimated at \$3,953,888 (increased \$206,000 from \$3,747,888) and are expected to be funded 80% from Federal funds and 20% from Non-Federal funds; and

WHEREAS, New York State Department of Transportation requires that the County commit 100% of the Non-Federal Share, \$791,000 (increased \$37,000 from \$754,000) for the project's Preliminary Engineering (Design I-VI), Right of Way Incidentals, Right of Way Acquisition, and Construction and Construction Inspection Phases; and

WHEREAS, it is anticipated that New York State will reimburse the County 75% of the Non-Federal share; and

WHEREAS, the County's share to complete the project's Preliminary Engineering (Design I-VI), Right of Way Incidentals, Right of Way Acquisition, and Construction and Construction Inspection Phases is currently estimated to be \$197,695 (increased \$10,300 from 187,395); and

WHEREAS, there are sufficient funds in the capital bridge project account (D.5112.390) to cover the additional local share cost of \$10,300; now therefore be it

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Project Expenses	\$195,700
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R358.9003	NYS Aid: Marchiselli Funds	\$ 30,900
D.5112.390.R458.9002	Federal Aid: Surface Transportation Program	<u>\$164,800</u>
		<u>\$195,700</u>

Signed: Babbage, Barmore, Stewart, DeJoe, Nazzaro, Park, Runkle, Gullo, Richmond

Unanimously Adopted – October 26, 2011

RES. NO. 201-11
Accept NYSDOT Aviation Capital Agreement

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

WHEREAS, Chautauqua County received a grant from the Federal Aviation Administration to pay 95% of the allowable costs incurred in accomplishing the following project at Chautauqua County Airport/Dunkirk:

Relocate Newell Road – Construction Phase I (Part of Runway 24 Extension Project)
FAA AIP Project No. 3-36-0022-44-11; and

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

WHEREAS, the current capital budget includes funds for this project in account H.5610.25672.4 as follows:

	Federal	\$	623,770
	State	\$	16,415
and,	Local	\$	16,415
	Total Project Cost	\$	<u>656,600</u>

WHEREAS, if Chautauqua County and/or the FAA notifies the NYSDOT that Chautauqua County has requested and received an increase in federal funding for the project based on increased eligible costs and has authorized the proportionate increase in local funding, the New York State

share noted above shall be increased proportionately up to a maximum increase of 15%; therefore be it

RESOLVED, That Chautauqua County enter into an agreement with the State of New York for financial assistance for the project described above at Chautauqua County Airport/Dunkirk; and be it further

RESOLVED, That the County Executive be authorized to execute all necessary documents on behalf of Chautauqua County with NYS in connection with the project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with the project.

Signed: Babbage, Barmore, Stewart, DeJoe, Nazzaro, Park, Runkle, Gullo, Richmond

Adopted w/ Legislators Ahlstrom, Heenan, Mueller voting "no" – October 26, 2011

RES. NO. 202-11
Civil Service Examination Fees

At the Request of the Administrative Services Committee:

WHEREAS, the present local Civil Service examination fee of \$10.00 for all types of exams was established in 1991, with fee waivers granted to those who are unemployed and primarily responsible for the support of a household, or are receiving public assistance; and

WHEREAS, the County is currently required to pay the State of New York \$7.50 per exam for non-uniformed position exams and \$12.50 per exam for uniformed position exams; and

WHEREAS, the net effect of the \$10.00 fee for non-uniformed exams coupled with the State's charges results in the County receiving \$2.50 in revenue for non-uniformed exams and incurring a loss of \$2.50 for uniformed exams; and

WHEREAS, revenue from the current fee schedule only provides an estimated 9% of the cost of administering the exams, and it would be appropriate that the fee set in 1991 be amended to allow the County to cover the cost of the current amounts paid to the State, and further allow the County to retain the same amount as is currently paid to the State; now therefore be it

RESOLVED, That effective for all examinations announced on or after January 1, 2012, the Civil Service application fee shall be \$15.00 for non-uniformed position examinations and \$25.00 for uniformed position examinations.

Signed: Barmore, Runkle, Scudder, Cornell, DeJoy

Unanimously Adopted – October 26, 2011

RES. NO. 203-11
Authorize County to Accept Indigent Legal Services Grant

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$39,552.00 for the operational period of June 1, 2011 through May 31, 2012; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for Aid to Indigent Legal Services for the period of June 1, 2011 through May 31, 2012, in the amount of \$39,552.00; and be it further

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

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services

Signed: Park, Nazzaro, Runkle, DeJoe, Gullo, Richmond

Unanimously Adopted – October 26, 2011

RES. NO. 204-11

Authorize Execution of Agreement with NYS Division of Homeland Security and Emergency Services for Operation Crows Nest

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

WHEREAS, the Sheriff's Office has received notice that New York State has approved the application for the Division of Homeland Security and Emergency Services for Operation Crows Nest; and

WHEREAS, the State of New York will provide funding in the amount of \$1,203.00 for the contract period of July 1, 2011 through July 31, 2011 without local funds; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the appropriate contract with the NYS Division of Homeland Security and Emergency Services for Operation Crows Nest in the amount of \$ 1,203.00 with no local share, and it be further

RESOLVED, That the Director of Finance is authorized to make the following 2011 budgetary changes:

INCREASE APPROPRIATIONS ACCOUNTS

A.3110. ----.1	Personal Services – Sheriff's Operation	\$ 948.00
A.3110. ----.8	Fringe Benefits – Sheriff's Operation	\$ <u>255.00</u>
		\$1,203.00

INCREASE REVENUE ACCOUNT:

A3110.R438.9OCN	Federal Aid: Operation Crows Nest	\$ 1,203.00
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Signed: Richmond, Himelein, Duff, Mueller, Park, Nazzaro, Runkle, DeJoe, Gullo

Unanimously Adopted – October 26, 2011

RES. NO. 205-11

Authorize Agreement with State of New York for Local Enhanced Wireless 9-1-1 Grant Program

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

WHEREAS, pursuant to Article 6-A of the County Law of the State of New York, it has been determined that Chautauqua County is eligible to apply for and receive reimbursement of certain costs associated with the provision of wireless 911 service during the period of April 1, 2011 through March 31, 2014; and

WHEREAS, the preliminary allocation amounts have been established for all eligible political subdivisions for the 2011-2012 State Budget and the County is designated to receive \$73,357.00 for such period; and

WHEREAS, the State of New York Department of State through its Bureau of Fiscal Management requires that the County enter into an agreement with the State of New York to comply with the funding guidelines; therefore be it

RESOLVED, That the County Executive is authorized to execute the appropriate agreements with the New York State Department of State to comply with the grant guidelines and accept the sum of \$73,357.00 from the 2011-2012 State Budget for reimbursement of eligible wireless 911 service costs incurred between April 1, 2011 through March 31, 2014.

Signed: Richmond, Himelein, Duff, Mueller, Park, Nazzaro, Runkle, DeJoe, Gullo

Unanimously Adopted – October 26, 2011

RES. NO. 206-11

Probation Eligible Diversion (PED) Grant Funds

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

WHEREAS, the Chautauqua County Office of Probation plays a role in the diversion of felony offenders from the prison system by providing interim probation supervision with specialized program services while enhancing public safety; and

WHEREAS, Probation Eligible Diversion (PED) cases are referred to services that address their criminogenic risk/needs such as substance abuse, education deficits, employment, and mental health. Participants are monitored for attendance, engagement, progress and completion of program requirements; and

WHEREAS, a successful PED case is a defendant who completes Interim Probation Supervision without being re-arrested or sentenced to a period of local or state incarceration and completion of special conditions that include, but are not limited to treatment programs; and

WHEREAS, the Chautauqua County Office of Probation is eligible to receive New York State Division of Criminal Justice Services grant funding for the supervision of PED cases in the

amount of \$30,552 for the fiscal year 1/1/2011 to 12/31/2011, with no matching funds required; therefore be it

RESOLVED, That the County Executive is hereby authorized to apply for Probation Eligible Diversion (PED) grant funding, to accept such funding, and to execute all agreements, amendments and other documents necessary to secure such funding, for 2011 and for future years; and be it further

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

Signed: Richmond, Himelein, Duff, Mueller, Park, Nazzaro, Runkle, DeJoe, Gullo

Unanimously Adopted – October 26, 2011

RES. NO. 207-11

Authorize Lease of Office Space at 610 W. Third St., Jamestown, N.Y. to Assist the Chautauqua County OFA and VSA in Providing Community Services

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

WHEREAS, the Office for the Aging has been approved by the New York State Office for the Aging to lease office space for the provision of supportive community services for the aging as part of its Four Year County Plan and Annual Implementation Plan; and

WHEREAS, the Office for the Aging and Veterans' Service Agency have, with prior legislative approval, been leasing shared office space for a center for the provision of community services located at 610 West Third Street, Jamestown, New York, a facility which includes accessible parking; and

WHEREAS, the Veterans' Service Agency is here co-located with OFA, with which it shares staff, and the building is occupied by other agencies that are serving common clients, resulting in well-coordinated services for veterans; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute new lease agreements with Jamestown Rental Properties, LLC for such office space on substantially the following terms and conditions:

1. Premises: Approximately 2100 square feet at 610 West Third Street, Jamestown, N.Y.
2. Term: October 1, 2011 to September 30, 2012 with options to renew annually for so long as mutually agreed upon by the parties, with a maximum annual increase of 2.5%, as negotiated.
3. Rent: Currently \$780.75 per month for OFA and \$576.14 per month for VSA, with the County paying the VSA share and the VSA reimbursing the County.
4. Utilities: Water, gas, and electricity to be paid by owner.
5. Other: As negotiated by the County Executive.

Signed: Park, Nazzaro, Runkle, DeJoe, Gullo, Richmond

Unanimously Adopted – October 26, 2011

RES. NO. 208-11
Joint Funding Agreements with U.S. Department of Interior – Geological Survey

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

WHEREAS, Chautauqua County, through its support of the County Sewer Agency, has caused to have constructed a gauge station on Chautauqua Lake and gauge instrumentation on the Dow Street Bridge in the Village of Falconer (Res.537-73); and

WHEREAS, the operation and maintenance of these stations has been 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 County has budgeted to pay a portion of the operation and maintenance costs of said gage facilities and the United States Department of Interior has offered a Joint Funding Agreement between the U.S. Geological Survey and the County of Chautauqua with a local share in the amount of \$7,630.00; therefore be it

RESOLVED, That the County Executive be authorized to enter into an agreement with the U.S. Geological Survey for a sum not to exceed \$7,430.00 for the period from October 1, 2011 to September 30, 2012.

Signed: Park, Nazzaro, Runkle, DeJoe, Gullo, Richmond

MOVED by Legislator Borrello, SECONDED by Legislator Runkle to amend to change the \$7,430 in the final RESOLVED, to \$7,630, so it matches.

Unanimously Adopted as amended – October 26, 2011

RES. NO. 209-11
Authorizing Sale of Tax Parcel 49.06-3-43 in the Village of Silver Creek or Assignment of County's Right to Tax Deed

At the Request of County Executive Gregory J. Edwards and the Administrative Services Committees:

WHEREAS, pursuant to Resolution 171-11, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold, and

WHEREAS, Section 1166 of New York State Real Property Tax Law further authorizes the County to transfer real property acquired through tax foreclosure proceedings without advertising for bids so long as such transfer shall have been approved and confirmed by a majority vote of the Chautauqua County Legislature, and

WHEREAS, tax parcel 49.06-3-43 in the Village of Silver Creek is located at 60 Main Street and contains a former public school that has been abandoned and is in deteriorating condition; and

WHEREAS, the County's Real Property Tax Director advertised a request for proposals for the sale of tax parcel 49.06-3-43 in the Village of Silver Creek, and has made a recommendation for

sale of the parcel or an assignment of the County's interest to Southern Tier Environments for Living, Inc. (the "Action"); and

WHEREAS, the County has caused an Environmental Assessment Form (the "EAF") to be prepared, and has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation and accordingly does not require a coordinated review; and

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

RESOLVED, That the Action entails merely the transfer of realty to a purchaser that intends to seek allocation of tax credits and financing for use in the potential development of the property, at which point in time such a project would then obtain any and all necessary permits and environmental approvals to re-develop tax parcel 49.06-3-43, such that the Action does not result in an adverse impact to the tax parcel, will not adversely affect any water body designed as protected pursuant to New York Environmental Conservation Law nor will the Action affect any non-protected existing or new body of water, there will be no significant adverse impact to existing air quality from the Action, there will be no substantial adverse environmental impacts to plants and animals from the Action, the Action will not cause a significant adverse affect on aesthetic resources in the area, the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance, the Action will not adversely impact open space or recreation, the Action will not entail any adverse impact on transportation, and there will be no adverse impact from the Action or on the growth and character of the community or neighborhood; and be it further

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

RESOLVED, That the Chautauqua County Legislature hereby authorizes the sale of tax foreclosure parcel 49.06-3-43 in the Village of Silver Creek, or assignment of the County's right to a tax deed to said parcel, to Southern Tier Environments for Living, Inc., or its designated business entity, upon the following terms and conditions:

1. Purchase Price. \$49,000.00
2. Closing Date. On or before October 31, 2012, contingent upon the purchaser receiving necessary tax credits, financing, governmental approvals, and permits.
3. Other. As negotiated by the County Executive.

and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transaction.

Signed: Barmore, Runkle, Scudder, Cornell, DeJoy

Unanimously Adopted – R/C Vote: 25 Yes – October 26, 2011

RES. NO. 210-11
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-11; therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer #	S/B/L	Property Location	Purchaser	Offer Amt.	Taxes Owning	Assmt.
PA-10-2011	060300-79.11-6-4	153 Lake Shore Drive E	Helen C Kuzara **	\$ 100.00	\$ 465.44	\$ 1,800.00
PA-12-2010	060300-79.14-1-53	139 W Second St	Jose' A Gonzalez	\$ 4,500.00	\$ 9,480.79	\$24,000.00
PA-31-2011	060300-79.15-3-37	74 Lincoln Ave	Joseph & Jana Reynolds	\$ 1,528.00	\$10,892.47	\$19,280.00
PA-43-2011	060300-79.16-5-35	315 Townsend St	Debra Mancuso	\$15,000.00	\$25,748.39	\$36,500.00
PA-141-2011	060800-387.06-6-2	57 W 9th St	Thomas Stahlman	\$ 595.99	\$ 4,837.63	\$18,000.00
PA-164-2011	060800-387.12-1-2	9 Willard St	Herman L Williams	\$ 1,001.00	\$18,617.04	\$45,000.00
PA-170-2011	060800-387.12-1-55	132 Water St	Chris L Murray	\$ 157.00	\$ 1,335.82	\$10,500.00
PA-197-2011	060800-387.14-1-72	114 Palmer St	Thomas Stahlman	\$ 3,595.99	\$33,429.26	\$41,000.00
PA-220-2011	060800-387.15-3-4	217 Allen St	Robert Parinella **	\$ 25.00	\$ 252.27	\$ 600.00
PA-237-2011	060800-387.25-4-53	635 Prendergast	Miles Voigt	\$ 100.00	\$ 3,991.37	\$30,000.00
PA-241-2011	060800-387.26-4-14	31 Bowen St	Todd Strong	\$ 300.00	\$ 5,237.08	\$22,000.00
PA-256-2011	060800-387.32-2-2	33 W 8th St	Thomas Stahlman	\$ 1,555.99	\$ 9,272.36	\$29,500.00
PA-252-2011	060800-387.32-2-12	2 Rowley Pl	Royal Housing LLC	\$ 20.20	\$17,180.81	\$ 6,000.00
PA-253-2011	060800-387.32-2-	3 Rowley Pl	Royal Housing LLC	\$ 20.20	\$17,619.81	\$ 6,000.00

	13					
PA-254-2011	060800-387.32-2-44	Rowley Pl	Royal Housing LLC	\$ 20.20	\$ 194.62	\$ 200.00
PA-137-2009	060800-387.32-2-45	Rowley Pl	Royal Housing LLC	\$ 20.20	\$ 1,214.90	\$ 100.00
PA-171-2010	060800-387.32-2-46	10 Cleveland Pl	Royal Housing LLC	\$ 20.20	\$27,599.68	\$ 6,000.00
PA-388-2011	063801-386.06-3-57	Jackson Ave	Mark D Olson **	\$ 50.00	\$ 337.10	\$ 1,100.00
PA-394-2011	063801-386.08-2-40	N Butts Ave	Bernard & Virginia Kirchhoff **	\$ 200.00	\$ -	\$ 2,400.00
PA-408-2011	063889-369.11-2-13	Elmwood Ave	Joseph G Terrizzi **	\$ 200.00	\$ 484.16	\$ 600.00
PA-409-2011	063889-370.09-1-12	Fluvanna Ave Ext	Pewbcw, LLC **	\$ 100.00	\$ -	\$ 2,200.00
PA-412-2011	063889-371.07-5-43	Wilson St	Kenneth B Strong **	\$ 50.00	\$ 340.44	\$ 1,000.00
PA-453-2011	064603-32.17-3-43	14 Howard St	Ronald J Kavanaugh	\$10,125.00	\$15,959.66	\$86,000.00
PA-463-2011	064689-116.00-2-24	0 Rider Rd	Stephen S Mastrelli **	\$ 10.00	\$ 205.12	\$ 400.00
PA-480-2011	064889-417.04-1-4	5413 Button Valley Rd	Daniel R Kenny	\$ 1,505.00	\$ 2,679.24	\$10,500.00
PA-512-2011	065889-111.00-1-44	Berry Rd	JSC Real Estate Holdings LLC	\$10,500.00	\$11,187.32	\$ 2,920.00
PA-543-2011	066200-240.12-3-27	2 E Main St	Miles Voigt	\$ 100.00	\$10,946.09	\$45,000.00
PA-581-2011	067000-152.00-1-17	W Side of Co Rd 87	Denise J Jackson	\$ 500.00	\$ 351.17	\$ 1,000.00
PA-589-2011	067289-208.06-3-36	Ninth Ave (Shorehaven)	Ottmar Schroeder **	\$ 100.50	\$ -	\$ 3,000.00
PA-590-2011	067289-208.06-3-37	Ninth Ave (Shorehaven)	Ottmar Schroeder **	\$ 100.50	\$ -	\$ 3,000.00
PA-601-2011	067289-260.00-2-38	Sherman Rd	Bradley A Mason	\$ 1.00	\$ -	\$ 200.00
Total				\$52,101.97	\$229,860.01	\$455,800.00

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

MOVED by Legislator Barmore, SECONDED by Legislator Runkle to amend by substitution:

Offer #	S/B/L	Property Location	Purchaser	Offer Amt	Taxes Owning	Assessment
PA10-2011	060300-79.11-6-4	153 Lake Shore Dr. E	Helen C Kuzara	\$ 100.00	\$ 465.44	\$ 1,800.00
PA12-2010	060300-79.14-1-53	139 W Second St	Jose' A Gonzalez	\$ 4,500.00	\$ 9,480.79	\$24,000.00
PA31-2011	060300-79.15-3-37	74 Lincoln Ave	Joseph & Jana Reynolds	\$ 1,528.00	\$10,892.47	\$19,280.00
PA43-2011	060300-79.16-5-35	315 Townsend St	Debra Mancuso	\$15,000.00	\$25,748.39	\$36,500.00
PA141-2011	060800-387.06-6-2	57 W 9th St	Thomas Stahlman	\$ 595.99	\$ 4,837.63	\$18,000.00
PA164-2011	060800-387.12-1-2	9 Willard St	Daniel W. Maus	\$ 500.00	\$18,617.01	\$45,000.00
PA197-2011	060800-387.14-1-72	114 Palmer St	Thomas Stahlman	\$ 3,595.99	\$33,429.26	\$41,000.00

PA256-2011	060800-387.32-2-2	33 W 8th St	Thomas Stahlman	\$ 1,555.99	\$ 9,272.36	\$29,500.00
PA252-2011	060800-387.32-2-12	2 Rowley Pl	Royal Housing LLC	\$ 20.20	\$17,180.81	\$ 6,000.00
PA253-2011	060800-387.32-2-13	3 Rowley Pl	Royal Housing LLC	\$ 20.20	\$17,619.81	\$ 6,000.00
PA254-2011	060800-387.32-2-14	Rowley Pl	Royal Housing LLC	\$ 20.20	\$ 194.62	\$ 200.00
PA137-2009	060800-387.32-2-15	Rowley Pl	Royal Housing LLC	\$ 20.20	\$ 1,214.90	\$ 100.00
PA171-2010	060800-387.32-2-16	10 Cleveland Pl	Royal Housing LLC	\$ 20.20	\$27,599.68	\$ 6,000.00
PA388-2011	063801-386.06-3-57	Jackson Ave	Mark D Olson	\$ 50.00	\$ 337.10	\$ 1,100.00
PA394-2011	063801-386.08-2-40	N Butts Ave	Bernard & Virginia Kirchoff	\$ 200.00	\$ -	\$ 2,400.00
PA408-2011	063889-369.11-2-13	Elmwood Ave	Joseph G Terrizzi	\$ 200.00	\$ 484.16	\$ 600.00
PA409-2011	063889-370.09-1-12	Fluvanna Ave Ext	PEWBCW, LLC	\$ 100.00	\$ -	\$ 2,200.00
PA453-2011	064603-32.17-3-43	14 Howard St	Ronald J Kavanaugh	\$10,125.00	\$15,959.66	\$86,000.00
PA463-2011	064689-116.00-2-24	0 Rider Rd	Stephen S Mastrelli	\$ 10.00	\$ 205.12	\$ 400.00
PA480-2011	064889-417.04-1-4	5413 Button Valley Rd	Daniel R Kenny	\$ 1,505.00	\$ 2,679.24	\$10,500.00
PA581-2011	067000-152.00-1-17	W Side of Co Rd 87	Denise J Jackson	\$ 500.00	\$ 351.17	\$ 1,000.00
PA589-2011	067289-208.06-3-36	Ninth Ave (Shorehaven)	Ottmar Schroeder	\$ 100.50	\$ -	\$ 3,000.00
PA590-2011	067289-208.06-3-37	Ninth Ave (Shorehaven)	Ottmar Schroeder	\$ 100.50	\$ -	\$ 3,000.00
PA601-2011	067289-260.00-2-38	Sherman Rd	Bradley A Mason	\$ 1.00	\$ -	\$ 200.00
Total				\$40,368.97	\$196,569.62	\$343,780.00

Unanimously Adopted – October 26, 2011

NOTE: RES. NO. 211-11 (Budget Resolution follows the 2nd Public Hearing comments)

EMERG. RES. NO. 212-11

Authorize Lease of Portion of Chadwick Bay Industrial Park Spec Building to Ascion LLC

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County with the assistance of CCIDA is currently marketing for sale the Chadwick Bay Industrial Park "spec" building designated on the Chautauqua County Tax Map as tax parcel number 63.00-1-39.4; and

WHEREAS, a local manufacturing firm, Ascion LLC, has approached the County to lease a portion of the Chadwick Bay spec building on a short-term basis to accommodate an emergent expansion of their operations, now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute a lease agreement with Ascion LLC, 341 Central Avenue, Silver Creek, New York for a portion of the Chadwick Bay Industrial Park "spec" building, as follows:

1. Premises. Approximately 14,500 square feet
2. Term Six (6) months, with option to renew for six (6) months as approved by the County Executive
3. Rent. \$3.00 per square foot
4. Utilities. Paid by tenant for leased portion of the premises.
5. Other. As negotiated by the County Executive

Unanimously Adopted – October 26, 2011

Continuation of the Chautauqua County 2012 Budget Hearing/Meeting

Legislature reconvened at 6:30 p.m.

Public Hearing

Sheriff Gerace: Thank you Mr. Chairman. First, I want to recognize all of you Legislators for probably hundreds of hours that you have committed to, and I can say, a thankless job. I can't think of any reward that you get out of going through what you have gone through.

I want to quote Thomas Jefferson and he wrote about the sovereignty of people and he said "the purpose of government is to enable the people of a nation to live in safety and happiness." I have taken an oath to uphold the laws of the State and protect the people of the County. I take this responsibility very seriously and we attempt to do so at the lowest cost possible to our taxpayers. But in order to accomplish our goal and to protect our residents and our tourists it takes people, supplies, and a lot of hard work. Our deputies work 24 hours a day to provide critical service to all 27 towns, 15 villages, and our 2 cities and they do so as among the lowest paid police officers in the County. They arrest drunk drivers, drug dealers, rapists, kidnappers, child abusers, burglars, and murderers. Last year, only 8 people lost their lives in Chautauqua County highways. Now, that is 8 too many but compare that to 48 the year that I took the job at the Sheriff's office. That didn't happen, no pun intended, by accident. It happened through strict enforcement, getting drunk drivers off our roads and keeping our people safe through traffic enforcement. Our DWI fatality rate is well below the national average.

Consolidation. I want to talk about that for just a second. It's talked about so much in government and while it is being talked about, it's quietly taking place in law enforcement in this County. Today, there are 21 fewer law enforcement agencies in this County than there were in the 1970's. Some towns and villages just got out of the business. Some went through formal consolidation with the Sheriff's office but as we go forward and if you believe in consolidation, you can't do so while lying off the number of people you are looking to lay off in our agency. Because who wants to even talk to you if they think that they are going to consolidate with you just to have their people eliminated.

Another consolidation which I supported and I know that many of you Legislators that were here supported it and that was the 9-1-1 Center consolidation with the City of Jamestown. It was the right thing to do but the cost of that consolidation is now nearing \$900,000 to my budget. I can't help feel that the Deputies who are slated to lose their jobs are doing so, so we can dispatch for the City of Jamestown.

I have fully understood the financial situation that we are in here, in the nation, and the State, and especially in the County. We have not been immune to reductions. Last year alone, our budget was reduced by \$1.4 million. We did it quietly. We cut as much as we could, we lost people through attrition, we carefully planned not to replace them but it didn't go without impact to our operations. Further reductions to our road patrol will have a drastic negative impact on the people. It will cause reassignment of people from areas that are very critical to us. Investigations, Southern Tier Regional Drug Task Force will be impacted by it and we have provided basic services. We have to get to the call when someone needs help, when someone is involved in a violent domestic, we have to get someone to them.

We partner daily with the New York State Police. Never have we partnered so closely with the State Police, partly because their seeing reductions Statewide. They've offered at my suggestion to work even closer with us and we are not sharing calls of all kinds, to who ever is closest to the call regardless of the car and it's worked great. But it's still combined our two agencies, the number of Troopers in the County and the number of Deputies on the road, don't even equal the number of sworn officers in the City of Jamestown and we're covering the majority of the County.

Cuts to our radio shop, who use to be in a different budget. It was put in the Sheriff's budget some years ago but cuts to that radio shop mean less service to the volunteer fire departments, less service to the people, men and women who give their time for free, to save our lives, to protect our

property. We'll cut dispatch, again. Which means, less response time when you call 9-1-1 or your family's call 9-1-1. Or missed calls that will bounce to an operator. This is reality.

The men and women whose jobs are slated to be cut work hard everyday to protect us. They are the first line of defense against bad people and everything that Mother Nature can throw our way. While some elected officials preach a litany that they want to keep young people in our County so they won't leave to find jobs elsewhere, supportive of the cuts that have been proposed will force families on the unemployment rolls. We estimate over \$240,000 we'll have to pay in unemployment. They are going to find it difficult if not impossible to pay their mortgages and provide for a good life here in Chautauqua County. Ultimately, some of them will lose their homes, some will leave the County, and all will feel tremendous pain.

In Audit & Control, there was a motion to restore \$500,000 of the \$1.25 million that was cut. That is absolutely critical but it's far from what we need to restore ourselves whole, but it is critical and we'll preserve 6 full time Deputies from losing their job. That is almost an entire shift of Deputies. So I beg you to look past the numbers, to reality of what goes on day and night in this County and we are your first line of protection, don't eliminate that.

One other thing before I leave and I appreciate you giving me the opportunity to talk. I want to and probably not my job to say it but I really want to recommend to this Legislature to return to a line item budget process, a step by step, line by line analysis of every budget in this County. Do I like it? No. But is it good information sharing? You bet. So there is none of the bloggers writing there is all this fat in the Sheriff's budget. I want you to go through my budget line by line. Every line of every budget so that I can explain to you what is in there. I think every department in the County should go through the same painful process. Not that you haven't done a ton of work, but you are working with a process that we have today and I don't think that is as detailed as we use to do. Thank you very much and I hope that you make decisions that will be in the best interest of the public safety of the residents and visitors of our County.

My name is Emily Kidd and I'm with the Chautauqua County 4-H, Cornell Cooperative Extension. 2644 Waits Corners Road, Sherman, N.Y. I've been here every year at this time of year for the last 5 years. You've seen me last year with 10% of our 500 members, the year before with 30%, the year before with 50% packing your halls. They are not here tonight because they have lost hope. The kids and youth in Chautauqua County have lost hope in the leadership. We took a 65% cut last year and now a complete cut this year. I know it's hard but I stood here last year and I guaranteed you that we would take step forwards to become self sufficient, we would try everything that we could. We've been down in staff, we've been cut in money, we've cut to all of our program in going and unfortunately, I haven't seen what you guys have done to be proactive. I sat here this afternoon, where you complained about prices of tires for your car. We're talking about kids. The future of Chautauqua County, the future leaders of Chautauqua County and providing them their life skills necessary to be capable, competent and carrying citizens, to prevent and increase in the Sheriff's budget, to prevent the juvenile detention problems. We're talking pennies for prevention. Twenty five thousand you gave us last year and we were very grateful for that. That was from a \$70,000, is what we operate on and this year nothing. Nothing to help these kids advance. I know times are tough, but we're not asking for great leaps and bounds here, we're asking for a little support and a little help. The kids, the parents, they have lost hope in leadership of Chautauqua County and that is not how we keep them here and that is not how we make good citizens. So, I know that things are tough and I know that you are looking in many directions and I hope that you can look at this and understand that we need to focus on certain areas that need help and need support and the other areas that don't. So, I commend you on what you are doing and I know that it is not easy, but, it's really unfortunate that it's come to this and I hope that you consider all the youth programs in Chautauqua County and the impact of the cut to the Youth Bureau has. Thank you.

Mr. Edward Hayes, I am the Executive Director of the Boys and Girls Club of Northern Chautauqua County. 296 Lakeshore Drive E, in Dunkirk. I reiterate some of her points, thank you for the opportunity and I will be brief. I just took over as the Director a few months ago and I see some of the challenges and what goes on especially in our community. I came back to this area to try and make a difference. I love this community and I want to be there for the youth and I strongly ask you to

reconsider those cuts to the Youth Bureau that will handicap us in our ability to do that. I thank you for the opportunity to speak.

Ms. Mattie McIntyre: I am a small business owner in Fredonia, N.Y. I am also a disabled Veteran who moved back here to take care of my mother, prior to her passing and to ensure that my Grandmother was taken care of also. I had a choice of coming back to New York or staying in North Carolina, California, and Germany. I gave up my job in North Carolina to move back to New York to ensure that my Grandmother had a good home and was taken care of. As a small business owner, property owner and a taxpayer, I count on the Chautauqua County Home to assist me in assisting my Grandmother. The question that I have for the Legislators tonight is, why have we not looked at other alternatives for the County Home prior to cutting budgets and contacting marketing agencies? Marketing agency to me means that whoever buys it can do whatever they want to with it. Does that mean that I am going to take my business to Rochester when they move my Grandmother to Rochester? Does that mean that a lot of small business owners who support Chautauqua County are going to move into other counties who are going to support our elderly? I think that is the biggest question that I have. We have resources at Chautauqua County Home right now that could help the County Home get out of the hole. We have a gas well sitting there that has not been hooked up. Thousands of dollars were put in to drill it and it sits there. Chautauqua County Home property, there is a house empty on Chautauqua County land. Why have we not looked at opening that up as an outpatient physical therapy unit? Because as a disabled Veteran, I have to drive to Buffalo for physical therapy. There is no reason that the County can't look at other alternatives as far as opening up, expanding. Yes, it is going to take a little bit of money to get it going but I will tell you right now, there is a lot of money to be had. I am in physical therapy once a week. Once a week, I take 120 mile round trip to Buffalo VA Hospital on Bailey Avenue because they have nothing in Dunkirk for me. I am pleading with you. I gave up a wonderful job to come up here to take care of my Grandmother. Now, you are talking about closing down the County Home or privatizing it, to me, marketing doesn't mean privatizing. To me, marketing means that they can do whatever they want to do. If that is the fact, then I have a problem. I think a lot of other taxpayers, business owners, and everything else will have a problem. Not only on my part of it, we look at Chautauqua County, who put \$10 million dollars into a boardwalk in Dunkirk that hired temporary help while it was under construction with five permanent jobs afterwards. We're looking at 280 employees at the County Home. Hundred and eighty eight permanent employees or somewhere in that vicinity, or approximately, a hundred and some odd permanent employees with all the substitutes. Is it worth it? It is worth those jobs that are going to be lost in Chautauqua County because my business is going to lose money, Chautauqua County is going to lose taxpayers and all the way around, people are going to move. When they lose their job, we have already lost how many people out of Chautauqua County because of the economy. If you keep cutting the jobs they are going to keep moving. My property tax is going to go higher, my business tax is going to be higher and I'm going to end up going to. I just ask that you look at it, look at the reason why all of us stay here in Chautauqua County. This is our home, this is where our loved ones are and I definitely want my Grandmother taken care of and I want my loved ones here. I can't take her out, I can't bring her home for Christmas dinner if she is in Rochester. Thank you.

My name is Rose Conti, President of CSEA Unit 6300 and that is who I will be speaking for this evening. I too understand the process that you go through is difficult. I know that it is tough to take a look at the money that you have and try and figure out where to put it and what to do with it, but I want to know that you understand that these decisions are difficult on human beings. They are not numbers in a book, they are not numbers on a piece of paper. These are human beings whose jobs you are going to take away tonight, whose families are not going to have that income. Every lay off is just not a line on a piece of paper, it's a human being who has a family, who has children, who have invested in this County and now we're telling them, gee, that is too bad. It is about money but it is also about what we say we stand for. On one hand we say we want to take all kinds of money, as this lady said, invest in jobs, invest in all of this, and on the other hand we say, by the way, we want to throw a few away in the process. We want to take people who have dedicated themselves to serving the public in this County and we just want to tell them they are just not worth it anymore. In the

meantime, we want everyone else to figure out how to do the job that they leave behind. As Union leader, I am often really surprised because something is an important job and it's paid this much but then we get rid of it and anybody can do it. These are real jobs, they are really going to go away tonight if you do this. They are not jobs that we will stand up and tell you that we're saving you \$30, \$40, \$50, or \$60 thousand dollars. By eliminating a job here and then creating a new one over here with a different title. These are real jobs and real people and they serve the public that you are supposed to serve. They serve them on the roads, they serve them in the clinics, they serve them here in this building, they serve them in Jamestown, they serve them in Dunkirk, they serve the public. They do the work that you decide has to be done. And yet, you decide it's o.k. to have less of them to try and do it. You know, it's really to sit and say that oh don't worry, we have enough staff. Spend a few days with these people and see what they now have to do. See what regulations do, see what layoffs have done, see what vacant positions have done. A vacant position may not be a human but there are a lot of humans behind that having to do the work that use to be done by them. Spend some times and when my members call, don't tell them that you don't need to talk to them, don't tell them there is nothing that you can do, don't tell them that is nothing that you want to talk to them about now. They elected you. They have a right to ask you questions, they have a right to get answers from you, that is what you are suppose to do for them because they are still taxpayers. This afternoon I took a phone call from a lady who wanted to know if she could have a sign for her yard. And she told me about her families medical history and told me that she knew that she will be destine to be in a nursing home long before she should have to. And she said to me, and I quote, "I am terrified that I will not be able to go to the County Home. I have spent my life watching every member of my family have to go to a home because of a hereditary problem. I have seen them all and it terrifies me to know that the County Home may be sold". I want you to think about her as you progress through that process and think about how you are terrifying people. I am not terrifying, I am not the one making that decision. Thank you.

Mr. Tim Dills, Mayville, N.Y. I am here to represent the concern of the County Airport here in Jamestown. I fly for Cambria Contracting out of Lockport, N.Y.. We are a large demolition operation that concentrates mainly on coal fire and nuclear power station demolition and reclamation of the soil and properties. Three years ago, I retired from a career in the Alaskan Frontier and was hired by these people specifically because I was familiar with Western New York weather. I grew up in Batavia, New York and we are in an situation in many, many times with this operation where we have to fly in all weather conditions. We have to launch and return in all weather conditions and attend bid meetings and openings that could be either gained to our advantage or lost because we were or were not at these openings and it's timely operations is very much a concern of mine. I was saddled with the responsibility for the dispatch of the airplane and the delivering of the people that go to these bid meetings. To deliver them safely, have them there on time, and get them back. When they talk about the situation with the reduction of the operating costs of the County airport, I can tell you in the three years of experience that I have had here, I have had nothing but the best of experience. The fellows that are on the ground up here at this airport, do the best job that can be done and I have had a 35 year career in the aviation world expanding from the central American areas to the coast in the northern sea of Alaska and I have not had any better. Their personable, they have often seen or given me their phone numbers so that I can communicate with them for an early, early dispatch at perhaps 4:30 or 5:30 in the morning, before they normally would come in. They would come in on their own time and push me a roadway out to the runway so I could depart. When I was flying for Conaco in Alaska, we were landing on runways that were in the native villages. We were providing diesel fuel supplies to their electric generator sets. These runways were built by our Federal tax dollars back in the 60's and maintained by equipment that we also provided for them. Many of these village flourished because they took this equipment, they enhanced the runway that they had and used it to their advantage to bring in, other than the fuel supplies that we had, they brought in revenue to their operation. Some of the communities turned their back on the equipment and runways. Their runway quality diminished and we stopped delivering fuel. The lights went out at that place and that happened pretty quickly. When we are considering that we are going to diminish the operation here at Jamestown, I can only tell you it's a huge mistake and in 35 years, I have seen it happen a half a dozen times to operations that I have flown into and out of. When you close the door on your airport

or diminish its opportunities, you are closing your own front door. I need you to very carefully consider this. The operation that I am flying for, if I can not be reassured that I can dispatch at the appropriate time, I will move the airplane. I have that opportunity and I can not be behind the curve on this. We have many employees that are residents down there. They are operators in union operations and it's tough for them to not realize that perhaps we have lost a big contract because I wasn't able to deliver these people. I am open to any questions that anybody might have from my experience either here with the floor or in private but those are my concerns this evening. Thank you.

Mrs. Reva Byzinski, from Dunkirk, New York, and I am a Social Welfare Examiner in the Department of Social Services for the last 12 and a half years. I want to speak on behalf of DSS employees, County employees, and I am a proud public servant and I want to remind everyone in this room that was elected, you're also a public servant. You are here to serve the public. You are not here to get elected for the next round. You are not here to make friends, you are here to serve the public. We are the protectors – in DSS we are the protectors of the Constitution of New York State. We have to follow the rules and regulations and make sure the people that come through the front doors are served as the State demands. As the State mandates demand. We border on Ohio, Pennsylvania, Massachusetts, the State, and their time limits are up and the people are coming across our borders. Without our residency laws, they come in one night and the next morning they are in our office saying I am homeless and I need a place to live and we have to help them because our State says that we have to take care of the indigent and the poor. I know that it is fun to get on bandwagon and bash the public employees but we are not the bad guys. We didn't make the rules in New York State, we are following the rules and we're trying to serve the public as best we can. If there is any cuts made to our departments, you need to come into the office on any Monday, Dunkirk, our temporary office, supposedly temporary office that we have nine different sites in the Dunkirk area, or go to the Jamestown office and sit with us for a day, a week, and just see how many people are coming through the door. Monday and Tuesday, we had 340 shut offs from BPU. People are coming in. Heat season is later and later every year, it's been cut in half this year, they are not accepting emergency payments through HEAP anymore. They are coming in for emergency assistance to families, emergency assistance to social security people. We are there to serve the public and I am proud of that. The County Executive needs to understand that too. When he hires a director, that is three times the salary of one our employees that are serving front line staff. We don't have protection at our buildings, we don't scanners, and we don't have police. We had 8 people in the office last week that they had to call the Jamestown Police on because people came in with knives. Our lives are on the line on a daily basis and the front line at the front desks more so. Especially in Dunkirk, there is not even a glass barrier between them. As for the County Home workers, my great aunt was there for 6 years with Alzheimer's. My uncle at 87 finally had to put her there to get the best care possible and he was there every day from noon until 3:00 to feed her lunch, hold her hand even though she didn't even know who he was but he knew who she was and he would have never been able to do that if she had to go to Buffalo or Wyoming County because there was no Medicaid beds left in that facility. If you privatize that, they don't have to have all those Medicaid beds. That is a safety net home. I have a person that works with me in Long Term Care and he deals with all the different nursing homes in the area, he has never once, he told me, had a compliant from any family member about the care that their relatives were getting at the County Home. I want you people to remind yourselves that you are public servants, you are there to serve the public. Look in the mirror when you go home tonight after you make your budget cuts and see if you can live with yourself.

My name is Tim Kindberg, 33 Pershing Avenue, Jamestown, N.Y and I am the President of the Chautauqua County Sheriff's Supervisors Association.

Mr. Chairman, thank you for the opportunity to address the Legislature about the cuts that are facing the Sheriff's budget tonight. I have had the privilege of serving Chautauqua County for 25 years as a Deputy Sheriff. I am proud to say that I am a Deputy Sheriff Lieutenant and I take issues surrounding the Sheriff's office personally.

That is why Mr. Chairman, I really appreciated your indulgence this afternoon with the Legislator at the 2:00 meeting who took very personally the proposal to save \$75,000 by reducing

Legislator's salaries. She felt that she would no longer be able to afford new tires and get oil changes for her car if the Legislators took a pay cut. So, I am sure Mr. Chairman that you will be just as patient with the scores of Sheriff Deputies and employees of the Sheriff's office if they want to discuss the personal ramifications of their firing. For me, the Sheriff's budget cuts really rise about personal feelings. It boils down to a public safety issue. In the years that I have been with the Sheriff, it has been expected that the Sheriff will provide more and more while being given fewer resources. Since 1987, when I started, the Sheriff has taken over the dispatching of every fire department in the County. The result of this Legislature's decision to have the Sheriff take over Countywide dispatching duties has added over \$800,000 to the budget and yet tonight, we are faced with a budget cut of \$1.25 million. This comes at a time when we have fewer deputies working than just a few years ago. Yet the demands upon those deputies have only increased. No one has asked drunk drivers and drug dealers to take a cut. The County is still over 1,000 square miles and people still expect that when they call 9-1-1, the phone will get answered immediately and the deputy dispatched to their emergency won't be responding from 30 miles away. I hope that for tonight's vote when not all departments will see across the board cuts, there will be a sincere discussion of public safety issues and not just politics. Thank you.

Mr. William Nelson, I live at 102 N. Pearl Street, Frewsburg, N.Y. and I am a 30 year member of the Chautauqua County Sheriff's office. Why are you willing to jeopardize the safety of all County residents for the sake of out of control New York State mandates and the excessively generous welfare system. What part of that is the fault of the Sheriff's road patrol or the law abiding citizens that the Sheriff's Deputies serve? Everyone in this room at one point or another relies on the service of the Sheriff's road patrol. You may reside in Jamestown, Dunkirk, Fredonia or elsewhere, but you are in Mayville now. What price are you willing to put on the safety of our family members? If these cuts are made to the Sheriff's road patrol, you will be responsible when a resident, tourist, or police officer is injured or possibly killed. How many drunks will have one more before they hit the road? How many more drug dealers will set up shop in our schools and neighborhoods? How many more burglars will enter our homes? How many more people will drive at excessive speed to get someplace? How long with an abused wife or child have to wait for a police response? There is no place in public safety for politics or political posturing. I will gladly donate the approximate \$14.00 your reckless decision will save my family in the interest of public safety. Thank you.

Ms. Susan Baldwin, I use to work at the Chautauqua County Home. I live in Villenova and I retired from the County Home. I worked there for almost 35 years. Those people are, the patients and the staff, are wonderful there but they get up in the morning and find out, my Home is possible going to be sold, but maybe not. Maybe I will stay here maybe not, but it not fair to them. It is not fair that they have to sit there and wonder while they have their pudding whether or not they are going to have another year of someone taking care of them, someone coming up to them and saying, "excuse me, did you have enough to eat?" Once it's private care, there is going to be 15 people for that same nurse to ask and she won't have time. Private care cuts back on the time that the nurses can spend. That is why the County has 5 stars because the nurses are good, the staffing is good, the hospitals, the nursing home is clean, it smells good when you go in there. It doesn't smell that good at Heritage Village. I have been at Heritage Village, I have worked at Margaret Anthony's too. I might not look that old, but I am. That kind of care doesn't come. I stayed at the County Home because it was good care, because it was good to the people and because of that, my mother died at the County Home. My mother-in-law lived there for a while and fortunately got to come out because they have good physical therapy too and they get to ship them out. They don't all die there. Some of them get to go home and that is because of the good care that the County Home gives. Please, don't, don't, take that away from these people. They don't deserve it. They built it 50 years ago. Fifty years ago today, this month, the County Home opened up in Dunkirk from Dewittville, 50 years ago, in 1961. So, don't just go and say, here's the rug guys, sorry. We don't have money for you. It's just not fair, but please just take that into consideration. Thank you. I know that you have a hard job to do but don't take those 280 jobs away. Thank you.

Mr. Ray Mitchell, I am the Pastor of the First Baptist Church here in Mayville and I am also the Chaplin at the Chautauqua County Jail. I have had the privilege of doing both of those ministries for the last 11 years. One of the things that I realize that you as a legislative body have something in common with every law enforcement officer, and that is you are all public servants of the public trust. Romans Chapter 13 makes it very clear that people who are in leadership positions in government are really ministers of God and people in law enforcement are the same thing. They may not always think in terms of that but, those who are appointed and elected and hired in such positions, become ministers of God for the public trust and for the public good. One of the things that I have come to appreciate in the 11 years in being involved in the Sheriff's Department as a Chaplin, is the dedicated work that the Sheriff's Department does. They top notch men and women who serve and wear that uniform. One of the things that I have learned is that is, the training that the Sheriff's Department cadets go through is the best in New York State. Their partnership with JCC means that those men and women who go through those months of training, when they graduate out of the academy, they are not only trained very well to serve Chautauqua County but the training that they receives, enables them to go to other states, because they recognize the caliber of men and women who come out of the academy and who are ready to stand in harms way to defend the public trust. I would ask you this evening as you consider the budget, that you realize that what you are doing is you are talking about perhaps cutting the jobs of some very well trained men and women who are professionals. As ministers of good, you have a stewardship and you take that very seriously. I am sure that we appreciate that. Those who wear the uniform have a stewardship and they take that very seriously as well. You to balance these things and wonder where, if you have to make cuts, where do you make them? Every family has to do that. As a Pastor of a church, I will tell you, if there is any other pastor's here or people who is involved in church, it's my guest that with the economy that you offerings are probably down and you might be having a hard in even in your church or in your homes trying to make your budgets. We're facing that within our church but the one thing that we do is, if we look at next year and say, well, we need to make some cuts, the one thing that we don't do is, we don't cut the essentials. I would just say to you this evening, that the Chautauqua County Sheriff's Department is an essential and it is one that, as Sheriff Gerace said, they work hard to give the best service at the best possible return for the dollar.

Just a person story along these notes, I suppose. I have a son who, a year or so ago, was really considering going to the academy. I think he's still working on his associate's degree to get there, but just recently, he's hearing all of this and is saying, what would be the point of going to the academy, and I want to serve in Chautauqua County, but there is no prospect for a job in the future. My son grew up in Chautauqua County. We came here 11 years ago and more than half of his life is here in Chautauqua County, in Mayville and he loves this area. He loved to set roots here, but he hears what is going on and he understands that in some areas the future may not be so bright and so he is weighing that out. If I want to become a law enforcement officer, to I receive my training in Chautauqua County and have a job here or do I need to look elsewhere.

I would again ask you, as you consider the budget that you would realize how important it is for the Sheriff's budget to remain in tact. I have heard talk about a \$7.00 tax adjustment with regards to properties. You know you can't buy much with \$7.00 today, not even a good pizza, but \$7.00 additional for a year, for a homeowner to know that that protection is going to be there, what price do you put on protection? What price do you put on having the best trained men and women standing there for you knowing that they will be there when you need them. Thank you.

My name is Bonnie Peters, I live at 8237 Glassglow Road, Cassadaga, N.Y. Just because I wear this shirt does not mean that I am here to talk about the County Home but it is very important. Please allow me to speak.

Chairman Croscut: Is it on budget items?

Ms. Peters: Yes, this is on budget items. When you cut positions of the people who work and live in this community, you cut the ability for those people to actually spend money in this community. We work here, we live here, we spend our money here, we shop here, we go to store,

everything is what we do in Chautauqua County because we believe in Chautauqua County. We need to think about that when we're out doing the things that we do. We are Chautauqua County, we are the citizens, we are the people who helped to get you guys here. That's the things that are important. So, when you consider even one person that you are laying off, how is that one family going to spend money in this County on other things? What effect is that going to have on the places they are unable to spend their money? They are unable to go out and purchase cars or furniture or take their families out to eat, what is it going to do to the entire County, not just the workforce? Thank you.

My name is Patrick Johnson, I live in 60 Terrace Ave., Lakewood, N.Y. and I am the Warden of the County Jail. I think that I have the coolest job in the County to tell you the truth. I really like it. I get to hang out with the people who are deputies effect, our Jamestown Police Department effect and working with them is kind of an awesome job because you get to kind of hear what they are thinking, what is going on here in this County. This is my concern. This has to be your concern. I know law enforcement is expensive, you hate to pay for it when you don't need a cop. We have people in that jail right now who are pretty dog gone happy about what is happening in this County. We heard some people talk about children and we're not taking care of the children. I can tell you that we have people targeting our children and they are coming from Buffalo and they are coming from New York City. Today I had a conversation with some people from Probation and I said, I am worried about the drug gangs from Detroit coming to Chautauqua County. They were in our jail. He said, "Pat, their here, they're back." They target our children, they just don't go after adults. What they do is look at the most venerable people that they can influence and that is our children. If you are from the Town of Mina and your kids go to Clymer, if your kids go to Ripley School, if you go to Brocton, you are not immune. These people are going to target your children. I see it first hand, I hear them talk. I sat in court one day with a bunch of guys and this kid was getting sentenced to 3 1/2 to 7 years for bringing drugs down to Jamestown. I asked, why do you come down to Jamestown? He goes, that's easy Pat, you get twice as much for drugs in Jamestown that I do in Buffalo and nobody is shooting me. So this other inmate laughs and he goes, hell, we get 10 times as much for our drugs in Jamestown than we do in New York City. It's worth the bus trip. These are the people that we have to worry about. When we don't need a police officer, gee, we hate to pay those bills. I hate paying bills every time I look at my health insurance because I am a pretty healthy guy. I think that was a waste of money this month, until last December I needed brain surgery. You are not going to hear me complaining about health insurance anymore. It's a darn good investment.

I coach football at Southwestern. Volunteer coach for the last 17/18 years. I can't remember, I had brain surgery remember. Last night, I talked to my kids. Every Tuesday is team night and we talk about character traits. Last night was opportunity. We have an opportunity Friday night. Opportunities open up doors, you have to take advantage of that. Some of the kids that I have coached in football over the years work for the Sheriff's office. I have talked to them about law enforcement, talk to them about being in Chautauqua County going to our academy, staying here. Troy Buckett is one of them. Honorary captain couple of weeks ago for our football game. Mike Ross, Mike Mogante, Mike Curry, these are kids that I have an investment in and love to death and I talk to them about being in law enforcement in this County, stay here, raise your families. I am here to fight for them, I am telling you that right now. I will not turn my back on them. These people want to stay in this County, they want to invest in this County, they want to raise their families in this County, dammit, we need to keep them in this County because some of them are thinking about leaving. If we replace those good quality people, the ones that I care about, with the people that are going to come in here and sell drugs to our children, you made a huge mistake. Public is responsible for a just peace. We're responsible for just order. It's called safety when those two meet. Just the right amount of order and the right about of peace but if we don't have a lot of peace and a lot of order, that little gap in between that we're not funding, is chaos and crime and safety goes down. Please, think of our children. Above all else, think of our children because a lot of people are.

Mr. Paul Shanahan, I am a contributing board member for the Tea Party Group here in Chautauqua County and I have been asked to read the, it's the Southern Tier Tea Party, excuse me,

and I have been asked to read into the record the position statement that they just released on the County budget.

After having had a roundtable and doing a really extensive amount of review on the budget, as you all know, it's very complicated. We're the first to admit that and we're the first to admit we certainly don't have all the answers but we took a hard look at a number of things and did come up with some positions. As you may know tea, the acronym stands for Taxed Enough Already. Certainly this is the case in both New York State as well as our County. School, County, Town, Village property taxes combined, we pay some of the highest in the nation. This is something that I believe that people on both sides of the isle agree to. It directly contributes to why we are economical oppressed and living in one of the least free states in this country and I would refer you to Mercadis reports studies that have been done over numerous years that substantiates that. If you would (*inaudible*) back to an article published by Sid Compton on September 11th in the Post Journal, look at numbers in repetitive government, as an impetus for cutting the size of all government, we both support the effort and support the concept. We need to scale back on government everywhere. As for the County budget which is why we are here tonight, the tentative budget proposes an increase of \$7.6 million dollars over the 2011 budget. A 12.67% property tax increase. We understand that it is predominately driven by State mandate, increases resulting in 90% or thereabouts of our budget being dictated by Albany. So the big question is what can be done to reduce this tax hike, get us close to the tax cap and do so while dealing responsibly with an uncertain future and a pending deficit again next year. Having completed this review the group took the following positions. First, they fully support privatizing the County Home. Let's just make it clear, not closing it down, privatizing it. As to the IGT funding, the position taken was, if spending offsets, if cuts, if contracts concessions or some combination thereof can not be found to justify the inclusion of the IGT funding in the budget in whatever amount, that it should be removed. We strongly oppose any borrowing proposals to decrease the budget. Depleting fund balances while increasing debt is bad fiscal policy. It is in no way, cuts, and it jeopardizes our future outlook, it jeopardizes our future ability to deal with future deficits and it could even jeopardize our bond rating. The cost of the public work force is unsustainable. Combined wages and benefits are higher than the private sector counterparts that have to pay for them. It is our position that the County Legislature does what is necessary through negotiations, preferably, and/or layoffs or a combination of both to achieve a net zero increase in the cost of the County workforce. That doesn't mean cutting it. We're just saying, you have to find a way to freeze it. It has become unsustainable.

On this next point, I would like to precurse it with a statement that is not included here but with all due respect to the Sheriff, are you still here, you know I don't know if you know who Sheriff Richard Mac is but some of our members recently met with him and I will tell you, the group has the utmost respect for one of the most important law enforcement officials in this country and that is the elected County Sheriff. They have a very important function in the constitutional makeup of this country and I would just like to precurse the statement by saying, we fully respect that. However, after a lot of review and a lot of discussion to which we will not get into the details and even presume to want to tell you how do achieve it, but nevertheless, we discussed numerous ways in which cuts could be achieved. Reorganization, re-tasking, various different factors involved and there are many in which the cuts can be sustained. So, it was the groups position that the \$1.2 million in cuts should stay and that the \$500,000 suggested to be restored, is not restored. Following discussions on the County airports, there was substantial airports as to how they serve the public and the fact that businesses do utilize the airports in Erie and Buffalo, much more frequently than our own. Having said that, we did not take a specific a position on the Jamestown airport because we do recognize the Jamestown and Dunkirk airports are two different animals. They are apples and oranges. They are not the same.

But at least with respect to the Dunkirk airport, it should be privatized. Regarding the bed tax and the occupancy tax services, it was discovered at looking at last years budget that the occupancy tax services of watershed and tourism were not fully funded in 2011. This resulted in a budget gap of approximately \$70,000 combined between the two and it is our position that the occupancy tax services should be fully funded with the revenues as the program was designed. As you know, we have a grant program, handout, give away, whatever you want to call it, it doesn't matter what you call it, we have a grant program. Before any property taxes go to fund services that a

revenue stream was designed to fund, there should be no gap there. Those services should be fully funded and if that means that you scale back that grant program, well then that is the right thing to do. Finally, and I am almost done if my time is getting short here, we request that the Legislature endorse the Medicaid boycott. We have all heard Executive Edwards call to action and we suggest that you both in endorse this boycott, that you sign the petition that not only our group is circulating but others. I would like to point out to you that I only have a portion of them. I have a stack of 200 signatures right here in my hand and there is a lot of public support for this, there are a lot more signatures out there that we haven't even rounded up yet and this is an ongoing effort. We would strongly suggest that you support that and on a personal note on the signatures I have obtained myself, I have yet to have one person, not one, turn me down when I ask them to sign this thing. Finally and lastly, we support the bills that have now been introduced that are in conjunction with this petition. They kind of go hand in hand. We're pushing in one direction for reform and we're starting to see movement in another direction with it and we might actually get them. But you know, we need a strong County voice here, we need a strong County voice in every County across this State and that means, when it comes to County versus State issues and not something with in the County to which you're partisan divide is fine. You want to have differences of opinion on how to handle a local issue that is great, that is fine, that is what you should be doing. But, when it comes to you being our fire wall between us and the State, you need often to come together as one voice and stand up to the State. So with respect to the sister bills that have been introduced in the State Senate and State Assembly, that is 5889 in the Senate and 8644 in the Assembly in regards to the State takeover of Medicaid, we need that to happen and we would like to see this body come together with a show of support in support of that legislation with a nonbinding resolution that you send to our Assembly people and our Senators and our Governor. That is all I have and thank you very much.

Mr. Ben Haskins, 1982 Peck Settlement Road, Jamestown, N.Y. I can't let that Medicaid comment go. And just the thought of trying to defy State law makes me sick. I just don't think that it is a good idea and I don't think that you are going to find that many people to think that it is a good idea either. We're talking about pennies here of actual tax dollars on a \$100,000 house, \$7.00 a month for the 12% increase. It is just not that much and I think that Medicaid people need to be served and I am sorry that you have to pay for it, but that it the way it goes. Have a nice day.

Mattie McIntyre: I think the part where the gentleman talked about privatization of the County Home once again, the budget doesn't include privatization. The budget includes cuts and privatization means that it would continue to be a residence for my grandmother. Marketing does not.

EMERG. RES. NO. 211-11

Consider 2012 Tentative Budget, with the Changes Listed Below, and Presenting Same to the County Executive for His Consideration and Action

By Audit & Control Committees:

At the Request of Legislators Gould, Nazzaro, Park, Richmond, Runkle, DeJoe, Gullo:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2012 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 2012 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A,-----,-----878	Reserved Fund Balance—Reserve for Capital	\$ 1,149,674
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ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services – Sheriff	\$ 250,000
A.3110.----.8	Employee Benefits – Sheriff	250,000
EL.9901.9900.9	Interfund Transfers - Interfund Transfers (EL-A)	<u>1,480,691</u>
		\$ 1,980,691

DECREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services – DISTRICT ATTORNEY	\$ 14,007
A.1165.----.8	Employee Benefits – DISTRICT ATTORNEY	4,669
A.1170.----.1	Personal Services – PUBLIC DEFENDER	15,469
A.1170.----.8	Employee Benefits – PUBLIC DEFENDER	5,156
A.3140.----.1	Personal Services – PROBATION	7,458
A.3140.----.8	Employee Benefits – PROBATION	2,486
A.5610.5610.4	Contractual - CHAU. COUNTY AIRPORT-JMST AIRPORT	150,000
A.6100.----.4	Contractual – MEDICAID	610,372
A.6102.----.4	Contractual – MEDICAL ASSISTANCE MMIS	250,000
A.6129.----.4	Contractual - STATE TRAINING SCHOOL	200,000
A.1010.----.8	Employee Benefits - LEGISLATIVE BOARD	42
A.1040.----.8	Employee Benefits - CLERK, LEGISLATIVE BOARD	1,111
A.1162.1110.8	Employee Benefits - UNIFIED COURT COSTS-COURT OFFICERS	2,533
A.1165.----.8	Employee Benefits - DISTRICT ATTORNEY	3,087
A.1165.1169.8	Employee Benefits - DISTRICT ATTORNEY-CRIME VICTIMS	715
A.1170.----.8	Employee Benefits - PUBLIC DEFENDER	5,849
A.1170.1172.8	Employee Benefits - PUBLIC DEFENDER-AID TO DEFENSE	544
A.1170.1174.8	Employee Benefits – PD-ALT TO INCARCERATION	539
A.1185.----.8	Employee Benefits - MED EXAMINERS & CORONERS	343
A.1230.----.8	Employee Benefits - COUNTY EXECUTIVE	1,164
A.1310.----.8	Employee Benefits - DEPARTMENT OF FINANCE	4,382
A.1330.----.8	Employee Benefits - REAL PROPERTY TAX	2,903
A.1410.----.8	Employee Benefits - COUNTY CLERK	2,169
A.1410.1411.8	Employee Benefits - COUNTY CLERK-MOTOR VEHICLES	4,413
A.1420.----.8	Employee Benefits - COUNTY ATTORNEY	615
A.1430.----.8	Employee Benefits - HUMAN RESOURCES	2,515
A.1440.----.8	Employee Benefits - ENGINEERS	2,524
A.1450.----.8	Employee Benefits - BOARD OF ELECTIONS	2,702
A.1460.----.8	Employee Benefits - RECORDS MANAGEMENT	582
A.1610.----.8	Employee Benefits - OFFICE SERVICES	1,038
A.1620.----.8	Employee Benefits - BUILDINGS & GROUNDS	7,432
A.1650.----.8	Employee Benefits - COMMUNICATIONS SYSTEM	800
A.1670.----.8	Employee Benefits - PRINT SHOP	28
A.1680.----.8	Employee Benefits - INFORMATION TECHNOLOGY	2,080
A.1710.----.8	Employee Benefits - INSURANCE ADMINISTRATION	739
A.1989.----.8	Employee Benefits - TAX ROLLS MAINT & PROCESS	233
A.2960.ADMN.8	Employee Benefits - ED: HANDI CHILDREN-ADMIN	514
A.3010.----.8	Employee Benefits - EMERGENCY SERVICES	424
A.3020.DISP.8	Employee Benefits - PUBL SAFETY COMM-CONSLD DISP	7,135
A.3020.IECG.8	Employee Benefits - PUBL SAFETY COMM-INT EMER COMM	358
A.3020.TECH.8	Employee Benefits - PUBL SAFETY COMM-TECH SVC	1,499
A.3110.----.8	Employee Benefits - SHERIFF	15,969
A.3110.3114.8	Employee Benefits - SHERIFF-PISTOL PERMIT	28
A.3110.3118.8	Employee Benefits - SHERIFF-CRIMINAL INV -JUVENILE	908
A.3140.----.8	Employee Benefits - PROBATION	8,474
A.3150.----.8	Employee Benefits - JAIL	32,002

A.3189.3111.8	Employee Benefits - OTHER LAW ENFORCEMENT-NAVIGATION	271
A.3189.MEDI.8	Employee Benefits - OTHER LAW ENFORCEMENT-MEDI-VAC	2,282
A.3315.----.8	Employee Benefits - STOP DWI	1,294
A.3989.----.8	Employee Benefits - EMERGENCY MEDICAL SERVICE	358
A.4010.----.8	Employee Benefits - PUBLIC HEALTH ADMIN	3,180
A.4010.NURS.8	Employee Benefits - PUBLIC HEALTH ADMIN-NURSING	6,444
A.4025.----.8	Employee Benefits - LABORATORIES	143
A.4035.----.8	Employee Benefits - FAMILY HEALTH/PLAN SRVCS	2,338
A.4059.----.8	Employee Benefits - EARLY INTERVENTION PROG	2,613
A.4090.----.8	Employee Benefits - ENVIRONMENTAL HEALTH	6,236
A.4250.----.8	Employee Benefits - ALCOHOL ADDICTION CONTROL	5,691
A.4310.----.8	Employee Benefits - MENTAL HYGIENE ADMIN	1,086
A.4320.----.8	Employee Benefits - MENTAL HYGIENE PROGRAMS	23,744
A.5610.5610.8	Employee Benefits - CHAU. COUNTY AIRPORT-JMST AIRPORT	2,378
A.5610.5612.8	Employee Benefits - CHAU. COUNTY AIRPORT-DK AIRPORT	29
A.5630.5625.8	Employee Benefits - BUS OPERATIONS-CARTS	5,681
A.5630.MED.8	Employee Benefits - BUS OPERATIONS-CARTS/MEDICAID	900
A.6010.----.8	Employee Benefits - SOCIAL SERVICES ADMIN	110,963
A.6010.MASA.8	Employee Benefits - SOCIAL SVC ADMIN-MEDI SPC ASSIST	372
A.6420.----.8	Employee Benefits - PROMOTION OF INDUSTRY	684
A.6510.----.8	Employee Benefits - VETERANS SERVICE AGENCY	480
A.6610.----.8	Employee Benefits - WEIGHTS & MEASURES	929
A.6772.----.8	Employee Benefits - OFFICE FOR THE AGING	5,000
A.7020.----.8	Employee Benefits - YOUTH BUREAU	198
A.7110.----.8	Employee Benefits - PARKS	520
A.8020.----.8	Employee Benefits - PLANNING	609
A.8020.WTRS.8	Employee Benefits - PLANNING-WATERSHED ADMIN	552
D.5010.----.8	Employee Benefits - County Road Fund-PUB FAC ADMIN	2,524
D.5110.----.8	Employee Benefits - County Road Fund-MAINT OF ROADS	35,632
DM.5130.----.8	Employee Benefits - Road Machinery Fund-ROAD MACHINERY	6,360
EH.6011.----.8	Employee Benefits - NURSING MANAGEMENT	2,612
EH.6012.----.8	Employee Benefits - INSERVICE	358
EH.6020.----.8	Employee Benefits - NURSING	40,163
EH.7260.----.8	Employee Benefits - ACTIVITIES	1,527
EH.7330.----.8	Employee Benefits - PHYSICAL THERAPY	712
EH.7340.----.8	Employee Benefits - OCCUPATIONAL THERAPY	1,050
EH.7380.----.8	Employee Benefits - SOCIAL WORK	1,113
EH.7390.----.8	Employee Benefits - MEDICAL RECORDS	1,467
EH.8210.----.8	Employee Benefits - DIETARY 7,	686
EH.8220.----.8	Employee Benefits - OPERATIONS & MAINTENANCE	2,400
EH.8240.----.8	Employee Benefits - CLEANING	3,107
EH.8250.----.8	Employee Benefits - LAUNDRY	956
EH.8320.----.8	Employee Benefits - FISCAL	2,791
EH.8321.----.8	Employee Benefits - ADMISSIONS	571
EH.8350.----.8	Employee Benefits - ADMINISTRATION	1,749
EL.8160.1000.8	Employee Benefits - Landfill-ENVIRONMENT-LANDFILL	16,610
ESN.8110.8112.8	Employee Benefits - ADMINISTRATION	366
ESN.8120.8122.8	Employee Benefits - SANITARY SEWERS	1,123
ESN.8130.8132.8	Employee Benefits - SEWAGE TREATMENT	358
ESS.8110.----.8	Employee Benefits - ADMINISTRATION	1,097
ESS.8120.----.8	Employee Benefits - SANITARY SEWERS	3,697
ESS.8130.----.8	Employee Benefits - SEWAGE TREATMENT	1,471
		\$ 1,700,486

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.1310.9999.R111.0000	Sales Tax – Sales Tax	\$	438,000
A.1310.9999.R111.0CTY	Sales Tax – Sales Tax County Share		102,000
A.1310.9999.R280.1000	Miscellaneous - Interfund Revenues		<u>1,480,691</u>
		\$	2,020,691

DECREASE REVENUE ACCOUNTS:

A.1162.1110.R226.0000	Shared Services - Chrgs: Other Gov-Pub Safety	\$2,533
A.3020.IECG.R438.9IEC	Federal Aid - Inoperable Emer Comm Grnt	358
A.3189.MEDI.R158.9001	Departmental Income - Oth PS Inc: Medi-Vac	2,282
A.3315.R261.5000	Fines & Forfeitures - Fines: Sheriff Stop DWI	1,294
A.4250.R349.0000	NYS Aid - Mental Health	5,691
A.4310.R349.0000	NYS Aid - Mental Health	1,086
A.4320.R349.0000	NYS Aid - Mental Health	23,744
A.5630.MED.R230.1000	Shared Services - Chrgs: Medicaid Transport	900
A.6010.R361.0000	NYS Aid - Social Services Admin	13,688
A.6010.R461.0000	Federal Aid - Social Services Admin	52,153
A.6772.R477.2000	Federal Aid - OFA Programs	<u>5,000</u>
		\$ 108,729

and be it further

RESOLVED, That the 2012 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$62,867,707 and an estimated Full Value Rate of \$9.40.

Signed: Gould, Park, Nazzaro, Runkle, DeJoe, Gullo, Richmond

MOVED by Legislator Mueller, SECONDED by Legislator Nazzaro to raise the sales tax projection to 2% over the actual projected 2011 of \$27.4 million so that would raise revenues by \$400,000 – R/C Vote: 15 Yes; 10 No (No's: Babbage, Barmore, Borrello, Downey, Gould, Himelein, Park, Richmond, Tarbrake, Croscut) – Carried

MOVED by Legislator Mueller, SECONDED by Legislator Nazzaro to remove \$400,000 from GASB 45 fund balance – R/C Vote: 24 Yes; 1 No (No: Richmond) – Carried

MOVED by Legislator Mueller, SECONDED by Legislator DeJoe to cut \$20,000 from Legislature Clerk Position -RC Vote: 14 yes 11 no (No's: Babbage, Barmore, Downey, Duff, Gould, Himelein, Park, Richmond, Stewart, Tarbrake, Croscut) – Carried

MOVED by Legislator Nazzaro, SECONDED by Legislator Runkle to take \$250,630 out of the IGT funding – RC Vote: 19 Yes 6 No (No Votes: Ahlstrom, Cornell, DeJoe, Duff, Park, Richmond) – Carried

MOVED by Legislator Park, SECONDED by Legislator Barmore to restore \$150,000 back to the Airport – R/C Vote: 19 Yes; 6 No – (No's: Ahlstrom, Duff, Gullo, James, Kindberg, Mueller) – Carried

MOVED by Legislator Runkle, SECONDED by Legislator Nazzaro to remove \$300,000 from contingency A.1990.4 – R/C Vote: 24 Yes; 1 No (No: Cornell) – Carried

RES. NO. 211-11 – as amended – R/C Vote: 15 Yes; 5 No (No's: Ahlstrom, Barmore, Cornell, Duff, Kindberg voting "no" – ADOPTED

"Technical Corrections of Budget Director pursuant to Section 4 of Local Law 2-04 are in effect. Below is Res. No. 211-11 as amended and w/ technical corrections.

INCREASE THE USE OF FUND BALANCE:

A.----.----.878	Reserved Fund Balance - Reserve for Capital	\$1,149,674
A.----.----.909	Fund Balance, Unreserved Fund Balance - Fund Balance	<u>\$400,000</u>
		\$1,549,674

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services - Sheriff	\$250,000
A3110.----.8	Employee Benefits - Sheriff	250,000
EL.9901.9900.9	Interfund Transfers - Interfund Transfers (EL-A)	<u>1,480,691</u>
		\$1,980,691

DECREASE APPROPRIATION ACCOUNTS:

A.1040.----.1	Personal Services – Clerk of the Legislature	\$12,000
A.1040.----.8	Employee Benefits – Clerk of the Legislature	8,000
A.1165.----.1	Personal Service - District Attorney	14,007
A.1165.----.8	Employee Benefits - District Attorney	4,669
A.1170.----.1	Personal Services - Public Defender	15,469
A.1170.----.8	Employee Benefits - Public Defender	5,156
A.1990.----.4	Contractual - Contingent Account	300,000
A.3140.----.1	Personal Services - Probation	7,458
A.3140.----.8	Employee Benefits - Probation	2,486
A.6100.----.4	Contractual - Medicaid	610,372
A.6102.----.4	Contractual - Medical Assistance MMIS	500,630
A.6129.----.4	Contractual - STATE TRAINING SCHOOL	200,000
A.1010.----.8	Employee Benefits - LEGISLATIVE BOARD	42
A.1040.----.8	Employee Benefits - CLERK, LEGISLATIVE BOARD	1,111
A.1162.1110.8	Employee Benefits - UNIFIED COURT COSTS-COURT OFFICERS	2,533
A.1165.----.8	Employee Benefits - DISTRICT ATTORNEY	3,087
A.1165.1169.8	Employee Benefits - DISTRICT ATTORNEY-CRIME VICTIMS	715
A.1170.----.8	Employee Benefits - PUBLIC DEFENDER	5,849
A.1170.1172.8	Employee Benefits - PUBLIC DEFENDER-AID TO DEFENSE	544
A.1170.1174.8	Employee Benefits - PUBLIC DEFENDER-ALT TO INCARCERATION	539
A.1185.----.8	Employee Benefits - MED EXAMINERS & CORONERS	343
A.1230.----.8	Employee Benefits - COUNTY EXECUTIVE	1,164
A.1310.----.8	Employee Benefits - DEPARTMENT OF FINANCE	4,382
A.1330.----.8	Employee Benefits - REAL PROPERTY TAX	2,903
A.1410.----.8	Employee Benefits - COUNTY CLERK	2,169
A.1410.1411.8	Employee Benefits - COUNTY CLERK-MOTOR VEHICLES	4,413
A.1420.----.8	Employee Benefits - COUNTY ATTORNEY	615
A.1430.----.8	Employee Benefits - HUMAN RESOURCES	2,515

A.1440.----.8	Employee Benefits - ENGINEERS	2,524
A.1450.----.8	Employee Benefits - BOARD OF ELECTIONS	2,702
A.1460.----.8	Employee Benefits - RECORDS MANAGEMENT	582
A.1610.----.8	Employee Benefits - OFFICE SERVICES	1,038
A.1620.----.8	Employee Benefits - BUILDINGS & GROUNDS	7,432
A.1650.----.8	Employee Benefits - COMMUNICATIONS SYSTEM	800
A.1670.----.8	Employee Benefits - PRINT SHOP	28
A.1680.----.8	Employee Benefits - INFORMATION TECHNOLOGY	2,080
A.1710.----.8	Employee Benefits - INSURANCE ADMINISTRATION	739
A.1989.----.8	Employee Benefits - TAX ROLLS MAINT & PROCESS	233
A.2960.ADMN.8	Employee Benefits - ED: HANDICAPPED CHILDREN- ADMINISTRATION	514
A.3010.----.8	Employee Benefits - EMERGENCY SERVICES	424
A.3020.DISP.8	Employee Benefits - PUBL SAFETY COMM-CONSOLIDATED DISPATCHING	7,135
A.3020.IECG.8	Employee Benefits - PUBL SAFETY COMM-INTEROPERABLE EMER COMM	358
A.3020.TECH.8	Employee Benefits - PUBL SAFETY COMM-TECHNICAL SERVICES	1,499
A.3110.----.8	Employee Benefits - SHERIFF	15,969
A.3110.3114.8	Employee Benefits - SHERIFF-PISTOL PERMIT	28
A.3110.3118.8	Employee Benefits - SHERIFF-CRIMINAL INVESTIGATION -JUVENILE	908
A.3140.----.8	Employee Benefits - PROBATION	8,474
A.3150.----.8	Employee Benefits - JAIL	32,002
A.3189.3111.8	Employee Benefits - OTHER LAW ENFORCEMENT-NAVIGATION	271
A.3189.MEDI.8	Employee Benefits - OTHER LAW ENFORCEMENT-MEDI-VAC	2,282
A.3315.----.8	Employee Benefits - STOP DWI	1,294
A.3989.----.8	Employee Benefits - EMERGENCY MEDICAL SERVICE	358
A.4010.----.8	Employee Benefits - PUBLIC HEALTH ADMIN	3,180
A.4010.NURS.8	Employee Benefits - PUBLIC HEALTH ADMIN-NURSING	6,444
A.4025.----.8	Employee Benefits - LABORATORIES	143
A.4035.----.8	Employee Benefits - FAMILY HEALTH/PLAN SRVCS	2,338
A.4059.----.8	Employee Benefits - EARLY INTERVENTION PROG	2,613
A.4090.----.8	Employee Benefits - ENVIRONMENTAL HEALTH	6,236
A.4250.----.8	Employee Benefits - ALCOHOL ADDICTION CONTROL	5,691
A.4310.----.8	Employee Benefits - MENTAL HYGIENE ADMIN	1,086
A.4320.----.8	Employee Benefits - MENTAL HYGIENE PROGRAMS	23,744
A.5610.5610.8	Employee Benefits - CHAU. COUNTY AIRPORT-JAMESTOWN AIRPORT	2,378
A.5610.5612.8	Employee Benefits - CHAU. COUNTY AIRPORT-DUNKIRK AIRPORT	29
A.5630.5625.8	Employee Benefits - BUS OPERATIONS-CARTS	5,681
A.5630.MED.8	Employee Benefits - BUS OPERATIONS-CARTS/MEDICAID	900

A.6010.----.8	Employee Benefits - SOCIAL SERVICES ADMIN	110,963
A.6010.MASA.8	Employee Benefits - SOCIAL SVC ADMIN-MEDICAID SPECIAL ASSIST	372
A.6420.----.8	Employee Benefits - PROMOTION OF INDUSTRY	684
A.6510.----.8	Employee Benefits - VETERANS SERVICE AGENCY	480
A.6610.----.8	Employee Benefits - WEIGHTS & MEASURES	929
A.6772.----.8	Employee Benefits - OFFICE FOR THE AGING	5,000
A.7020.----.8	Employee Benefits - YOUTH BUREAU	198
A.7110.----.8	Employee Benefits - PARKS	520
A.8020.----.8	Employee Benefits - PLANNING	609
A.8020.WTRS.8	Employee Benefits - PLANNING-WATERSHED ADMINISTRATION	552
D.5010.----.8	Employee Benefits - County Road Fund-PUBLIC FACILITIES ADMIN	2,524
D.5110.----.8	Employee Benefits - County Road Fund-MAINTENANCE OF ROADS	35,632
DM.5130.----.8	Employee Benefits - Road Machinery Fund-ROAD MACHINERY	6,360
<i>EH.4530.----.8</i>	<i>Employee Benefits - County Home</i>	<i>68,262</i>
EH.6011.----.8	Employee Benefits - NURSING MANAGEMENT	2,612
EH.6012.----.8	Employee Benefits - INSERVICE	358
EH.6020.----.8	Employee Benefits - NURSING	40,163
EH.7260.----.8	Employee Benefits - ACTIVITIES	1,527
EH.7330.----.8	Employee Benefits - PHYSICAL THERAPY	712
EH.7340.----.8	Employee Benefits - OCCUPATIONAL THERAPY	1,050
EH.7380.----.8	Employee Benefits - SOCIAL WORK	1,113
EH.7390.----.8	Employee Benefits - MEDICAL RECORDS	1,467
EH.8210.----.8	Employee Benefits - DIETARY	7,686
EH.8220.----.8	Employee Benefits - OPERATIONS & MAINTENANCE	2,400
EH.8240.----.8	Employee Benefits - CLEANING	3,107
EH.8250.----.8	Employee Benefits - LAUNDRY	956
EH.8320.----.8	Employee Benefits - FISCAL	2,791
EH.8321.----.8	Employee Benefits - ADMISSIONS	571
EH.8350.----.8	Employee Benefits - ADMINISTRATION	1,749
EL.8160.1000.8	Employee Benefits - Landfill-ENVIRONMENT-LANDFILL	16,610
ESN.8110.8112.8	Employee Benefits - ADMINISTRATION-ADMINISTRATION	366
ESN.8120.8122.8	Employee Benefits - SANITARY SEWERS-SANITARY SEWERS	1,123
ESN.8130.8132.8	Employee Benefits - SEWAGE TREATMENT-SEWAGE TREATMENT	358
ESS.8110.----.8	Employee Benefits - ADMINISTRATION	1,097
ESS.8120.----.8	Employee Benefits - SANITARY SEWERS	3,697
ESS.8130.----.8	Employee Benefits - SEWAGE TREATMENT	1,471
<u>A.9901.9000.9</u>	<u>Interfund Transfers - Trans Co. Road Suppl (A-D)</u>	<u>38,156</u>
<u>A.9901.9100.9</u>	<u>Interfund Transfers - Tranfer (A-DM)</u>	<u>6,360</u>

\$2,165,632

New language underlined, Deletion indicated by strikethough

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1310.9999.R111.0000	Sales Taxes – Sales Tax	\$762,444
A.1310.9999.R111.0CTY	Sales Taxes – Sales Tax-County Share	177,556
A.1310.9999.R280.1000	Miscellaneous – Interfund Revenues	<u>1,480,691</u>
		\$2,420,691

DECREASE REVENUE ACCOUNTS:

A.1162.1110.R226.0000	Shared Services – Chrgs: Other Gov-Pub Safety	\$2,533
A.3020.IECG.R438.9IEC	Federal Aid – Inoperable Emer Comm Grnt	358
A.3189.MEDI.R158.9001	Departmental Income – Oth PS Inc: Medi-Vac	2,282
A.3315.R261.5000	Fines & Forfeitures – Fines: Sheriff Stop DWI	1,294
A.4250.R349.0000	NYS Aid – Mental Health	5,691
A.4310.R349.0000	NYS Aid – Mental Health	1,086
A.4320.R349.0000	NYS Aid – Mental Health	23,744
A.5630.MED.R230.1000	Shared Services – Chrgs: Medicaid Transport	900
A.6010.R361.0000	NYS Aid – Social Services Admin	13,688
A.6010.R461.0000	Federal Aid – Social Services Admin	52,153
A.6772.R477.2000	Federal Aid – OFA Programs	5,000
<u>D.5142.9999.R503.1000</u>	<u>Interfund Transfers – Interfund Transfer</u>	<u>38,156</u>
<u>DM.5190.9999.R503.1000</u>	<u>Interfund Transfers – Interfund Transfer</u>	<u>6,360</u>
		\$153,245

;and be it further

RESOLVED, That the 2012 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$61,647,077 and an estimated Full Value Rate of \$9.22.

Adopted – R/C Vote: 15 Yes; 5 No (No's: Ahlstrom Barmore, Cornell, Duff, Kindberg) – October 26, 2011

LOCAL LAW
INTRODUCTORY NO. 9-11
CHAUTAUQUA COUNTY

ESTABLISHING SALARY LEVELS FOR CHAUTAUQUA COUNTY LEGISLATORS

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

1. Salary Levels for Chautauqua County Legislators.

Effective January 1, 2012, the annual salary for County Legislators shall continue to be \$9,000.00, and the Chairman of the Legislature shall continue to receive \$8,000.00 per year as annual compensation in addition to the regular legislator salary.

New Language Underlined

Also effective January 1, 2012, no additional compensation shall be paid for the following positions: Majority Leader, Minority Leader, Assistant Majority Leader, Assistant Minority Leader, Committee Chairman, and Ranking Member of Committee.

2. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Mailed: 10/14/11

Defeated in Legislature: 10/26/11 R/C Vote: 9 Yes; 16 No (No's: Babbage, Barmore, Borrello, DeJoe, DeJoy, Downey, Duff, Gould, Himelein, Park, Richmond, Runkle, Scudder, Stewart, Tarbrake, Croscut

LOCAL LAW
INTRODUCTORY NO. 10-11
CHAUTAUQUA COUNTY

ESTABLISHING SALARY LEVELS FOR CHAUTAUQUA COUNTY LEGISLATORS

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

1. Salary Levels for Chautauqua County Legislators.

Effective January 1, 2012, the annual salary for County Legislators shall be \$7,000.00, and effective January 1, 2014, the annual salary for County Legislators shall be \$9,000.00.

Effective January 1, 2012, the following positions shall receive the listed annual compensation in addition to the regular legislator salary:

Chairman of the Legislature	\$6,000.00
Majority Leader	\$ 750.00
Minority Leader	\$ 750.00
Assistant Majority Leader	\$ 375.00
Assistant Minority Leader	\$ 375.00
Each Committee Chairman	\$ 750.00

Also effective January 1, 2012, no additional compensation shall be paid for the position of Ranking Member of Committee.

2. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Mailed: 10/14/2011

Defeated by Legislature: 10/26/11 R/C Vote: 11 Yes; 14 No (No's: Babbage, Barmore, Borrello, DeJoe, Downey, Duff, Gould, Himelein, Park, Richmond, Scudder, Stewart, Tarbrake, Croscut

2nd Privilege of the Floor

Mrs. Rose Conti, President CSEA 6300. I want to speak now about the County Home. I guess I would like to know where we are at in the process for the RFP and I would like to make a

statement that if we're truly concerned about all stakeholders being involved in this decision and we truly now want this to be an open discussion and decision making process where all this stakeholders are involved, that going forward with this that we invite the biggest stakeholders, the residents and the second biggest stakeholders, the people who work there, to the table to discuss these, to take a look at these RFP's, to take a look at what we're going to do and where we're going to go forward. Especially with the decision that you made tonight about the IGT monies. Thank you.

Mr. Doug Champ, 225 Bowen St., Jamestown, and Chairman of the Chautauqua County Energy Conference and Expo, this being the 4th year. I know that this is a little redundant but there is some important things that are going to happen here. In fact, I learned today that developers coming in from Florida to attend the conference to look at investments in this County. This is a opportunity for this County to shine and it has before with the leadership that has gone forth and made this County an earmark in the State for energy development and use. It's not a cure for all of our problems but it is an opportunity that presents itself. Marcellus Shale hydro-fracking will be discussed there. I am bringing in two experts from Pennsylvania to give that perspective and also one from New York State. These energy issues will affect us in the future. Whether a Legislator leaves this body or remains for a long time, these problems are going to be with us and we have to take a look at them. It's an education process. It's not something that we're going to (*inaudible*) on and discuss that we can't do or we shouldn't do, it's to learn about things and learn about the options. That is why I believe this thing is successful and if we have and in the past, we have created jobs through that conference. An individual set up an energy audit company because he was interested in what this County wanted to do. In addition to that, these are tremendous potentials that can develop over time and some may just be those that homeowners who are facing costs of their homes can go back with a little more information and maybe save some money. That is what this is about. It's an opportunity. Again, I invite the Legislators to be more proactive in these areas if they have the time. I know it's a busy time. You had a very difficult session here but this is, I think, a positive thing and it's not anything that we should worry about. We should just try and improve upon and I thank you.

Mr. Kurt Lindstrom, Village of Silver Creek Mayor. I just to thank the Legislature for the sale of 60 Main Street today. It's a \$13 million dollar infusion to restore the property and after 33 years, finally restore in the integrity of the neighborhood. Thank you.

Chairman Croscut: Is there anyone else to speak?

MOVED by Legislator Gould, SECONDED by Legislator Runkle and duly carried the meeting was adjourned. (10:35 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, November 16, 2011 - 6:30 P.M.
Mayville, N.Y. 14757

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

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

Legislator DeJoy delivered the prayer and pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator Runkle and duly carried the minutes were approved. (10/26/11)

Privilege of the Floor

My name is Bonnie Peters, 8237 Glassglow Road, Cassadaga, N.Y. There is a couple of things that I want to talk about and the first one is, I wanted to say that we are County employees and we are taxpayers and it's really difficult to sit in the Human Services Committee meeting and hear the Chairman of the Legislature say, I do not care about County employees. It's also something for us to remember that private for profits have right of refusal for any person. With out a County run facility, families may have to travel great distances to place and then visit their loved ones. We need to remember that. I took a couple of minutes and I left everyone of the Legislature, the things that I am going to read off next which are a few questions that we would like to have some answers to. We would still like to have a completed answer as to how the County believes that they can have any control over what happens to the Home if it is sold. Just saying that we can write it in the contract and then sue for breech of contract after the fact does not help. What would you sue for? If you can't prevent something, then don't pretend that you can. The second one is; do you expect that Marcus & Millichap, who only will make money if there is a sale, will invest any time in researching, promoting, or doing an appropriate analysis of all the alternatives such as a lease, a study on just making changes to the home, or a public benefit corporation? Next; we would like to see some evidence that Marcus & Millichap has done any of these things with other nursing homes and what the outcome of their efforts were. Several members of the Legislature have discussed leaving this important decision until after the 1st of the year when the new members will be able to have the input in the process that they will have to continue. Will you consider this option tonight? For these reasons, I ask that you consider tabling this resolution until you and all the stakeholders in this have an opportunity to get the answers and explanations that you will need to make an educated decision on something that is so important to the future of Chautauqua County. We again ask you, what is the hurry?

My name is David Fagerstrom, I reside at 5920 Pickup Hill Road, Cherry Creek. I'm Vice-President of CSEA Unit 6300, representing Chautauqua County employees. We're here tonight to oppose a sale of our Chautauqua County Nursing Home. I have petitions here for you with the signatures of nearly 3,000 people that agree with us. It was encouraging to hear Mr. Ahlstrom state that he thought the process of selling the County Home is being rushed. Not only did the County miss out on millions of IGT dollars, millions would be lost to local businesses and residents of the Home could be forced to move miles away from their families. The CSEA and employees want to work towards solutions. The County Executive made a commitment not to sell the County Home, we'd all be better served to address the real burden, State mandates. It was troubling to hear that Mr. Croscut said, he doesn't care about County employees, but we will remain dedicated to our work regardless. When you discuss public safety please consider the safety and security that Chautauqua County employees provide, not only to the residents of the nursing home but to the residents and visitors of the entire County through the many, many vital services that we provide and we do it better than anybody. Thank you.

My name is Reva Byczynski, 616 Brigham Road, Dunkirk, N.Y. I am a proud public servant, home owner, and a taxpayer in this County. I rise to ask the County Legislators to vote no on the proposed RFP on marketing the Chautauqua County Home at this time. In 2009, candidate Greg Edwards stated that he would not sell the County Home. Approximately 280 County workers, full time, part time, and subs, care for the disabled and the elderly. They have no where else to go. This facility is considered a safety net home. How many Medicaid beds would be lost? Private pay can refuse Medicaid. Where would our parents, grandparents and disabled family members, where will they go? They might have to leave the place they now call home. They get excellent care in a clean and caring environment. If it's privatized, the control over their care is lost. I know Mr. Croscut has stated that he does not care about the County employees, but how many more descent paying jobs and taxpayers is this County willing to lose? I also understand that Mr. Croscut was at the Residents meeting and he was talking to the residents that were sitting there and he said, well, when my farm is doing bad, I had to sell my cows. We had a resident in tears saying, do you think we're cows? We're treated like cows? These are people. These are people with feelings and this is the only home they know right now. This is the only place that they can go because their money has run out. Their retirement funds are run out. Whatever is left out of their little bit of insurance and their Social Security is turned right over to them and Medicaid has to pick up the difference. Many workers that work there were displaced from other plant closes in the Dunkirk/Fredonia area and to spite what is written in the newspapers and blogs on the internet, these jobs were lost due to corporate greed not union wages and benefits.

Also, I wish to speak about the Graf building and DSS in Dunkirk. I am glad to hear that many services will be returning to one location. I hope that Mr. Spanos is diligent about the previous water and sewer problems that was standing water and mold and are taking care of it before County employees move in. The next step and I address this especially to Mr. Barmore, is that, yes, you will continue to hear from us, the workers, and the residents of the north County until the full services of Medicaid, Food Stamps, and Cash Assistance are returned. When Mr. Edwards talks about DSS, he's talking about service workers. He's not talking about the SS staff at the South County office building. The temporary office at 314 Central is not large enough or staffed enough to handle the hundreds of people coming in those doors for services weekly. This office is a disaster waiting to happen. Clients are lined up in the hallway, down the stairwell waiting to be seen by reception, that by the way, has no safety barrier at the desk. They have a small waiting room, 10 or 12 workers to handle all the clients that apply or are recertifying or come in for emergencies. There are no restrooms for the clients. We have one restroom for the women only, two stalls, only one works. The elevator is not reliable many times. The need is still there. By ignoring it, it's not going to go away. Please continue to look at the numbers of people in need in the North County and take appropriate action as public servants that you are. Thank you.

My name is Susan Wilcox, 50 Main Street, Forestville, N.Y. and I am here to talk about the Graf building. I do believe that the Legislature needs some points pointed out to them. With this lease, I don't really think that they have the taxpayer in mind. At \$20.00 a square foot for 19,000 square feet in this building, for the Graf building, which has been vacant and not up to code yet, that is \$38,000. a month. This over a 10 year period is \$3.8 million. The taxpayer could save money if a new building was built with this \$3.8 million or purchase a used building and renovate it. You could probably do it for less. Another question we had is who is the lesser? How are they connected politically to the current administration and who benefits from the signed lease? Obviously it's not the taxpayer. Newspapers indicate that DSS will be returning 75 workers to the Dunkirk location. This is only half truth because the public erroneously is being lead to believe that their DSS workers such as Food Stamps, Medicaid, Public Assistance, and Child Care are returning to service their needs in the North County. This isn't the case. Only those employees currently working in the Dunkirk area will be located in that building. North County clients will still have to continue and have to find a way to get to Jamestown for services which they are entitled to. We urge you as taxpayers to carefully consider what the administration is trying to slip by you. This is not in the best interest of the taxpayer. It's just more of the same spending without consideration of the consequences to the people, the building is

suppose to serve. Yes, the Health Department needs to relocate by January 1st, don't let this force you into entering into an overpaid lease deal. Thank you.

My name is Floyd Frank, 511 W. 7th Street, Jamestown, N.Y. and I'm the County Coordinator for Hunter Safety and I would like to address the issue on the 1,000 foot rule. Here in Chautauqua County we have 95 instructors that teach hunter safety classes. We went from, in 1960, from four hours to ten hours. We spend a lot of time as volunteers, we do not get paid to do this. We help train the new hires on safety and responsibility and ethics. This 1,000 foot rule if it ever became law, would cost this County millions of dollars. There will hardly be any place for people to hunt. It would cost millions of dollars in automobile accidents if the deer went unchecked. Since 1960, there were 137 incidents of injuries. By the report from the DEC, we've had dropped down 67%. In 2003, there were only 48 injuries. Our instructors and training of the new hunter is making it safer every year that goes by. I have been in the program for 23 years. I have not once been called into court for any type of incident here in Chautauqua County, as an instructor. Again, like I said, if this ever became law, it would cost millions of dollars to this County because there would hardly be any place to hunt. Thank you.

My name is Craig Robbins. I work for Chautauqua County and one of the things what we do is promote hunting and fishing and the natural resources that we all hold true that we have here in Chautauqua County. In 2005 and 2006, some of the southern tier counties wanted to get together with some of the other counties in the State, some of the other 30 counties and implement the legal usage of the rifle in our particular counties. In 2006, at Falconer Rod and Gun, I believe, there were 120 to 150 sportsmen, DEC officials, County Legislators were there, State officials and landowners were there. It was an open forum, people asked questions, people discussed and a lot got accomplished during that one little meeting. Earlier this year in August, Governor Cuomo actually signed the bill legalizing the use of rifles in Chautauqua County, Wyoming County, and a couple of other counties in the southern tier. Cattaraugus County and Allegany County, are neighboring counties, just to our east where it has been legal since I believe 2007 and have had little or no incidence, well, actually an accident hunting related to do with a rifle. I have been on the phone with the DEC the last couple of days and they are struggling to find statistics saying that the rifle caused an accident. Not to say that a hunter fell out of a tree stand or during spring turkey season there was an accident. Rifle is a legal hunting implement in Chautauqua County as of August 2011. Last year in Chautauqua County, we sold over 34,000 hunting licenses. According to the US Fish and Wildlife service, I'm sorry, big game hunting license. Deer hunting licenses, 34,720. According to the US Fish and Wildlife service, the average white tale hunter, big game hunter, each day, spends over \$100.00 every time they are in the field. So, basic math will show you one day in the field, its economic impact to about over \$3 million dollars. Hunting and fishing in Chautauqua County is big business and it's something that we all take pride in. We've got a great area, we've got a great resource and we have a lot of people coming in to share that resource. Recently, we have seen a decrease in the gun season licenses. The deer and the bear season licenses. A lot of those hunters are going to the other counties. They are coming in from Pennsylvania and Ohio and some of the states out west and we attribute that to not being able to use their firearm of choice which is the legal hunting implement, the rifle. I have been doing this for the County for 15 years and I love every minute of it. We have a great resource here. Let's not put our hands behind our back. Let's not stop doing what we have been doing and let's move forward and let the folks enjoy the natural resource that we have. Ask the folks in Celoron about their over deer population. Ask the people in Jamestown about the deer eating their shrubs and the car accidents happening in Dunkirk and Fredonia. We need to manage the resource and a way of managing the resource is by legal hunting. Thank you.

My name is Reed Johnson, 4075 Hopkins Road, Kennedy, N.Y. I represent the Chautauqua County Federation of Sportsman. The Federation is made up of organizations across Chautauqua County who are dedicated to the preservation of wildlife. Not only in Chautauqua region but across New York State. Through the Federation, I represent over 9,000 sports men and women. As President of the Federation, I've listened to the wants and needs of sportsman and tonight I bring those concerns to you. If this 1,000 foot rule is to pass, it would dramatically cut the hunting territory

in our County. Currently the 500 foot rule offers an 18 acre damper or buffer for a household. If it's increase to 1,000 feet, that increase is to 76 acres. It's very hard to find a parcel of land with 76 acres undisturbed. Statistics have shown hunting accidents have decreased across New York State since the use of rifles have been implemented across the southern tier and accidents involving rifles, it was determined the same outcome would have happened with a shot gun. The best way to control the animal population is through hunting. If you look in the areas where hunting is not allowed including Jamestown, Celoron, West Ellicott, and parts of Pomfret, you will find that they are either considering or have considered a bait and shoot program. Bait and shoot programs use high power rifles to thin the deer herd at the expense of the taxpayers. Recent bait and shoot programs have cost municipalities over \$1,000 per animal harvested. Sportsman pay for the privilege to hunt in our area and generate revenues through purchases of hunting licenses, fire arms, ammunition, lodging, gasoline, and meals. Our County benefits from that through sales tax and bed taxes. Also by eliminating hunters in our area you'd be turning this revenue into an expense.

My name is Ray Puneski, 2374 Whitaker Road, Forestville. I just have few comments. I saw the article in the Observer this morning and I see it here on the flyer about Motion A. I would like to go on record as opposing Motion A. If we have to have 1,000 foot rule, being away from a home or a dwelling, that this would eliminate a lot hunting area in the County. Also the, according to the paper, the motion sited several incidence in which people were injured by stray bullets. Well, it would be no different, I don't believe, with a shot gun or a rifle and actually I hadn't seen any statistics on it. As far as the written permission, making hunting on private property without written permission a criminal act, according to the paper, with fines, confiscation of their guns and suspension of their hunting licenses, it would certainly make for less hunting license sales. So, I would hope that you folks would oppose that including Bob Duff over there who is my neighbor. Thank you.

My name is Charlie Carnelli, I am the President of the Jamestown Rifle Club. I'm a Master gun instructor, I'm also an NRA certified hand gun instructor and also a certified reloader which gives me ballistics, plain facts, rifles, usually one shot when they are hunting shot guns, 3 to 5 shots. It's less likely for rifle to ricochet than a slug gun. The bullets of the rifle travel at much higher speed. In turn, if they are to hit something they will disintegrate and explode. The fact is, Pennsylvania did a survey in 1988, I believe and it was a proven fact that rifles are safer than shot guns. Thank you.

Chairman Croscut: Anyone else to speak under the privilege of the floor?

PRESENTATION: MARCUS & MILLICHAP
 BY JOSHUA JANDRIS
 RE: COUNTY HOME

COMMUNICATIONS:

1. Letter – County Executive – Re: 2012 Tentative Budget
 2. Letter – Coroner W. Riles – Re: Request for Re-Appointment
 3. Letter – Coroner J. Jackson – Re: Request for Re-Appointment
 4. Report – Dir. of Finance/Schulz – Re: October – 2011 Investment
 5. Letter – Atty. N. Robinson – Re: Town of Ellery – LL # 1-20 – Enact Moratorium on Solid Waste Mangmt. Facilities in Town of Ellery
 6. Letter – Dept. of State – Re: Ack. Receipt of LL 4-11
 7. Letter – NYS Comptroller – Re: Ack. Receipt of Res. 188-11 (Extending Sales Tax)
 8. Highlights – NYSDEC Fish & Wildlife (9/15/11-10/15/11)
 9. Email – A. J. Dolce, Councilman-at-large- C/Dunkirk – Re: Graf Bldg. Res.
 10. Request for Proposal – County Home – Marcus & Millichap
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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 10/26/11

Motion: (On file w/ Leg. Data)

15-11 Supporting Amendment of New York State Environmental Conservation Law to Restrict the Firing of Hunting Rifles within 1,000 Feet of a Home or Dwelling and Require Hunters to Obtain Permission to Hunt on Privately Owned Properties in Chautauqua County - Tabled

RES. NO. 213-11

Confirm Re-Appointments - Chautauqua County Coroners

By Public Safety Committee:

At the Request of Chairman Fred C. Croscut:

WHEREAS, two of the four offices of Coroner in Chautauqua County become vacant on January 1, 2012; and

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

RESOLVED, That the Chautauqua County Legislature does hereby appoint the following person as Chautauqua County Coroner for three year term to expire December 31, 2014.

Mr. Warren Riles
39 Main Street
P.O. Box 357
Forestville, NY 14062

Mr. James Jackson
PO Box 27
Lakewood, N.Y. 14750

Signed: Richmond, Himelein, Duff, Downey

Unanimously Adopted – November 16, 2011

RES. NO. 214-11

Appointing Member of Board of Directors of Chautauqua County Capital Resource Corporation

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 223-09, the County established the Chautauqua County Capital Resource Corporation ("CRC") as a local development corporation consisting of members of the Board of Directors who also serve as members of the County of Chautauqua Industrial Development Agency ("CCIDA"); and

WHEREAS, CCIDA and CRC board member Richard Star has resigned and David Maternowski has been proposed as his replacement on the CCIDA and CRC boards; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves David Maternowski as a member of the Board of Directors of the Chautauqua County Capital Resource Corporation.

Signed: Park, Heenan, Tarbrake, Borrello, Kindberg

Unanimously Adopted – November 16, 2011

RES. NO. 215-11

Authorizing Lease of Premises in the Graff Building at 319-321 Central Avenue in the City of Dunkirk

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

WHEREAS, the County is in need of office and clinical space in the City of Dunkirk to replace premises damaged or destroyed by fire; and

WHEREAS, renovated space that meets the needs of the County will be available for lease in the Graf Building that formerly housed numerous County operations; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into a lease agreement with GH Graf Building LLC and execute all necessary documents related thereto to include the following terms and conditions:

1. Premises. Approximately 19,500 square feet on floors 1, 2, and 3 of the Graf Building at 319-321 Central Avenue in the City of Dunkirk.
2. Term. Ten (10) years with options to renew for two five (5) year renewal terms.
3. Rent.

Year 1	\$19.85/sq ft
Year 2	\$20.10/sq ft
Year 3	\$20.35/sq ft
Year 4	\$20.61/sq ft
Year 5	\$19.85/sq ft
Year 6	\$20.10/sq ft
Year 7	\$20.35/sq ft
Year 8	\$19.85/sq ft
Year 9	\$20.10/sq ft
Year 10	\$20.35/sq ft
- Five year options: 3% per year increase over Year 10 rate
4. Other. As negotiated by the County Executive.

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James, Park, Babbage, Barmore, Nazzaro, DeJoe, Gullo, Runkle, Richmond

MOVED to amend by Legislator Barmore, SECONDED by Legislator Tarbrake to amend as follows:

RESOLVED, That the Director of Finance is hereby directed to transfer insurance recovery funds to the North County Office Building capital project to cover relocation expenses by appropriating CS Fund Balance and making the following amendments to the capital budget:

INCREASE THE USE OF FUND BALANCE:
 CS.-----909.0000 Fund Balance, Unreserved Fund Balance – \$1,500,000
 Fund Balance

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:
 CS.9950.-----9 Interfund Transfers – Interfund Transfers \$1,500,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:
 H.1620.507.4 Contractual – North County Office Building \$1,500,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.507.R503.1000	Interfund Transfers – Interfund Transfer	\$1,500,000
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Adopted w/ Legislator Cornell voting "no" – November 16, 2011

RES. NO. 216-11

Homeland Security Grant for FFY07-FFY08 – Adjust Accounts for 2011 Budget

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

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2007 in the amount of \$178,000; and for Fiscal Year 2008 in the amount of \$207,750; and

WHEREAS, Resolutions 77-08 and 98-10 authorized the County Executive to sign and accept the Homeland Security Grant Program 2007 funds that have been extended through December 31, 2011, and Resolution 108-09 authorized the County Executive to sign and accept the Homeland Security Grant Program 2008; and

WHEREAS, to meet the objectives of the program, partial funds are, at this time, to be used to purchase a HazMat Gas Detection, a Side Scan Sonar and for consultant services for the Comprehensive Emergency Management Plan(CEMP); therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.3	Depreciable Equipment – Emergency Services	\$20,000
A.3010.----3	Depreciable Equipment – Emergency Services	\$30,000
A.3010.----4	Contractual – Emergency Services	\$65,887

INCREASE REVENUE ACCOUNT:

A.3010.----R430.5004	Federal Aid – Emergency Services, Homeland Security	\$115,887
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Signed: Richmond, Himelein, Duff, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – November 16, 2011

RES. NO. 217-11

Homeland Security Grant for FFY07-FFY-09 – Adjust Accounts for 2011 Budget

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

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2007 in the amount of \$178,000; and for Fiscal Year 2009 in the amount of \$244,810; and

WHEREAS, Resolution 77-08 and 98-10 authorized the County Executive to sign and accept the Homeland Security Grant Program 2007 funds that have been extended through December 31, 2011, and Resolution 95-10 authorized the County Executive to sign and accept the Homeland Security Grant Program 2009; and

WHEREAS, to meet the objectives of the program, partial funds are, at this time, to be used to purchase a Mass Incident Response Vehicle (MIRV); therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3989.----.3 Depreciable Equipment – Emergency Medical Service \$20,010

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004 Federal Aid – Homeland Security \$20,010

Signed: Richmond, Himelein, Duff, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – November 16, 2011

RES. NO. 218-11

Homeland Security Grant for FFY2010 – Adjust Accounts for 2011 Budget

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

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

WHEREAS, Resolution 127-11 authorized the County Executive to sign and accept the Homeland Security Grant Program FFY 2010 funds; and

WHEREAS, to meet the objectives of the program, partial funds are, at this time, to be used to purchase Training Equipment for HazMat Team; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.3 Depreciable Equipment – Hazardous Materials \$8,200

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004 Federal Aid – Homeland Security \$8,200

Signed: Richmond, Himelein, Duff, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – November 16, 2011

RES. NO. 219-11

Authorize Acceptance of Byrne JAG Grant for Video Conferencing Program

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

WHEREAS, the Sheriff's Office has successfully applied for a grant from NYS Division of Criminal Justice Services under the auspices of the Byrne / JAG American Recovery and Reinvestment Act for the amount of \$30,000;and

WHEREAS, the grant money will be received in 2012 and used to initiate a video phone conferencing system within the jail complex and which will ultimately increase efficiency and reduce costs to the jail; therefore be it

RESOLVED, That the County accept such grant and the County Executive is authorized to execute the award agreement with NYS Division of Criminal Justice Services in the amount of \$30,000.

Signed: Richmond, Himelein, Duff, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

MOVED by Legislator Ahlstrom, SECONDED by Legislator Kindberg to refer back to Committee – Carried with verbal vote: 22 Yes; 3 Absent – November 16, 2011

RES. NO. 220-11

Authorizing Agreement Between County of Chautauqua and Jamestown Community College for Mandated Nurses Training Course

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

WHEREAS, Jamestown Community College as part of its curriculum offers health care professionals with NYS mandated education and will cover the required elements of course work pertaining to barrier precaution and infection control for professional nurses; and

WHEREAS, the labor agreement between the County of Chautauqua and CSEA Unit 6300 Local 807 provides for full-time and part-time nurses employed by the county to be reimbursed for tuition fees for courses required to maintain their nursing licenses; and

WHEREAS, Jamestown Community College offers this on-line training course at a cost savings to the County and for nurses to complete this required course at their convenience; and

WHEREAS, such program between Jamestown Community College and the Chautauqua County Home has proven beneficial to the County in the past; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements between the County of Chautauqua and Jamestown Community College for the mandated nurse training course.

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James

Unanimously Adopted – November 16, 2011

RES. NO. 221-11

Authorizing Contracts with New York State for Child Care Inspection and Registration Services

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

WHEREAS, the State of New York is authorized under Section 390 of the Social Services Law of the Laws of 1990, to register and inspect child day care programs and to contract for implementation responsibilities for such services while retaining overall responsibility for the administration of the program; and

WHEREAS, the Chautauqua County Department of Social Services is empowered to receive and expend funds for these purposes and is prepared to provide the local implementation of the child care inspection and registration; and

WHEREAS, by taking on these responsibilities at the local level, the Chautauqua County Department of Social Services can increase the availability and quality of child care in this county and can provide for more timely inspections and registration; and

WHEREAS, affordable quality child care is a necessary component of the Welfare Reform Act and is necessary to assist families in achieving and maintaining self sufficiency; therefore be it

RESOLVED, That the County Executive is authorized to enter into annual agreements with the State of New York to provide child care inspection and registration services for as long as the funding is available to support this project.

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, James

Unanimously Adopted – November 1, 2011

RES. NO. 222-11

Adjust 2011 Health Department HUD Lead Accounts

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

WHEREAS, the Chautauqua County Department of Health and Chautauqua Home Rehabilitation Improvement Corp (CHRIC) have received federal grant funding in the amount of \$2,641,354 for the U.S. Department of Housing and Urban Development (HUD) Lead Hazard Control program *Lead Safe IV* (lead-based paint remediation) for the three-year period from 1/1/2010 to 12/31/2012; and

WHEREAS, the County has completed successful programs through Lead Safe I-III HUD grants and desires to continue childhood lead poisoning prevention efforts and lead hazard control efforts to improve quality of life and housing stock in Chautauqua County; and

WHEREAS, this program also serves as a resource to complete remediation in the high-risk homes identified through the Primary Prevention Lead Program; and

WHEREAS, more lead remediation occurred in 2011 than originally projected in the 2011 budget; and

WHEREAS, all expenses for this program are covered by grant funding with no local share; therefore be it

RESOLVED That the Director of Finance be and hereby is directed to make the following changes to the 2011 budgetary accounts:

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4	Contractual – Other Public Health (Lead)	\$275,000
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INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R448.9HUD	Federal Aid – HUD Lead	\$275,000
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Signed: Park, DeJoe, Richmond, Gullo, Tarbrake, Gould, Stutzman, Ahlstrom, James, Nazzaro, Runkle

Unanimously Adopted – November 16, 2011

RES. NO. 223-11

Accept Grant Funding for Green Jobs Green New York

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

WHEREAS, Chautauqua County has been awarded a federal grant administered by NYSERDA and funded by the American Recovery and Reinvestment Act (ARRA); and

WHEREAS, Chautauqua County has been awarded this grant to act as a "Host Community" for NYSERDA's Green Jobs Green New York (GJGNY); and

WHEREAS, the "Host Community" consists of Region 9, Western New York and Region 3, Finger Lakes; and

WHEREAS, the award provides that up to 10% of the grant can be used to administer and conduct outreach activities to promote the GJGNY energy audit and financing program to eligible consumers within its community and economic development region; and

WHEREAS, the remaining 90% of the grant must be re-granted back to NYSERDA to increase the number of energy efficient loans that can be offered through the GYGNY Program; and

WHEREAS, Chautauqua County will contract with Blue Springs Energy to provide grant administration in regard to the NYSERDA GJGNY Funding Program; and

WHEREAS, the County of Chautauqua Industrial Development Agency will also provide administrative duties; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with NYSERDA GJGNY and Blue Springs Energy, as necessary to carry out the objectives and requirements of this grant program; therefore be it further

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

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

A.6420.GJG.1	Personal Services – Green Jobs Green NY	\$ 4,388
A.6420.GJG.4	Contractual – Green Jobs Green NY	1,812,995
A.6420.GJG.8	Employee Benefits – Green Jobs Green NY	<u>3,112</u>
		\$1,820,495

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.6420.GJG.R498.9010	Federal Aid – ARRA Grant	\$1,820,495
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Signed: Park, Heenan, Tarbrake, Borrello, DeJoe, Kindberg, Gould, Nazzaro, Gullo, Runkle,
Richmond

Unanimously Adopted – November 16, 2011

RES. NO. 224-11
Distribution of Mortgage Taxes

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due the pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

April 1, 2011 through October 31, 2011

TOWNS		CITIES	
Arkwright	5,153.95	Dunkirk	19,838.00
Busti	36,731.54	Jamestown	58,420.91
Carroll	11,565.91		
Charlotte	5,990.87	TOTAL	78,258.91
Chautauqua	30,988.01		
Cherry Creek	3,535.84		
Clymer	7,196.83	VILLAGES	
Dunkirk	10,123.92		
Ellery	33,808.28	Bemus Point	2,198.52
Ellicott	57,656.72	Brocton	821.32
Ellington	7,401.11	Cassadaga	932.88
French Creek	7,367.55	Celoron	3,511.86
Gerry	6,528.17	Cherry Creek	456.90
Hanover	24,789.80	Falconer	6,657.06
Harmony	3,030.78	Forestville	872.69
Kiantone	9,167.75	Fredonia	21,700.79
Mina	10,325.66	Lakewood	11,567.94
North Harmony	12,907.07	Mayville	2,501.73

Poland	4,807.78	Panama	374.12
Pomfret	41,287.69	Sherman	747.92
Portland	8,968.68	Silver Creek	3,045.57
Ripley	5,347.17	Sinclairville	1,118.93
Sheridan	11,130.61	Westfield	5,534.60
Sherman	3,716.00		
Stockton	4,837.91	TOTAL	\$62,042.83
Villanova	2,621.54		
Westfield	15,045.71		
TOTAL	\$382,032.85		

GRAND TOTAL \$522,334.59

Signed: Gould, Nazzaro, Gullo, Runkle, Park, DeJoe, Richmond

Unanimously Adopted – November 16, 2011

RES. NO. 225-11

Supporting Selection of Marcus & Millichap for the Marketing of the Potential, Sale, Lease, or other Disposition of the Chautauqua County Home

By Human Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards, Chairman Fred Croscut, and Legislator Charles Nazzaro:

WHEREAS, the County issued a request for proposals for the marketing of the potential sale, lease, or other disposition of the County Home; and

WHEREAS, two (2) proposals were received from real estate sales firms with substantial experience in the marketing of nursing home facilities; and

WHEREAS, the firm of Marcus & Millichap demonstrates the best combination of experience and qualifications for the marketing of the County Home; therefore be it

RESOLVED, That the County Legislature supports the selection of Marcus & Millichap for the marketing of the potential sale, lease, or other disposition of the Chautauqua County Home, provided that no commission will be owed unless any such sale, lease, or other disposition is approved by the County Legislature; and be it further

RESOLVED, That the County Legislature requests that the County Executive, with the assistance of Marcus & Millichap, present to the County Legislature for its review a proposed request for proposals for the potential sale, lease, or other disposition of the Chautauqua County Home.

Signed: (H.S. – Failed 3/2 – No: Ahlstrom, James, Stutzman) – (A.C. Carried 5/2 – No: DeJoe, Runkle) Tarbrake, Gould, Nazzaro, Gullo, Park, Richmond

New Language indicated by underline

MOVED by Legislator Ahlstrom, SECONDED by Legislator DeJoe to table.

Carried - R/C Vote: 13 Yes; 11 No; 1 Absent – (No's: Babbage, Barmore, Borrello, Downey, Gould, Himelein, Mueller, Nazzaro, Stewart, Tarbrake, Croscut) – TABLED – November 16, 2011

RES. NO. 226-11

Making Appropriations for the Conduct of County Government for Fiscal Year 2012

At the Request of Chairman Fred. C. Croscut:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2012 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 211-11 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 211-11 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, 2012; 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: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent - November 16, 2011

RES. NO. 227-11
Authorize Tax Levy

At the Request of Chairman Fred C. Croscut:

WHEREAS, there has been adopted a budget for the fiscal year of 2012; and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2012 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 173-11 adopted August 24, 2011.
5. Upon the property on which school taxes are uncollected as of November 22, 2011, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2011, 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 2012 pursuant to law or resolution of this Legislature.

Signed: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent -November 16, 2011

RES. NO. 228-11
Authorize Levy of Town Taxes

At the Request of Chairman Fred C. Croscut:

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: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent -November 16, 2011

RES. NO. 229-11
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Fred C. Croscut:

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: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent -November 16, 2011

RES. NO. 230-11
Authorize Levy of Omitted T axes

At the Request of Chairman Fred C. Croscut:

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: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent -November 16, 2011

RES. NO. 231-11
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Fred C. Croscut:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2012 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 2012 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: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent -November 16, 2011

RES. NO. 232-11
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Fred C. Croscut:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2012 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 2012 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: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent -November 16, 2011

RES. NO. 233-11

Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Fred C. Croscut:

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: Croscut

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent -November 16, 2011

RES. NO. 234-11

Fixing Equalization Rates for 2012

At the Request of Chairman Fred C. Croscut:

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 2012 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2012 tax rolls in the following towns and cities:

Arkwright	60.50%	Harmony	99.00%
Busti	100.00%	Jamestown, City	100.00%
Carroll	100.00%	Kiantone	99.00%
Charlotte	79.65%	Mina	100.00%

Chautauqua	100.00%	North Harmony	96.50%
Cherry Creek	75.10%	Poland	100.00%
Clymer	100.00%	Pomfret	20.44%
Dunkirk, Town	81.50%	Portland	62.00%
Dunkirk, City	85.25%	Ripley	100.00%
Ellery	100.00%	Sheridan	70.00%
Ellicott	100.00%	Sherman	100.00%
Ellington	100.00%	Stockton	100.00%
French Creek	100.00%	Villanova	76.00%
Gerry	75.70%	Westfield	84.00%
Hanover	100.00%		

Signed: Croscut

Unanimously Adopted – November 16, 2011

2nd Privilege of the Floor

Legislator Richmond: I have just two points of interest. Because of the intensity of our budget last month that we passed, I am quite fearful as the year 2012 rolls to a conclusion, one year from now, it will not have been possible to stay under the 2% tax cap because (*inaudible*) budget situations. My curiosity is when this County exceeds the expense next year, a 2% (*inaudible*) necessary for this body to reconvene and vote to approve an override on the tax cap. Does our legal counsel have any opinion?

Mr. Abdella: The tax cap, I believe, applies to the tax levy so if we were over budget during the year presumable at that point we're turning to other sources to address that deficit, it would not be real property tax until the following January 1st, so no, I don't believe a budget override would implicate the tax cap.

Legislator Richmond: If I may on the second point. Resolution 33-06, which was passed on February 22, 2006, was a highly debated issue about the economics of fuel efficient cars. This body in that resolution approved spending significantly more money to buy to hybrid cars in full belief that we were going to save money and it was clearly identified in that motion that there would be a conclusion drawn with in approximately a 5 year period as to whether or not that was successful in saving the County money. I think that it would be proper and fair for this body to ask for facts and figures regarding those two cars that cost significantly more money as to whether or not it was a wise financial decision.

Chairman Croscut: Mr. Spanos, I'm assuming that you can answer that later or do you want to take a whack at it tonight if no one objects?

Mr. Spanos: That would be DSS that could give you information.

Legislator Kindberg: I guess I was a sponsor of that but I recall off hand.

Legislator Barmore: I believe you were.

Legislator Kindberg: Yes, I certainly (*inaudible*) debate that we had surrounding the purchase use of hybrid cars as County vehicles. I think that our concern extended beyond purely financial to environmental impact as well.

Chairman Croscut: So we can check with DSS services, that is where the vehicles went, Mr. Spanos?

Mr. Spanos: Yes.

Chairman Croscut: O.k., we'll do that Mr. Richmond.

Mr. Frank: I would like to invite all the Legislators to take a hunter safety class either at the Jamestown Rifle Club or the Falconer Rod and Gun Club. You'd be surprised what we go through and the type of training that we do, what we tell the people. You'd be surprised of the number of older people that come with their young people and they tell us that they are amazed about how much they didn't know. We tell the whole class, if you pass with an 80% on your test but you still have 20% more to learn. You learn everyday that you go out there. Thank you.

Mr. Carneilli: The issue is safety. Everybody is concerned about safety. We do not point firearms at houses. It does not matter whether you are 500 feet or 5 miles away. Safety, know your target and what is beyond. That is what we teach. That is what we instill to every student in our class. Know your target and what is beyond. We know if there is a house within 500 feet. We know if there is a house within 2 miles. We are not idiots. You take the other counties that have already had the rifle bill passed, there are no incidences whatsoever. Chautauqua County is a dying County. For the last three years when the other counties went to rifles, we lost all kind of hunting support and revenue because they went to other counties. Now, we have into Chautauqua County and you are trying to push it out again. *(Inaudible)* Chautauqua County. A firearm is a firearm. It does not matter whether it's a slug gun or a rifle. Thank you.

My name is Bill McQuiggan, 8002 Bear Lake Road, Stockton, N.Y. *(Inaudible)* talk about heritage and a way of life and it's also dying. The youth today are part of a reason is access has become so difficult *(rest of statement inaudible)*.

Legislator Duff: This is about the third time that I have heard this tonight. These men that have gone up to the mic to talk. What happened out in Ellicottville the first year that they tried it? Anybody said anything about that? When the gang from Buffalo went down there with the long rifles and they get out there hollowing and crawling on their belly and it seems to me that one of those guys shot the other guy and killed him. And *(inaudible)* right over there in Ellicottville.

Unknown Speaker: And the firearm had nothing to do with it.

Chairman Croscut: Mr. Duff, please address the Chair. I think that is sufficient and we'll leave it at that. We don't want to start an argument.

Legislator Duff: It's not an argument.

Chairman Croscut: I think that you can speak to the man afterwards probably.

Legislator Ahlstrom MOVED with Legislator Barmore SECONDED and duly carried to adjourn. (8:37 p.m.)

Regular Meeting
Chautauqua County Legislature
Wednesday, December 14, 2011 - 6:30 P.M.
Mayville, N.Y. 14757

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

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

Legislator Downey delivered the prayer and pledge of allegiance.

MOVED by Legislator Barmore, SECONDED by Legislator Borrello and duly carried the minutes were approved. (11/16/11)

Privilege of the Floor

Rose Conti, 50 Lake Ave., Brocton, N.Y. I am representing CSEA. I was coming here this evening to thank this body for the decision they made in November. You gave yourselves time to consider a very difficult decision that you're facing. I hope this evening that you continue with that decision and allow the 8 new members of the Legislature opportunity to be a part of the first decision of many that are going to have to be made. I hope at the end of this meeting I'll be able to stand up and thank you for continuing what you started in November.

Roger Irish, Cherry Creek, N.Y. I thank you for your indulgence and this is not politically motivated in any way. The last three years you are tried to market Chautauqua County as an outdoor recreation destination. Our County has excellent fishing, hunting, snowmobiling, skating, nature trails, bird watching, swimming and boating. Why would you even consider a motion to cut the heart out of one of the three big reasons why people visit and live in our County? The rest of the statement is very well on the current public safety and environmental conservations laws. Why would anyone want to handicap Chautauqua County in this way? It just doesn't make any sense. As for myself, I would rather have a stranger standing 50 feet from my house shooting away from it than someone standing 300 plus yards that may not be able to see it or know that it's there, possible shoot at it. As for Mr. Duff's proposal that all land is posted without permission beyond it, does this mean that I am going to accept legal liability for their actions and safety if I give them permission or is the County going to insure me? Further more, I don't want to be bothered by everyone that wants to hunt, fish, and snowmobile or cross my property. I feel that it should be my business if my property is posted. I am sure that there are many other questions to be asked about this ill conceived motion before any action is taken. Thank you.

Lloyd Frank, I live at 511 W. 7th Street, Jamestown, N.Y. I am a County Coordinator for Hunter Safety for the DEC and volunteer Master instructor and gun instructor and Master Bow instructor. The amendment that is proposed to change the law from 500 feet to 1,000 feet, there is a ripple effect that this will have on our County and State. The Hunter education classes could not be held because live fire is mandatory in the classes. We use 22 rifles. The kids and adults in the class have to demonstrate that they can load and unload and fire safely. It will shut down hunter safety. No future hunters can control deer and predator population. A loss of revenue to the County and State in the form of sales tax, bed tax, and jobs lost. Loss revenue for the DEC, jobs loss, programs not funded, lost revenue from hunting licenses in New York State. The money generated from out of State hunters would be lost. Chautauqua County's average this year, by the Sheriff's Department radio messages, 4.6 deer/car accidents since September. Less hunters mean more accidents. The County can not afford to lose the revenue. The taxpayers and property owners would take up that burden if we didn't have that tax on our hunting licenses and what we buy. Investigations have proved that all shooting incidents that involving rifles would have the same conclusion if the person used a shot gun. Other comments on the hunter safety program, we need it for this State. We need to control

the deer, we need to put responsible hunters out there which we emphasize in our (*inaudible*) classes. This is an American heritage to hunt. Don't take it away from us, thank you.

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

COMMENDATION:

MAPLE GROVE GIRLS CROSS
COUNTRY TRACK TEAM
STATE CHAMPIONS
BY LEGISLATOR BABBAGE

COMMUNICATIONS:

1. Letters (11) – Co. Executive – Various Appointments to: Aging Advisory; Airport Comm.; Emerg. Medical Servs.; Enviro. Mangmt.; Health; IDA; STWRP&D Bd.; Sports Fishery; Youth
2. Landfill Pricing Schedule Change – Effective 1/1/2012
3. Mintues – Chaut. Co. Soil & Water Conservation District –November
4. NYS Depart. of Taxation & Finance – Ack. Receipt of Res. No. 188-11
5. Letter – P. Wallenhorst – Re: Support of Rifle Motion
6. Petitions (2,744 signatures) – Re: Retaining Ownership of County Home

Clerk Tampio: I've had a request from Legislator Duff to read a letter we received from Paul. M. Wallenhorst.

December 12, 2011; Attention Robert Duff, Sheridan Legislator: I am writing to express our extreme concern regarding the use of rifles for deer hunting in Chautauqua County. While we regularly allow friends of the family to hunt on our property, we feel comfortable knowing that shotgun ballistics provide some margin of safety provided they are fired a safe distance from our home. Rifle ballistics hardly provide the same safety margin.

Our family resides on a 60 acre property that we regularly use for hiking, camping, and cross country skiing. We harvest timber and maintain a small tree plantation, so we are regularly in our woods and fields. Our fear is that a stray rifle shot could easily cause death or serious injury to a family member while we are working or playing on our property.

The current rule allowing rifle hunting within 500 feet of homes is extremely dangerous, considering that the typical rifle bullet travels at supersonic speeds of over 2,500 feet per second. Rifle bullets, like military weapons, frequently travel distances measured in miles. Our 60 acre property is approximately 1,600 by 2,000 feet. Putting this in perspective, the typical rifle shot would take little more than half a second to travel from one side of the property to the other! We have only to look at the recent school bus shooting in Conewango or the tragic killing of the Sheridan Fire Chief, to know that errant shots can happen. We believe that increasing the minimum home-to-hunter distance to 1,000 feet will reduce the potential that a stray shot will kill a family member.

Please take all possible steps to pass a motion of support amending the Environmental Conservation Law and specify a 1,000 foot minimum rifle hunter-to-homeowner requirement. Furthermore, we ask that you mandate strong sanctions for those violating this requirement and endangering our families and homes.

On a related matter, may we urge you to mandate that all hunters be required to obtain written permission to hunt on privately owned property. Armed trespassers regularly appear on our property, and are sometimes both unfriendly and uncooperative in leaving our land. Hunting tags are not always visible, and these trespassers are generally not inclined to provide identification for reporting to authorities. We have found that posting our land is a weak method of controlling hunter access, and provides no method of identifying those creating liability and risk for our family. Armed trespassers carrying high-powered hunting rifles can be intimidating. Sincerely, Paul. M. Wallenhorst and Family, 2267 Whitaker Road, Forestville, N.Y. 14062

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 11/16/11

REFERRED RES. NO. 219-11 – Authorize Acceptance of Byrne JAG Grant for Video Conferencing Program - Adopted w/ Legislator Stutzman voting "no". (See page 297 for text.)

TABLED RES. NO. 225-11 – Supporting Selection of Marcus & Millichap for the Marketing of the Potential Sale, Lease, or other Disposition of the Chautauqua County Home – (See page 302 for text)

Bringing it to the Floor: R/C Vote: 14 Yes; 10 No; 1 Absent – (No's: Ahlstrom, Cornell, DeJoe, DeJoy, Duff, Gullo, Heenan, James, Kindberg, Scudder) – Carried

TABLED RES. NO. 225-11 – R/C Vote: 13 Yes; 11 No; 1 Absent (No's: Ahlstrom, Cornell, DeJoe, DeJoy, Duff, Gullo, Heenan, James, Kindberg, Scudder, Stutzman) – Adopted

MOTIONS: (On file w/ Data)

- 16-11 Urging Passage of Senate Bill S.5889B and Assembly Bill A.8644 that Would Implement a Multi-Year State Takeover of the Local Share of Medicaid – Unanimously Adopted
17-11 Requesting NYS to Establish Full Funding and Memorandum of Understanding for County Health Department Activities Associated with Gas Well Drilling in New York State – Unanimously Adopted
-

RES. NO. 235-11

Confirm Re-Appointments - Chautauqua County Airport Commission

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Sam Arcadipane Jr.
2641 28th Creek Rd
PO Box 218
Gerry, N.Y. 14740
Term Expires: 12/31/13

Daniel P. Reininga
86 Central Ave.
Fredonia, N.Y. 14063
Term Expires: 12/31/13

John Watkins
2381 South Hill Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/13

Signed: Babbage, Barmore, Stewart, DeJoe, Nazzaro

Unanimously Adopted – December 14, 2011

RES. NO. 236-11

Confirm Re-Appointments - Chautauqua County Disaster Preparedness Commission

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

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

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

Mark Goshgarian 230 Schuyler St. #10 Jamestown, N.Y. 14701 Term Expires: 12/31/14	Jon Stahley P.O. Box 273 Bemus Point, N.Y. 14712 Term Expires: 12/31/14	Leslie Vattimo 276 Willard St. Jamestown, N.Y. 14701 Term Expires: 12/31/14
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Signed: Richmond, Himelein, Duff, Mueller, Downey

Unanimously Adopted – December 14, 2011

RES. NO. 237-11
Confirm Re-Appointments – Emergency Medical Services Council

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Emergency Medical Services Council.

Dan Aldrich 8520 Kelly Hill Rd. Fredonia, N.Y. 14063 Term Expires: 12/31/14	E. Lawrence Barter 9 Pine Drive Fredonia, N.Y. 14063 Term Expires: 12/31/14	Tim Glenn 2355 Camay Lane Jamestown, N.Y. 14701 Term Expires: 12/31/14
Jennifer Guttman 6057 Portage Rd. Mayville, N.Y. 14757 Term Expires: 12/31/14	Marsha Holland 47 Clinton St. Westfield, N.Y. 14787 Term Expires: 12/31/14	James Hyland 101 Ounce St. Dunkirk, N.Y. 14048 Term Expires: 12/31/14
William Johnston 401 Palmer St. Jamestown, N.Y. 14701 Term Expires: 12/31/14	Douglas Norton 7614 Plank Rd. Westfield, N.Y. 14787 Term Expires: 12/31/14	Warren Riles PO Box 357 39 Main St. Forestville, N.Y. 14062 Term Expires: 12/31/14

Signed: Richmond, Himelein, Duff, Mueller, Downey

Unanimously Adopted – December 14, 2011

RES. NO. 238-11

Confirm Re-Appointment - Chautauqua County Health Board

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following 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 Health Board.

William Geary
3285 Baker St. Ext.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Signed: Tarbrake, Gould, Stutzman, Ahlstrom

Unanimously Adopted – December 14, 2011

RES. NO. 239-11

Confirm Appointment - Chautauqua County Youth Board

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Diane Miraglia
4066 Baker St. Ext.
Lakewood, N.Y. 14750
Term Expires: 12/31/14

Signed: Tarbrake, Gould, Stutzman, Ahlstrom

Unanimously Adopted – December 14, 2011

RES. NO. 240-11

Confirm Re-Appointments - Chautauqua County Aging Advisory Board

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Ellen Coffaro
92 W. Fairmount Ave.
Lakewood, N.Y. 14750
Term Expires: 12/31/13

Russell E. Diethrick Jr.
153 Hallock St.
Jamestown, N.Y. 14701
Term Expires: 12/31/13

David Kowalewski Sr.
7 Beach Place
Fredonia, N.Y. 14063
Term Expires: 12/31/13

David Larson
3101 Straight Road
Fredonia, N.Y. 14063
Term Expires: 12/31/13

Martha Paulson
617 Harding Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/13

Signed: Tarbrake, Gould, Stutzman, Ahlstrom

Unanimously Adopted – December 14, 2011

RES. NO. 241-11

Confirm Appointment and Re-Appointments - Chautauqua County Industrial Development Agency

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following appointment 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 Industrial Development Agency.

New Appointment:

David Maternowski
23 Skyeandro Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/15

Filling vacancy due to resignation of
Richard Starr

Re-Appointments:

Greg DeCinque
636 Winsor St.
Jamestown, N.Y. 14701
Term Expires: 12/31/15

Michael Metzger
4440 Lakeside Dr.
Bemus Point, N.Y. 14712
Term Expires: 12/31/15

Kim Peterson
70 School Ave. W.E.
Jamestown, N.Y. 14701
Term Expires: 12/31/15

Michael Piazza
2190 Swanson Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/15

Doreen Sixbey
46 Pleasantview Dr.
Jamestown, N.Y. 14701
Term Expires: 12/31/15

David Bryant
5212 Ellicott Rd.
Brocton, NY 14716
Term Expires: 12/31/15

Signed: Park, Tarbrake, Heenan, Kindberg

Unanimously Adopted – December 14, 2011

RES. NO. 242-11

Confirm Re-Appointments - Chautauqua County Industrial Development Agency

By Planning & Economic Development Committee:
At the Request of Chairman Fred C. Croscut:

WHEREAS, General Municipal Law § 895-h(1) provides that the Chairman of the County Legislature's Planning and Economic Development Committee serves on the Board of Directors of the Chautauqua County Industrial Development Agency (CCIDA), and the County Legislature has the authority to appoint another individual to serve on the CCIDA Board; therefore be it

RESOLVED, That the County Legislature hereby re-appoints the following individual as a member of the Chautauqua County Industrial Development Agency (CCIDA), for a term to expire 12/31/2014.

Dennis Rak
10277 Christy Road
Fredonia, NY 14063

Signed: Park, Tarbrake, Heenan, Kindberg

Unanimously Adopted – December 14, 2011

RES. NO. 243-11

Confirm Re-Appointment – Sports Fishery Advisory Board

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

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

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

Monte Kennedy
5253 Bly Hill Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/13

Zen Olow
23 Bennett Drive
Fredonia, N.Y. 14063
Term Expires: 12/31/13

Signed: Park, Tarbrake, Heenan, Kindberg

Unanimously Adopted – December 14, 2011

RES. NO. 244-11

Confirm Appointment and Re-Appointment – Chautauqua County Environmental Management Council

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Environmental Management Council:

New Appointment

Richard Constantino
 1115 Spence Rd.
 Jamestown, N.Y. 14701
 Term Expires: 12/31/14

To fill vacancy to 12/31/11
 due to resignation of Kim Sherwood
 and to be re-appointed to 12/31/14

Reappointment

Claire Quadri
 PO Box 223
 Westfield, N.Y. 14787
 Term Expires: 12/31/14

Signed: Park, Tarbrake, Heenan, Kindberg

Unanimously Adopted – December 14, 2011

RES. NO. 245-11

Confirm Re-Appointments – Southern Tier West Regional Planning Board

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

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

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

William Daly
 321 Arlington Avenue
 Jamestown, N.Y. 14701 Term Expires: 12/31/14

Gregory Edwards
 Garfield Road
 Jamestown, N.Y. 14701 Term Expires: 12/31/14

Signed: Park, Tarbrake, Heenan, Kindberg

Unanimously Adopted – December 14, 2011

RES. NO. 246-11

Confirm Appointment of Representative from the Chautauqua Lake Partnership (CLP) to the Chautauqua Lake Management Commission

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua Lake Management Commission has accepted the letter of resignation from Karen Rine (Chautauqua Lake Partnership) and the Commission has recommended replacement of that position; and

WHEREAS, a nomination has been received from Chautauqua Lake Partnership for a representative to fill the vacancy on the Chautauqua Lake Management Commission; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of the following member:

Tom Geisler
Chautauqua Lake Partnership
22 Columbia Ave, West Ellicott
Jamestown, NY 14701

Signed: Park, Tarbrake, Heenan, Kindberg

Unanimously Adopted – December 14, 2011

RES. NO. 247-11
2009 Citizen Corps Grant Award Appropriation of Funds

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

WHEREAS, the Department of Homeland Security appropriations provided funds to New York State to be used for grants relating to Citizen Corps Councils; and

WHEREAS, New York State Emergency Management Office has approved Chautauqua County Office of Emergency Services' application for the use of the Citizen Corps Council funds, up to \$79,283.64, for the period September 1, 2009 thru August 31, 2012; and

WHEREAS, the County Executive, by Res. No. 96-10, was authorized to enter into a contract (10-14-05) with New York State Emergency Management Office to accept funds for Citizen Corps Councils; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$9,500
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid - Homeland Security	\$9,500
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Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – December 14, 2011

RES. NO. 248-11
 Homeland Security Grant FFY10-Adjust Accounts for 2011 Budget

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

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

WHEREAS, Resolution 127-11 authorized the County Executive to sign and accept the Homeland Security Grant Program FFY 2010 funds; and

WHEREAS, to meet the objectives of the program, partial funds are, at this time, to be used to purchase 2 Projectors from the FFY10; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----2	Depreciable Equipment – Emergency Services	\$5,000
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INCREASE REVENUE ACCOUNT:

A.3010.----R430.5004	Federal Aid – Emergency Services, Homeland Security	\$5,000
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Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – December 14, 2011

RES. NO. 249-11
 Authorizing Annual Renewal of Agreement with New York State Unified Court System to Provide for Court Security

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

WHEREAS, the Office of the Chautauqua County Sheriff provides security services for Family Court, County Court, Supreme Court, and the Family Court Support Magistrates in Chautauqua County pursuant to a five (5) year agreement with the New York State Unified Court System; and

WHEREAS, the Sheriff's Department has negotiated a succeeding five (5) year agreement with the New York State Unified Court System to provide such security services subject to annual renewals for adjustments for staffing and revised reimbursement amounts; and

WHEREAS, the New York State Unified Court System has approved the Sheriff's provision of suitable part-time Court Officers and Deputy Sheriffs with reimbursement to the County in the amount of \$681,000.00. for the period of April 1, 2011 through March 31, 2012; therefore be it

RESOLVED, That the County Executive and Sheriff are hereby authorized to execute an agreement with the New York State Unified Court System for court security services including adjustments to staffing schedules and reimbursement to the County by the State for part-time Court Officers and Deputy Sheriffs in the amount of \$681,000.00 for the period of April 1, 2011 through March 31, 2012 and also authorized to execute addenda or amendments for additional sums, if any, hereinafter due the County for services rendered during such period.

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – December 14, 2011

RES. NO. 250-11

Authorize Agreement with Chautauqua Lake Central School District for Purchase of Fuel for Sheriff's Office

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

WHEREAS, the Sheriff has determined that utilization of the fuel depot of the Chautauqua Lake School District would increase cost efficiency and accountability for the Sheriff's Office; and

WHEREAS, the Sheriff has negotiated a tentative agreement with the Chautauqua Lake Central School District for the purchase of fuel for agency vehicles at current New York State bid prices with a three (3) percent surcharge; therefore be it

RESOLVED, That the County Executive is authorized to and empowered to execute an agreement with the Chautauqua Lake School District for the purpose of purchasing fuel for public safety vehicles.

Signed: Richmond, Himelein, Duff, Mueller, Downey, Gould, Nazzaro, Gullo, Runkle, Park, DeJoe

Unanimously Adopted – December 14, 2011

RES. NO. 251-11

Authorize Lease Agreement with City of Jamestown for Office Space for the Department of Mental Hygiene

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

WHEREAS, the County of Chautauqua desires to lease approximately 9,299 square feet of office space on the fifth floor of the City of Jamestown Municipal Building for use by the Chautauqua County Department of Mental Hygiene; and

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

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

- 1.) Premises. Approximately 9,299 square feet of office space on the fifth floor of the City of Jamestown Municipal Building.
- 2.) Term. January 1, 2012 through December 31, 2016 with an option to renew for one additional five (5) year term from January 1, 2017 through December 31, 2021.
- 3.) Rent.

Year 1 through Year 3	\$11.00/sq ft
Year 4 through Year 5	\$12.00/sq ft
- 4.) Utilities. Landlord shall be responsible for all utilities, including heat.
- 5.) Other. As negotiated by the County Executive.

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, Nazzaro, Gullo, Runkle, Park, DeJoe, Richmond

Unanimously Adopted – December 14, 2011

RES. NO. 252-11

Environmental Assessment for Agricultural District No. 2 in the Towns of Sheridan, Hanover, Pomfret, and Dunkirk

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

WHEREAS, pursuant to 6 NYCRR 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of consolidation and modification of Agricultural District No. 2 with respect to the Towns of Sheridan, Hanover, Pomfret and Dunkirk; and

WHEREAS, the modification of an agricultural district is considered an unlisted action and as such the criteria set out in 6 NYCRR 617.7 must be used to determine the degree of environmental impact; and

WHEREAS, the Chautauqua County Planning and Economic Development Department has prepared an Environmental Assessment Form (EAF) for consideration by the Chautauqua County Legislature with such EAF indicating the probability of any adverse impact is very low; and

WHEREAS, this Legislature has reviewed the EAF and supporting documentation, copies of which are attached; now therefore be it

RESOLVED, That Chautauqua County hereby determines that continuation and modifications as proposed for Agriculture District No.2 in the Towns of Sheridan, Hanover, Pomfret and Dunkirk will not have a significant environmental impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Park, Tarbrake, Heenan, Kindberg

Unanimously Adopted – December 14, 2011

RES. NO. 253-11

Determination of Chautauqua County Legislature on Statutory Review and Proposed Modifications of Chautauqua County Agricultural District #2 in the Towns of Sheridan, Hanover, Pomfret, and Dunkirk

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

WHEREAS, pursuant to Article 25AA of the Agricultural Districts Law and notification by New York State Department of Agriculture and Markets, the Chautauqua County Agricultural District # 2, in the Town of Sheridan, was due for an 8-year statutory review and such review process was referred to the County Farmland Protection Board (FPB) after submission to the Legislature; and

WHEREAS, the Chautauqua County Agricultural Districts # 5 and 9, in the Towns of Hanover and Pomfret and Dunkirk respectively, were also due for an 8-year statutory review and also referred to the County Farmland Protection Board (FPB) by the Legislature; and

WHEREAS, the requirements of SEQRA have been considered and the 8-year review processes have been completed by the FPB and the Agricultural District Assessment Report has been filed with the recommendation to continue the district(s) with modifications; and

WHEREAS, the necessary public hearing was held by the Legislature on November 1, 2011 in order to gather input from landowners in the district; and

WHEREAS, the Legislature in March of 2009 passed Resolution 60-09 supporting the consolidation of Chautauqua County Agricultural Districts # 2, 5 and 9 as part of a larger county-wide consolidation plan; therefore be it

RESOLVED, That it is the determination of the Chautauqua County Legislature to terminate Chautauqua County Agricultural District # 5 and Chautauqua County Agricultural District # 9 in the Towns of Hanover and Pomfret and Dunkirk; and it is further

RESOLVED, That it is the determination of the Chautauqua County Legislature to continue Chautauqua County Agricultural District # 2 as modified with lands from the Towns of Sheridan, Hanover, Pomfret and Dunkirk, in accordance with the recommendations of the County Farmland Protection Board, input gathered from the public hearing and input received from landowners with final recommendations shown on the map dated September 15, 2011 attached hereto and made part hereof; and it is further

RESOLVED, That the following parcels, owned by the Seneca Gaming Corporation, be excluded from the NYS Agricultural District #2: Parcel #33.00 -2 -44 (53.2 acres) and Parcel #33.00 – 18 (54.4 acres); and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file a notice of termination for Chautauqua County Agricultural Districts # 5 and 9 with the Chautauqua County Clerk and the Commissioner of Agriculture and Markets; and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file the modified plan for Chautauqua County Agricultural District # 2 and all things necessary to be filed with the Commissioner of Agriculture and markets for final certification.

Signed: Park, Tarbrake, Heenan, Kindberg (Amended in P&E – See Underlined)

Unanimously Adopted – December 14, 2011

RES. NO. 254-11
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-11; therefore be it

New Language Underlined

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	S/B/L	Property	Purchaser	Foreclosed Owner	Offer Amt	Assmt
PA 512-2011	065889-111.00-1-14	Berry Rd.	Barbara B Cybart	Westfield Mobile Homes Inc	\$3,000.00	\$2,920.00
Total					\$3,000.00	\$2,920.00

Signed: Barmore, Runkle, Scudder, DeJoy, Cornell

Unanimously Adopted – December 14, 2011

LOCAL LAW
INTRODUCTORY NUMBER 11-11
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 5-09 RESTRICTING THE APPLICATION AND SALE OF
LAWN FERTILIZER WITHIN THE COUNTY OF CHAUTAUQUA

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

Section 1. Subdivision 2 of Section 4 of Local Law 5-09 is hereby amended to read as follows:

(2) No person located and/or doing business within the County of Chautauqua shall display for sale lawn fertilizer containing phosphorus except in accordance with Section 146-g of the New York State Agriculture and Markets Law, as it may be further amended.

Section 2. This local law shall become effective January 1, 2012.

Mailed: 11/30/11
Adopted by Leg: 12/14/11 R/C/ Vote: 24 Yes; 1 No
Adopted as LL 1-12

RECOGNITION OF OUTGOING LEGISLATORS

RICHARD BABBAGE
TAMI DOWNEY
JOHN GULLO
MARIA KINDBERG
RUDY MUELLER
JERRY PARK
DOUG RICHMOND
SCOT STUTZMAN

RECOGNITION OF FINANCE DIRECTOR DARIN SCHULZ

2nd Privilege of the Floor

Ms. Jeannie Polosito, Forestville, N.Y. I hadn't planned on saying anything but (*inaudible*) talk about this nursing home issue. Since my father was aging, I had to deal with his situation with (*inaudible*) in his 90's. I would caution all of you to take it very slow in that position before you make a decision on the nursing home. I know that I'm a very watchful person and for whatever it's worth, I did report the one agency that my father was in (*inaudible*). I have to say it's terrible to have an outsider come in and manage or do anything that is (*inaudible*) when I think a lot of people has several of the signs plus I guess the petitions, 2,700 people that they want it to stay in the hands of the County. I guess it gives them a sense of security and that 80% of the people are on Medicaid significantly impacts on quite a few people and the well being of people because I know when others come in there is this issue of cost cutting in order to be more profitable. My father was kind of subjected to that and I do not wish that on anybody. The quality of living is such, it is not acceptable and they (*inaudible*) come out of it because they don't want to have the right number of people on staff. It's not o.k.. I don't think that people are really talking from their heart and the pocketbook commands, commands, commands and it really doesn't help a person when things are so taken away from them at a certain point. I was an eyewitness to that for five years and I do not wish that on anybody.

My name is Bonnie Peters, 8237 Glassglow Rd., Cassadaga, N.Y. I am sorry that I allowed you to let me believe that as a body you were going to do the right thing and table the marketing of the County Home until the new Legislators were in place next month. I am disappointed that you took a vote when my Legislator, Mr. Runkle, was not here. I am sorry to see Mr. Stutzman leave. He is truly an honorable man who had the courage to admit when he made a mistake. Thank you. And lastly I would like to ask, last month I provided each of you with some questions and I wanted to see when I can expect answers to those questions? In case you didn't get it, I will repeat my address for you, 8237 Glassglow Road, Cassadaga, N.Y. 14718. Thank you.

Rose Conti, 50 Lake Avenue, Brocton, New York. I am speaking on behalf of CSEA. I guess I am going to begin and going to end with what I originally planned on doing when I came here this evening. I am going to begin with thanking everybody, a special thanks to the 8 members who will not be with us next year. I know that sometimes we don't see eye to eye on how we believe the job needs to get done but I think that we all know that our jobs are, one way or another, to serve the public in this County. We do it differently and sometimes we don't agree on it but that is what we are all here for. Whether you sit here or whether you work in the buildings that this County has. So, I do want to thank you for that. I want to say that I am very disappointed about the vote that took place here. You had a very quiet time doing it because just as many of you believed, I did not believe that this would come back to this floor for a vote until January. I looked at the minutes of that meeting and I looked at the tapes, I listened to what was going on even though I wasn't here, I had friends that helped me stream line it so I got to watch it and I clearly heard the message that you were going to wait. I told my members that we would not come here tonight, we would honor you because of what you had done. We made this a peaceful evening. I would come and thank you for that. I am sad to say that now I have to tell my members what happened here tonight and I do feel that it was dishonorable. I have to say that. I also have to say that I am extremely upset that you would compare our County Home with the likes of Manor Oak. I knew what Manor Oak was like and I just can't believe that there is even a comparison there. Having said that, I would also like to ask, that as a response to the questions that I asked in September, Mr. Croscut wrote, if a marketing firm is selected and offers sought for the purchase, lease or other disposition of the County Home, appropriate analysis of all the alternatives will be undertaken. So, I would like to know, who is going to do that and when will that be done? Secondly, I would like to know if anyone has seen or reviewed

any information from Marcus and Millichap involving any nursing home that they did anything with other than put it up for sale or help (*inaudible*) sale or provide a sale. Any other alternatives, how much successful impact have they had in any other nursing home because I have not been able to find anything. I am not saying that it doesn't exist, I am saying I can't find it. I would also like to say and wonder if you will be sure that since we are planning on selling the County Home because I believe that is really what you are doing, you plan on selling to help balance the budget of this County, and since Marcus and Millichap estimated it at \$300 to \$400,000 in tax revenue, if that means that we'll be sure that part of that is offering a buyer no incentives of taxpayer money for purchasing the County Home. I would also like to ask, what we believe will happen to the 80% of the people that rely on Medicaid since they are being held up as one of our concerns and issues, what will happen with them if the Home is sold and privatized. I am also wondering if you believe that there is an excess of nursing homes beds in the North County, why are we almost at full capacity at the County Home all the time. How can there be an excess if every bed that we have is filled? I don't understand that statement so I guess maybe somebody could help me figure that out. In closing, I am going to close with the second reason why I came here this evening originally and that is to invite you all to join CSEA and other unions in this County on Thursday the 22nd. We're going to be getting together about 5:50 p.m., in the back of the County Home and we're going to carol there. We're going to carol on the floors and we're going to carol in groups so I would like you all to come on down, spend about an hour with the people whose lives you are going to impact and try to bring a little joy during this holiday season. Thank you.

My name is Richard Carter, 273 South Portage Street, Westfield, N.Y. 14787. Mr. Chairman, thank you for your service and all you County Legislators, thank you for your service. I just hope and pray that we do the right thing when it comes to this measure on the rifle in the hunting. I am not a hunter but I will say this, I have shot a rifle. I know how far those bullets go. I know Paul Wallenhorst. I thought that he spoke eloquently and (*inaudible*) that we do the right thing. We find a way to please the hunters but also do it with public safety in mind. What is right is not always popular and what is popular is not always right and I pray that I know you will do the right thing. Thank you.

Ben Haskins, 1982 Peck Settlement Road. I want to wish everybody a Merry Christmas and Happy New Year. Just a short announcement. On my property, one hunter was able to get 5 deer the first day. Another fellow got 4 deer on that first day. There has been a sprinkling since then. I used up all my tags, they used up all their tags. The rifle has made an enormous difference. Before there was a lot of deer seen and talked about this year. This year there were quite a few, the maximum killed, we ran out of tags and couldn't get some more, but, it worked out pretty well for me. Because before these 10 or 12 (*inaudible*) we didn't get very many on the farm because I saw over 90 does at one time. There has got to be about equal of bucks somewhere in the area so there has to be a tremendous number. Even in the City of Jamestown and at least we have made a little bit of a start this year. It's going to take 4 or 5 years of rifle shooting, I think before we're down to where we should be in this County. At least in and around Jamestown. Merry Christmas.

My name is Michael Haddad, 246 Hallock Street, Jamestown. Most of you know who I am. I ran for Scot Stutzman's seat, District 14, which I was unsuccessful. But, in my losing, I don't think that I was totally unsuccessful because the people that voted for me were able to voice their opinions and their concerns through me, so it's a win/win, I think in my opinion. But, I am here to publicly thank the Legislature for everything that they do. In doing the campaigning, you guys have one heck of a tough job and it's a thankless job. I thank you all for everything that you do. I want to personally thank several people that we were supportive, Mr. Borrello and Mr. Tarbrake. There was a few times that I was just like, I think that I am in over my head, but they were there to say, it's not to bad, step back and take a breath, it will be o.k.. So, thank you to you Mark and George, it was great, and I really appreciate it. I made some great friends, I met some great people and I plan on being more involved. I was always the guy sitting at the television screaming at you guys so, I intend to be more involved with my local government and to just make sure that you guys do what we, the people want. So, thank you for everything that you do, thank you for the support and have a Merry Christmas.

MOVED by Legislator Barmore, SECONDED by Legislator Borrello and duly carried the meeting was adjourned.

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We, James E. Caffisch, Ronald A. Lemon, and Katherine Tampio, being Clerk of the Chautauqua County Legislature, 2011, 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.

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