

2015
JOURNAL OF PROCEEDINGS
OF THE
CHAUTAUQUA COUNTY LEGISLATURE
MAYVILLE, NEW YORK

2010 Census Population
for
Chautauqua County 134,905

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

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CHAUTAUQUA COUNTY LEGISLATURE

#1	(West Tn. of Dunkirk & Part of City)	<u>Keith D. Ahlstrom</u>	PO Box 254 Dunkirk, N.Y. 14048
#2	(East Tn of Dunkirk & Part of City)	<u>Shaun Heenan</u>	89 Seel Acres Dunkirk, N.Y. 14048
#3	(Parts of Pomfret & Village of Fredonia)	<u>Robert Scudder</u>	348 W. Main St. Fredonia, N.Y. 14063
#4	(East Village of Fredonia)	<u>Janet Keefe</u>	17 Green St. Fredonia, N.Y. 14063
#5	(Sheridan, Arkwright Villenova, East Pomfret & Tn. & Village Cherry Creek)	<u>Terry Niebel</u>	3199 E. Main St. Dunkirk, N.Y. 14048
#6	(Tn. of Hanover & Villages of Forestville & Silver Creek)	<u>George Borrello</u>	1014 South Shore Dr. Irving, N.Y. 14081
#7	(NE Tn of Chautauqua & Tns. of Stockton & Portland & Villages of Brocton & Cassadaga)	<u>John W. Runkle</u>	223 Dale Drive Cassadaga, N.Y. 14718
#8	(Tns. of Ellery & N. Harmony & Village of Bemus Point)	<u>Pierre Chagnon</u>	3714 Westman Rd. Bemus Point, N.Y. 14712
#9	(NE City of Jmstn.)	<u>Chuck Nazzaro</u>	236 Springdale Ave. Jamestown, N.Y. 14701
#10	(SW City of Jmstn. Village of Lakewood & Part Tn. Of Busti)	<u>Paul J. Wendel</u>	20 Hern Avenue Lakewood, N.Y. 14750
#11	(NW City of Jmstn.)	<u>David Wilfong</u>	39 Norton St. Jamestown, N.Y. 14701
#12	(North City of Jmstn.)	<u>Elisabeth Rankin</u>	4 Arlington Ave. Jamestown, N.Y. 14701
#13	(Center City of Jamestown)	<u>Paul D. Whitford</u>	58 Harris Ave. Jamestown, N.Y. 14701
#14	(Tns. Of Charlotte, Gerry, Ellington & N. Ellington & Village of Sinclairville)	<u>Mark Tarbrake</u>	3151 Oak Ridge Circle Jamestown, N.Y. 14701

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

2015
Committee Assignments

Administrative Services
3rd Monday at 5:00 p.m.
Bob Scudder
Lisa Vanstrom
Paul Whitford **
David Himelein
P.J. Wendel

Audit & Control
3rd Thursday at 8:35 a.m.
John Runkle
George Borrello
Chuck Nazzaro **
Pierre Chagnon
Shaun Heenan

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

Planning & Econ. Development
3rd Wednesday at 6:00 p.m.
George Borrello
Pierre Chagnon
Keith Ahlstrom **
Shaun Heenan
Terry Niebel

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

Public Safety
3rd Wednesday at 4:00 p.m.
P.J. Wendel
Terry Niebel
Janet Keefe **
Mark Tarbrake
Paul Whitford

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

CHAUTAQUA COUNTY DIRECTORY
For the Year 2015
COUNTY GENERAL

COUNTY LEGISLATURE

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

Mayville
Mayville
Mayville

COUNTY EXECUTIVE

Vincent W. Horrigan, County Executive

Mayville

LAW

Stephen Abdella, County Attorney
Kurt D. Gustafson, 1st County Attorney
Scott F. Harley, 2nd County Attorney (Retired 3/18/15)
Kristen Wright, 2nd County Attorney
Allison B. Carrow, Assistant Attorney
Thomas Ranking, County Attorney

Mayville
Mayville
Mayville
Mayville
Mayville
Mayville

AGING

Mary Ann Spanos, Director

Mayville

BUDGET

Kitty Crow, Director

Mayville

COUNTY CLERK

Larry Barmore, County Clerk
Tracie Haskins, Deputy County Clerk
Daniel Thompson, Director, Sealer Weights & Measures
(Retired: 3/24/15)

Mayville
Mayville
Mayville

CORONERS

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

Mayville
Mayville
Mayville
Mayville

DIVISION OF PURCHASING

Tracy France, Deputy Director

Falconer

ELECTION BOARD

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

Mayville
Mayville

EMERGENCY SERVICES Julius Leone, Director	Mayville
FINANCE Susan Marsh, Director James E. Caflich, Director of Real Property Tax Services	Mayville Mayville
HEALTH & HUMAN SERVICES Christine Schuyler, Director	Mayville
HISTORIAN Michelle Henry	Mayville
HUMAN RESOURCES Joseph Porpiglia, Director	Mayville
INDUSTRIAL DEVELOPMENT Kevin Sanvidge	Jamestown
INSURANCE Susan Marsh	Mayville
MENTAL HYGIENE SERVICES Patricia Brinkman, Director	Mayville
PLANNING & DEVELOPMENT Kevin Sanvidge Mark Geise, Deputy Director	Jamestown Jamestown
PUBLIC FACILITIES George Spanos	Falconer
SHERIFF Joseph A. Gerace, Sheriff Chuck Holder, Under Sheriff	Mayville Mayville
VETERANS SERVICES Gary Chilcott, Director	Jamestown

JUDICIAL

COUNTY COURT Hon. John T. Ward, Judge	Mayville
FAMILY COURT Hon. Judith S. Claire, Judge	Mayville
SUPREME COURT Hon. Paul B. Wojtaszek, Judge	Mayville
SURROGATE COURT Hon. Stephen W. Cass, Judge	Mayville
COMMISSIONER OF JURORS Kathleen D. Krauza, Commissioner	Mayville
DISTRICT ATTORNEY David Foley	Mayville
PROBATION Tom Narraway	Jamestown
PUBLIC DEFENDER Nathaniel L. Barone	Mayville

 LOCAL LAWS

 LOCAL LAW
 INTRODUCTORY NO. 1-15
 CHAUTAUQUA COUNTY

A LOCAL LAW SUPPLEMENTING SALARY OF PUBLIC DEFENDER

Laid on Desks: 4/22/15
 Adopted by Legislature: 7/27/15 45 day Permissive
 Public Hearing by County Executive: 6/10/15 Referendum
 Mailed to State: 7/27/15 R/C Vote: 19 Yes
 Adopted as LL 1-15

See Page 121 in Journal for Text

 LOCAL LAW
 INTRODUCTORY NO. 2-15
 CHAUTAUQUA COUNTY

 A LOCAL LAW PROHIBITING THE SALE OF PERSONAL CARE PRODUCTS
 CONTAINING MICROBEADS IN CHAUTAUQUA COUNTY

Adopted by Legislature: 9/23/15 R/C Vote: 18 Yes; 1 Absent
 Public Hearing by County Executive: 10/8/15
 Mailed to State: 10/9/15
 Adopted as LL 2-15 Effective Date: 2/15/16

See Page 231 in Journal for Text

 LOCAL LAW
 INTRODUCTORY NO. 3-15
 CHAUTAUQUA COUNTY

 AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY
 PLAN FOR COUNTY OFFICERS AND EMPLOYEES

Letter of Necessity in Effect
 Adopted by Legislature: 12/16/15 R/C Vote: 17 Yes; 2 No; 2 Absent
 Public Hearing by County Executive: 12/28/15 (Runkle & Scudder voting "no")
 Overnight to State: 12/28/15
 Adopted as LL 3-15

See Page 317 in Journal for Text

JOURNAL OF PROCEEDINGS

Chautauqua County Legislature
Organizational Meeting
Friday, January 2, 2015, 4:00 p.m.
Legislative Chambers, Mayville, N.Y.

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

Swearing in of New Legislator
By
County Attorney Stephen Abdella

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

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

Legislator Himelein: Madam Clerk seems how his opponent is still running down the tracks I would like to nominate the champion Frank J. Gould as Chairman of the Legislature.

Clerk Tampio: Is there a second to the nomination?

Legislator Ahlstrom: Thank you. I would like to second the nomination of Mr. Gould. Mr. Gould has always been a very colorful personality in the Legislature and he is a little bit more colorful today. Certainly it is an honor to second his nomination.

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

Legislator Whitford: Move to close nominations.

Legislator Lemon: Second.

Clerk Tampio: All those in favor say aye.

Unanimously Carried

Clerk Tampio: The nominee is Legislator Gould and we will now have a roll call vote. Please indicate your choice by stating the name of the nominee. With 16 affirmative votes and 3 absentees and having received the required majority of votes, I declare Mr. Gould to be the newly elected Chairman of the Chautauqua County Legislature for 2015. Congratulations Mr. Gould. Please come forward. (Applause)

Acceptance Speech by Chairman

Chairman Gould: First, I would like to tell everyone why I am a little colorful today. I was driving along out there near Clymer some place in a Republican District and I saw off in the woods a tall black hairy creature and I didn't know what it was. So, I bailed out of my truck and I went running up in the woods to try to get a better look at it. I stubbed my toe on a tree root and down I went. This is how I ended up. So, let this be a warning to you. Be careful what you see in the woods.

REGULAR SESSION

Thank you for, once again, electing me as your Legislative Chairman. 2014 was a year of challenges as well as successes. The sale and transition of the County Home to VestraCare was certainly one of the high points of the year. As a Legislative body, we should be proud that the sale of the County Home, which as you all know has been an issue for years, took place under our leadership. The transition has run smoothly for residents, staff, county officials, and the community as a whole.

Challenges from 2014 which will continue to command our attention in 2015 include the \$6 million dollar deficit, overcrowding of the jail, environmental issues involving our water resources, and the financial stability of operating both airports.

As the elected representatives of our districts, I am confident we will continue to work as a cohesive unit for the betterment of our constituents.

I am also appreciative of the cooperation and transparency from our County Executive Vince Horigan. His willingness to keep us informed and up-to-date on significant issues as well as our sharing of concerns with the County Executive's office led to a year of interaction which reinforced the positive direction in which the County is heading.

I am honored and proud to be your 2015 Chairman and look forward to another year of service for the residents of Chautauqua County.

1st Privilege of the Floor

Chairman Gould: Anyone may speak about anything on the agenda. It is 3 minutes if you are speaking for yourself and 5 minutes if you are speaking for an organization. Seeing no one, we will close the privilege of the floor.

(REPUBLICAN) DESIGNATED NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Republican party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2015 the POST JOURNAL as the Republican newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

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

(DEMOCRATIC) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Democratic party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2015 the OBSERVER as the Democratic newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Ahlstrom, Nazzaro, Whitford, Keefe, Heenan

APPOINTMENT OF MAJORITY LEADER AND ASSISTANT

We, the undersigned being the Republican members of the Chautauqua County Legislature hereby designate Legislator David Himelein as the Leader of the Chautauqua County Legislature for the year 2015 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as the Assistant Leader, Legislator John Runkle.

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

APPOINTMENT OF MINORITY LEADER AND ASSISTANT

We, the undersigned being the Democratic members of the Chautauqua County Legislature hereby designate Legislator Keith Ahlstrom as the Leader of the Chautauqua County Legislature for the year 2015 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as the Assistant Leader, Legislator Shaun Heenan.

Signed: Ahlstrom, Heenan, Keefe, Nazzaro, Whitford

RES. NO. 1-15
Appointing Clerk of the Legislature

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

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

WHEREAS, it would be advantageous to continue having the Clerk perform the duties of the Financial Analyst in 2015; therefore be it

RESOLVED, That Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective January 1, 2015, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$28,880. for 80% time.

Signed: Gould

Unanimously Adopted – January 2, 2015

RES. NO. 2-15
Appointing Deputy Clerk/Secretary to the Legislature

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

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 2015 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 2015, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective January 1, 2015.

Signed: Gould

REGULAR SESSION

Unanimously Adopted – January 2, 2015

RES. NO. 3-15
Designation of Official Newspapers – 2015

At the Request of Chairman Frank J. Gould:

RESOLVED, That the Post Journal, 15 West Second Street, Jamestown, NY and the Observer, 10 East Second Street, Dunkirk, NY be and hereby are designated, pursuant to Section 214, paragraph 2 of the County Law, to be the official newspapers of Chautauqua County during the year 2015 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Gould

Unanimously Adopted – January 2, 2015

RES. NO. 4-15
Delegate Authority to Approve Certain Correction of Errors (Refunds) to Chairman of Legislature

At the Request of Chairman Frank J. Gould:

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

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

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

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

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

RESOLVED, That this resolution will be effective from this date until December 31, 2015.

Signed: Gould

Unanimously Adopted – January 2, 2015

2nd Privilege of the Floor

Ms. Atkins: My name is Katie Atkins and I live at 300 Trenton Street in Jamestown, N.Y. I just wanted to say thank you to all of you for helping me throughout this year. I have been promoted

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to region editor so I won't be here anymore. It makes me sad because I really got to know all of you very well and you all helped me so much. So, I just wanted to let you know and say thank you and Happy New Year.

Chairman Gould: Is there anyone else to speak to the 2nd Privilege of the Floor? Seeing no one else I will now close the 2nd Privilege of the Floor.

MOVED by Legislator Lemon, SECONDED by Legislator Heenan and duly carried the meeting was adjourned at 4:18 p.m.

REGULAR SESSION

Regular Meeting
 Chautauqua County Legislature
 Wednesday, January 28, 2015, 6:30 p.m.
 Legislative Chambers, Mayville, N.Y.

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

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

Legislator Whitford delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Wilfong the minutes were approved. (1/2/15)

Due to malfunction of recorder, summary of minutes presented

1st Privilege of the Floor

Mr. John R. Watkins, 2381 South Hill Dr., Jamestown, NY. Mr. Watkins spoke in support of Resolutions 17-15 and 18-15 regarding the FBO and Hangar Lease at the Chautauqua County Jamestown Airport. He's served on the Airport Commission for 20 years and believes continuing on with current FBO.

Mr. Dan Reininga, 435 Main Street, Dunkirk. Also spoke in support of Resolutions 17 & 18-15 and read a statement in support of the same from John Churchill. Both have served on the Airport Commission.

6:45 P.M.

PUBLIC HEARING
 FBO & HANGAR LEASE AGREEMENT
 AT THE CHAUTAUQUA COUNTY/JAMESTOWN AIRPORT

Chairman Gould: We'll now open up the public hearing.(6:45 p.m.) Is there anyone to speak during this public hearing on the FBO and Hangar Lease Agreement? Seeing no one, we'll close the public hearing. (6:46 p.m.)

COMMUNICATIONS:

1. Letters(12) – County Executive – Appts. & Re-Appts. to Various Boards
2. Letter – Chairman Gould – Re: Appt. to Cornell Cooperative Extension Bd.
3. Proof of Publication – Re: Public Hearing – FBO Hangar Lse. Jmst. Airport
4. Letter – NYS Comptroller – Re: Standard Workday & Reporting Res. Requirement
5. Report – Fn. Director Marsh – Re: December Investment Report
6. Annual Report – Finance – Re: Aaron Putnam For the Blind – YE-12/31/14
7. Financial Overview (Jan-Sept/2014) – Division of Solid Waste
8. Email – K. Tampio – From NYSAC - Re: County Leaders Meeting
9. Minutes(2) – Soil & Water Conservation District Bd. – 11/18 & 12/19/14
10. Water Quality Task Force – Re: Monitoring of Local Stormwater Issues
11. Letter – Assemblyman Kolb – Re: Ack. Receipt of Motion 8-14
12. Monthly Highlights – NYSDEC - NYS Fish & Wildlife – Nov. 2014
13. Res. – Chemung County – Re: Completion of I-86
14. Letter – S. Mays – Re: Fundraising event for James Mays

15. Letter – NY Municipal Insurance Reciprocal – Reception Invite
16. Letter – NY Dept. of Public Service – Re: Informing Energy Consumers of an Energy Modernization Initiative
17. Letter – NY Public Service Commission – Re: Examine the Safety of Electric Transmission and Distribution Systems
18. Letter – NYS Assemblyman Kolb – Ack. Receipt of Motion 9-14
19. State & Nation-wide Publications Highlight the Chaut. Co. Land Bank Corp.

Legislator Niebel spoke to communication number 14. Gave a little history of the fund raising event for a well-deserved individual.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 01/02/15

MOTION: (On file w/ 1/28/15 Legislature Data)
1-15 Proclaiming February as Black History Month – Unanimously Adopted

RES. NO. 5-15

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

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

WHEREAS, County Executive Vincent W. Horrigan, has submitted the following re-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.

Allen Peterson
3030 Strunk Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Signed: Hemmer, Wilfong, Scudder, Himelein

Unanimously Adopted – January 28, 2015

RES. NO. 6-15

Confirm Appointment - Chautauqua County Airport Commission

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

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

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

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Legislator Terry Niebel
 3199 E. Main St.
 Dunkirk, N.Y. 14048
 Term Expires: 12/31/15

Signed: Hemmer, Wilfong, Scudder, Himelein

Unanimously Adopted – January 28, 2015

RES. NO. 7-15

Confirm Re-Appointments - Chautauqua County Ethics Board

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

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

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

Susan Crossett Dilks
 8320 Shumla Rd.
 Cassadaga, N.Y. 14718
 Term Expires: 1/31/18

John B. Lloyd
 4 Houston Court
 Jamestown, N.Y. 14701
 Term Expires: 1/31/18

Signed: Scudder, Wendel, Vanstrom, Whitford, Himelein

Unanimously Adopted – January 28, 2015

RES. NO. 8-15

Confirm Appointment – STOP DWI Advisory Board

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

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

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

Legislator Elisabeth Rankin
 4 Arlington Ave.
 Jamestown, N.Y. 14701
 Term Expires: 12/31/15

Filling term of Paula DeJoy

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – January 28, 2015

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RES. NO. 9-15

Confirm Appointments & Re-Appointments – Emergency Medical Services Council

By Public Safety Committee:
County Executive Vincent W. Horrigan:

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

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

Appointments:

Norma Cummings
7084 Vanness Rd.
Mayville, N.Y. 14757
Term Expires: 12/31/16

Filling Vacancy

Robert Rein Jr. Filling Vacancy
2643 Gerry-Ellington Rd.
Gerry, N.Y. 14740
Term Expires: 12/31/15

Brian Pitts
4518 Elm Creek Rd.
Randolph, N.Y. 14772
Term Expires: 12/31/17

Replacing Benjamin Siracuse

Re-Appointments:

E. Lawrence Barter
9 Pine Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/17

Jennifer Bostaph
649 Bentley Hill Rd.
Gerry, N.Y. 14740
Term Expires: 12/31/17

Edward Brooks
70 Hunt Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Laurie Faso
194 Liberty St.
Fredonia, N.Y. 14063
Term Expires: 12/31/17

Timothy Glenn
2355 Camay Ln.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

James Hyland
101 Ounce St.
Dunkirk, N.Y. 14048
Term Expires: 12/31/17

William R. Johnston
401 Palmer St.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Joyce Matthews
41 E. Evans St.
Mayville, N.Y. 14757
Term Expires: 12/31/17

Warren Riles
39 Main St
PO Box 357
Forestville, N.Y. 14062
Term Expires: 12/31/17

Greg Scott
3517 Cemetery St.
Kennedy, N.Y. 14747
Term Expires: 12/31/17

Jodelle Shaw
1556 Old Chautauqua Rd.
Gerry, N.Y. 14740
Term Expires: 12/31/17

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – January 28, 2015

REGULAR SESSION

RES. NO. 10-15

Confirm Appointment & Re-Appointments - Chautauqua County Fire Advisory Board

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

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

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

Appointment:1st Battalion:

Jeffery L. Griewisch
26 Burgess St.
Silver Creek, N.Y. 14136
Term Expires: 1/31/16

Position last held by Bruce Hagmier

Re-Appointment:3rd Battalion:

Chet Harvey
200 Spring St.
Jamestown, N.Y. 14701
Term Expires: 1/31/16

Alternate

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – January 28, 2015

RES. NO. 11-15

Establishing County Criminal Justice Coordinating Council

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

WHEREAS, the County desires to reduce crime and recidivism, and

WHEREAS, there are many agencies that are involved in the administration of the criminal justice system; and

WHEREAS, other communities have created advisory Criminal Justice Coordinating Councils to address crime and recidivism by fostering better communication, collaboration, education, enhancing system-wide coordination among criminal justice agencies and local government; therefore be it

RESOLVED, That there is hereby established a Chautauqua County Criminal Justice Coordinating Council to serve in an advisory capacity to the County Legislature and County Executive, initially consisting of members to serve without compensation, as follows:

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1. One (1) County Legislator appointed by the Chairman of the County Legislature; and
2. The County Court Judge, Dunkirk City Court Judge, Jamestown City Court Judge, Sheriff, District Attorney, Public Defender, Police Chief's Association and their successors in office; and
3. One (1) representative each of the Probation Department, Mental Hygiene Department, Health and Human Services Department; and
4. Invitations to participate to be sent to the State Magistrate's Association, ~~Police Chiefs Association~~, SUNY Fredonia, Jamestown Community College, and not-for-profit organizations including, but not limited to The Resource Center, Chautauqua Opportunities, Inc., Aspire, National Alliance on Mental Illness, and the Chautauqua County Mental Health Association; and be it further

RESOLVED, That it is the intent of the County Legislature to review the makeup of the membership of the County Criminal Justice Coordinating Council as needed.

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

MOVED by Legislator Runkle, SECONDED by Legislator Heenan to amend by adding Police Chief's Association to number 2 under the first RESOLVED, and deleting the same under number 4.

Unanimously Carried

Unanimously Adopted as amended – January 28, 2015

RES. NO. 12-15

Confirm Re-Appointments - Chautauqua County Health Board

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

WHEREAS, County Executive Vincent W. Horrigan, has submitted the following 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 Health Board.

Dr. Robert Berke	Dr. Roland Hewes	Dr. Lillian Vitanza Ney
28 S. Gale St.	4600 Hewes Rd.	88 Gordon St.
Westfield, N.Y. 14787	Mayville, N.Y. 14757	Jamestown, N.Y. 14701
Term Expires: 12/31/20	Term Expires: 12/31/20	Term Expires: 12/31/20

Signed: Tarbrake, Keefe, Lemon, Wilfong, Rankin

Unanimously Adopted – January 28, 2015

RES. NO. 13-15

Confirm Re-Appointments - Chautauqua County Community Services Board

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

REGULAR SESSION

WHEREAS, Vincent W. Horrigan, 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 re-appointments to the Chautauqua County Community Service Board:

Kathleen Hentz 12 Chase St. Westfield, N.Y. 14787 Term Expires: 12/31/18	Ellen Maternowski 1662 Shadyside Rd. Lakewood, N.Y. 14750 Term Expires: 12/31/18	Sylvia Emerling 451 S. Main St. Jamestown, N.Y. 14701 Term Expires: 12/31/18
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Signed: Tarbrake, Keefe, Lemon, Wilfong, Rankin

Unanimously Adopted – January 28, 2015

RES. NO. 14-15

Confirm Re-Appointments - Chautauqua County Environmental Management Council

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

WHEREAS, Vincent W. Horrigan, County Executive, has submitted the following re-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:

Richard Constantino 1115 Spence Rd. Jamestown, N.Y. 14701 Term Expires: 12/31/17	Claire Quadri 6508 Sherman Rd. Westfield, N.Y. 14787 Term Expires: 12/31/17
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Signed: Chagnon, Heenan, Niebel, Ahlstrom

Unanimously Adopted – January 28, 2015

RES. NO. 15-15

Confirm Re-Appointment - Chautauqua County Sports Fishery Advisory Board

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

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

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

Taylor West
56 E. Terrace Ave.
Lakewood, N.Y. 14750

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Term Expires: 12/31/16

Signed: Chagnon, Heenan, Niebel, Ahlstrom

Unanimously Adopted – January 28, 2015

RES. NO. 16-15

Confirm Appointments - Chautauqua County Land Bank Corporation

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

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointments to the Chautauqua County Land Bank Corporation.

Legislator Paul Whitford
58 Harris Ave.
Jamestown, N.Y. 14701
Term Expires: 3/31/16

Filling term of Beth Kresge

Hugh Butler
36 Hurst Ave.
Chautauqua, N.Y. 14722
Term Expires: 3/31/16

Filling term of Michael Bradshaw

Scott Butler
42 Main St.
Forestville, N.Y. 14062
Term Expires: 3/31/16

Filling term of Bryan Lydic

Signed: Chagnon, Heenan, Niebel, Ahlstrom

Unanimously Adopted – January 28, 2015

RES. NO. 17-15

Authorize FBO and Hangar Lease Agreements at the Chautauqua County/Jamestown Airport

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

WHEREAS, the County has negotiated leases and sub-leases with Jamestown Aviation Company, LLC, Chautauqua Aircraft Sales, Inc., and the County of Chautauqua Industrial Development Agency to operate a full-service fixed base operation (FBO) and hangar facilities that will make concurrent the existing lease and sub-lease agreements pertaining to the Jamestown Airport; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law has been held; therefore be it

REGULAR SESSION

RESOLVED, That the County Executive is hereby authorized and empowered to execute and approve concurrent lease and sub-lease agreements with Jamestown Aviation Company, LLC ("JAC"), Chautauqua Aircraft Sales, Inc. ("CAS"), and the County of Chautauqua Industrial Development Agency ("CCIDA") on substantially the following terms and conditions:

1. Term. Five-year term to commence January 1, 2015, with option to renew for two (2) additional five-year terms.
2. Premises and Rent.
 - a. Current FBO premises except shop hangar building - \$1,000 per month with annual increase of 2% per year (to be leased by County to JAC).
 - b. Shop hangar building - \$1,000 per month with annual increase of 2% per year (to be leased by County to CAS).
 - c. Former commuter hangar facility - \$1,000 per month with annual increase of 2% per year (to be leased by County to CCIDA, and sub-leased by CCIDA to JAC).
 - d. Former museum hangar - \$400 per month with annual increase of 2% per year (to be leased by County to JAC pursuant to Resolution 101-14).
 - e. Turner Road general aviation hangar – payment of restructured CCIDA bond debt service of \$1,300 per month (to be leased by County to CCIDA, and sub-leased by CCIDA to JAC).
3. Hangar Rent Commission. 10% of gross collected rents, except for Turner Road hangar
4. Fuel Commission. 2% of Jet A fuel cost and 1% of other fuel cost at time of purchase, excluding fuel used by FBO for FBO vehicles, equipment and rental aircraft.
5. Maintenance. County to be responsible for roof and structural repairs and major repairs, including hangar door replacements, asbestos removal, lead-paint or lead plumbing removal, insulation installation or replacement. JAC and CAS to be responsible for non-structural maintenance, including mechanical systems.
6. Utilities. Paid by JAC and CAS.
7. Special District Charges. Paid by County; current unpaid special use taxes of \$12,850.45 to be paid by JAC in installments of \$215 per month until retired, with all past and future interest and penalties canceled pursuant to RPTL 1182.
8. Other. As negotiated by the County Executive.

Signed: Hemmer, Wilfong, Scudder, Himelein, Heenan (A.C. Failed w/ Runkle, Chagnon voting "no")

MOVED by Legislator Himelein, Seconded by Legislator Runkle to amend as follows:

Amend the first RESOLVED clause to add a new Paragraph 8, Termination, and re-number the existing Paragraph 8, Other, as Paragraph 9, as follows:

8. Termination.
 - a. County, during the first 36 months of the initial five-year lease term, and upon not less than 12 months' notice, may cancel the FBO lease, the Turner Road general aviation

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hangar lease, the commuter hangar facility lease, and the museum hangar lease without compensation or penalties of any kind, if the purpose of the termination is: (i) FAA-approved privatization of the Jamestown Airport by lease or sale;

(ii) assumption of the FBO and hangar operations by the County using municipal employees; or (iii) FAA-approved closure of the Jamestown Airport.

b. County, during the first 36 months of the initial five-year lease term, and upon not less than 12 months' notice, may cancel the shop hangar building lease without compensation or penalties of any kind, if the purpose of the termination is FAA-approved closure of the Jamestown Airport.

9. Other. As negotiated by the County Executive.

Unanimously Carried

Adopted as amended – R/C Vote: 14 Yes; 3 No; 2 Absent – (No's: Hemmer, Niebel, Runkle) - January 28, 2015

RES. NO. 18-15
Acceptance of NYSDOT Aviation Capital Agreement

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

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

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

WHEREAS, Chautauqua County approved the Project and committed funds for the local share of project costs pursuant to Resolution 104-14; Funding shares for the Project were as follows:

Federal	\$	975,960
State	\$	54,220
Local	\$	54,220
Total Project Cost	\$	<u>1,084,400</u>

; and

WHEREAS, the bid price for the Project exceeded the engineer's estimate by more than 15%, with current funding shares for the Project as follows:

Federal	\$	1,203,989
State	\$	66,888
Local	\$	66,888
Total Project Cost	\$	<u>1,337,765</u>

; and

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

WHEREAS, 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 Dunkirk Airport; and be it further

RESOLVED, That the County Executive be authorized to execute all necessary documents on behalf of Chautauqua County with New York State in connection with the project, and be it further

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

RESOLVED, That this Resolution shall take effect immediately and that A Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.--.878 Fund Balance, Reserved Fund Balance – Reserve for Capital	\$12,668
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfer – Transfer to Capital	\$ 12,668
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25935.4 Contractual - Rehabilitate General Aviation Apron	\$253,365
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610. 25935.R459.2000 Federal Aid – Airport Federal Capital Grants	\$228,029
H.5610. 25935.R359.7001 New York State Aid – Airport Capital Grants	\$ 12,668
H.5610. 25935.R503.1000 Interfund Transfer – Interfund Transfers	\$ 12,668

Signed: Hemmer, Wilfong, Himelein, Heenan, Chagnon (P.F. Scudder voting “no”) – (A.C. Failed w/ Runkle voting “no”)

Adopted w/ Legislators Ahlstrom, Runkle voting “no” – January 28, 2015

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RES. NO. 19-15

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

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

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

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

RESOLVED, That the County Executive is hereby authorized and empowered to execute a new lease agreement with the Cooperative Extension Association of Chautauqua County, Inc., for the period January 1, 2015 through December 31, 2015, upon substantially the following terms and conditions:

1. Premises. A portion of the Frank W. Bratt County Agricultural Center in the Town of Ellicott, to be described more specifically in the lease agreement, together with all appurtenances and improvements thereto.
2. Rent. One thousand three hundred ninety dollars (\$1,390.00) per month
3. Term. One (1) year term commencing January 1, 2015, with cancellation by either party upon thirty (30) days' written notice.
4. Utilities. Paid by the County, except that Tenant shall provide and pay for telephone service.
5. Maintenance and Repair. County will be responsible for all ordinary, routine maintenance or repair, including but not limited to painting, interior decorative changes or improvements, and routine maintenance of the air, heat, water and sewage systems.
6. Other. As negotiated by the County Executive.

Signed: Hemmer, Wilfong, Scudder, Himelein, Runkle, Heenan, Chagnon

Unanimously Adopted – January 28, 2015

RES. NO. 20-15

Compensation for County Coroners

By Public Safety, Administrative Services, and Audit & Control Committees:
At the Request of Chairman Frank "Jay" Gould:

WHEREAS, the Chautauqua County Legislature has the responsibility to fix compensation of all officers paid from county funds; and

REGULAR SESSION

WHEREAS, an increase of \$10.00 per diem is desirable and proper for the work performed by the Chautauqua County Coroners and has been included in the 2015 Budget; therefore be it

RESOLVED, That the compensation for the County Coroners shall be increased and established at \$80.00 per diem, effective January 1, 2015.

Signed: Scudder, Wendel, Vanstrom, Whitford, Himelein, Keefe, Niebel, Tarbrake, Runkle, Heenan, Chagnon

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - January 28, 2015

RES. NO. 21-15

Authorize Acceptance of the 2014 Stop Violence Against Women (VAWA) Grant Program

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Offices of the District Attorney and Sheriff have been awarded a grant in the amount of \$200,250.00 from the New York State Division of Criminal Justice Services 2014 Stop Violence Against Women (VAWA) Grant Program to be used from the period of January 1, 2015 to December 31, 2017, with the 2015 amount being \$66,750.00, the 2016 amount being \$66,750.00, and the 2017 amount being \$66,750.00 per grant calendar year with a two (2) year renewal option beyond 2017; and

WHEREAS, the local match requirement will be provided by third party and in-kind services; and

WHEREAS, such funds are to be utilized for an Assistant District Attorney designated as a Special Victim's Prosecutor, a part-time Deputy Sheriff, and a Spanish Interpreter/Victim Advocate/Cultural Liaison to prosecute domestic violence cases; therefore be it hereby

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Division of Criminal Justice Services to accept a Stop Violence Against Women (VAWA) grant; and be it further

RESOLVED, That it is the intent of the County Legislature that the any staff positions created and funded pursuant to this program will not be continued should the grant not be refunded; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services-District Attorney	\$17,274
A.1165.----.4	Contractual – District Attorney	17,800
A.1165.----.8	Employee Benefits – District Attorney	4,976
A.3110.----.1	Personal Services-Sheriff	15,539
A.3110.----.4	Contractual-Sheriff	4,450
A.3110.----.4	Employee Benefits-Sheriff	6,711
		<u>\$66,750</u>

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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.1165.R438.9004 Federal Aid - Violence Against Women	\$40,050
A.3110.R432.0000 Federal Aid – Crime Control	<u>26,700</u>
	\$66,750

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Heenan, Chagnon

Unanimously Adopted – January 28, 2015

RES. NO. 22-15

Authorize Execution for New York State Office of Homeland Security Grant – Public Safety Answering Point

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

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

WHEREAS, the State of New York will provide funding in the amount of \$89,253.00.00 with no local funds for a contract period from June 25, 2014 to June 24, 2015; and

WHEREAS, the 2015 Chautauqua County budget does not include any funding for these expenditures; 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 2015 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3020.W911.4 Contractual – E911 Wireless	\$89,253
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INCREASE REVENUE ACCOUNT:

A.3020.W911.R338.9010 NYS Aid: Other Public Safety E911 WRLS	\$89,253
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Heenan, Chagnon

Unanimously Adopted – January 28, 2015

RES. NO. 23-15

Authorize Execution for the New York State Office of Homeland Security Grant – Operation Stone Garden FY14

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

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

WHEREAS, the State of New York will provide funding in the amount of \$54,991.00 with no local funds for a contract period from September 1, 2014 to August 31, 2016; therefore be it

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services - Sheriff	\$33,432.00
A.3110.----.4	Contractual - Sheriff	10,225.00
A.3110.----.8	Fringe Benefits - Sheriff	11,334.00

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9OSG	Federal Aid – Other Public Safety Aid	\$54,991.00
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Heenan, Chagnon

Unanimously Adopted – January 28, 2015

RES. NO. 24-15

Authorize Participation in Lake Erie Watershed Protection Alliance

By Planning & Economic Development Committee:

At the Request of County Executive Vincent W. Horrigan, Chairman Frank "Jay" Gould, Legislators Borrello, Ahlstrom, Heenan, Niebel, Hemmer, Runkle, Scudder, Keefe:

WHEREAS, Lake Erie provides a fresh water resource to New York State residents and visitors for drinking water, energy production, agriculture, industry, recreation and other uses that greatly affect the New York State economy and health of users; and

WHEREAS, this resource is threatened by point and non-point source pollutants within the watershed and along the Lake Erie shoreline within New York State; and

WHEREAS, the County of Chautauqua, County of Erie, and County of Cattaraugus (the "Member Municipalities") and concerned stakeholders wish to alleviate the impact point and non-point source pollutants in recognition of the fact that the watershed crosses multiple municipal boundaries; and

WHEREAS, the Member Municipalities recognize the regional benefits of working collaboratively to save time, money, and energy in order to achieve the common goal of improved water quality and flood control of Lake Erie; and

WHEREAS, the Member Municipalities wish to form the Lake Erie Watershed Protection Alliance by way of an intermunicipal agreement as the means by which the counties will work collaboratively to address the issues confronting Lake Erie; therefore be it

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RESOLVED, That the County Executive is authorized to enter into an intermunicipal agreement with County of Erie and County of Cattaraugus to form the Lake Erie Watershed Protection Alliance, on the following terms and conditions:

1. Name. The name of this cooperative effort among the Member Municipalities shall be the "Lake Erie Watershed Protection Alliance," hereinafter referred to as the LEWPA.
2. Purposes. The purposes of the LEWPA shall be to protect and improve the water quality of Lake Erie and of local groundwater and surface water bodies within the watershed (i.e. streams, rivers, lakes) in accordance with national and bi-national, state, county, and local water quality regulations, planning documents and policies. By fostering collaboration between the Member Municipalities, the LEWPA shall facilitate the use of existing or future resources, organizations, and programs to implement the services necessary to protect and enhance Lake Erie.
3. Term. The term of this agreement shall commence January 1, 2015 and shall terminate December 31, 2019.

Signed: Chagnon, Heenan, Niebel, Ahlstrom

Unanimously Adopted – January 28, 2015

RES. NO. 25-15
Quit Claim Deed

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

REGULAR SESSION

SCHEDULE A						
Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-96-2014	Jamestown	060800-387.12-3-37	Thomas R Stahlman	Kathleen Barmore	\$ 100.00	\$ 3,171.12
TOTALS:					\$ 100.00	\$ 3,171.12

Signed: Scudder, Wendel, Vanstrom, Whitford, Himelein

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - January 28, 2015

2nd Privilege of the Floor

Ms. Emily Reynolds thanked the Legislature for passing Resolution 19-15 regarding the lease with Cornell Co-op Extension for the Frank W. Bratt County Agricultural Center

MOVED by Legislator Lemon, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (6:55 p.m.)

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Regular Meeting
 Chautauqua County Legislature
 Wednesday, February 25, 2015, 6:30 p.m.
 Legislative Chambers, Mayville, N.Y.

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

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

Legislator Borrello delivered the prayer and pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Lemon the minutes were approved. (1/28/15)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
 NO VETOES FROM 1/28/15

6:35 P.M.

PUBLIC HEARING
 INCLUSION OF PARCELS TO
 AG. DISTRICT #2

Chairman Gould: We will now open the public hearing. Is there anyone here who would like to speak to the public hearing? Seeing no one, we'll close the public hearing. 6:36 p.m.

COMMUNICATIONS:

1. Proof of Publication – Public Hearing – Inclusion of Parcels – Ag. Dist. #2
2. Chairman Gould – Re: Appt. to Criminal Justice Coordinating Council
3. Letter – County Executive Horrigan – Appt. to Fire Advisory Board
4. Investment Report – Fn. Director Marsh – January/2015
5. Letter – Atty. Gustafson – Legal Representation - Re: Level 3 Communications Real Property Tax Reduction Hearing
6. Letter – Dept. of Fn. – Re: Revised Beginning Balance – Aaron Putman Fund
7. Letter – Fmld Protection Board – Inclusion of Parcels into Ag. Dist. #2
8. Letter – JCC – Invitation to President's Roundtable
9. Highlights – Region 9 – NYS Fish & Wildlife (Dec. 14 – Jan. 2015)
10. Letters (3) – Senator Young – Ack. Receipt of Motions 6, 8, 9-14.
11. Letter – USEPA – Ack. Receipt of Motion 9-14
12. 2014 Annual Report – Chaut. County Weights and Measures
13. 2015 Chautauqua County Budget

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

REGULAR SESSION

The State of the County address can be viewed through this link:
<http://www.co.chautauqua.ny.us/Archive.aspx?AMID=39>

RES. NO. 26-15

Confirm Re-Appointments – Portland-Pomfret-Dunkirk Sewer Districts

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

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

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

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

Marlene Webster
 70 Lemming St.
 Dunkirk, N.Y. 14048
 Term Expires: 12/31/20

Laura Sarek
 10464 Shore Acres
 Dunkirk, N.Y. 14048
 Term Expires: 12/31/20

Signed: Hemmer, Nazzaro, Scudder, Himelein

Unanimously Adopted – February 25, 2015

RES. NO. 27-15

Confirm Re-Appointments - Chautauqua County Fire Advisory Board

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

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

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

1st Battalion

E. Lawrence Barter
 9 Pine Dr.
 Fredonia, N.Y. 14063
 Term Expires: 1/31/16

Brian Purol
 3681 New Road
 Dunkirk, N.Y. 14048
 Term Expires: 1/31/16

2nd Battalion:

Alan J. Akin
 5984 Manor Dr.
 Chautauqua, N.Y. 14722
 Term Expires: 1/31/16

Lyle Holland
 47 Clinton St.
 Westfield, N.Y. 14787
 Term Expires: 1/31/16

Ronald H. Trippy
 6755 S. Portage Rd.
 Westfield, N.Y. 14787
 Term Expires: 1/31/16

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Scott Cummings
7084 Van Ness Rd.
Mayville, NY 14757
Term Expires: 1/31/16

Mathew Oehlbeck
159 Park St.
Sherman, NY 14781
Term Expires: 1/31/16

3rd Battalion:

Scott Bailey
29 Melvin Ave.
Celoron, N.Y. 14720
Term Expires: 1/31/16

Ronald V. Johnson
1265 Norby Rd
Jamestown, N.Y. 14701
Term Expires: 1/31/16

Jackson W. Knowlton
2141 Shadyside Rd.
Lakewood, N.Y. 14750
Term Expires: 1/31/16

Samuel Salemme
217 Dearing Ave.
Jamestown, N.Y. 14701
Term Expires: 1/31/16

Randall Shampoe Jr.
PO Box 173
690 Clymer-Sherman Rd.
Clymer, N.Y. 14724
Term Expires: 1/31/16

4th Battalion:

Lloyd K. Johnson, Jr.
752 N. Park. St.
Ellington, N.Y. 14732
Term Expires: 1/31/16

Peter Samuelson
4696 Maple Grove Rd.
Bemus Point, N.Y. 14716
Term Expires: 1/31/16

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – February 25, 2015

RES. NO. 28-15

Authorize Agreement with Village of Brocton for Enhanced Police Services

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

WHEREAS, the Village of Brocton has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2015 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for the period of January 1, 2015 through December 31, 2015, for an estimated cost not to exceed \$30,000.00, based on an hourly rate of \$37.28; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Brocton for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

REGULAR SESSION

RES. NO. 29-15

Authorize Agreement with Chautauqua Lake Central School District for Law Enforcement Presence and Security at Extracurricular Athletic and Social Events

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

WHEREAS, Chautauqua Lake Central School District has requested that the Office of the Sheriff provide Deputy Sheriffs at sporting and social events at the schools; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from January 1, 2015 through December 31, 2015, for an estimated cost not to exceed \$2,500, based on an hourly rate of \$37.28; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with Chautauqua Lake Central School District for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 30-15

Authorize Agreement with Town of Ellery for Court Security Detail

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

WHEREAS, the Town of Ellery has requested that the Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ellery for the period of January 1, 2015 through December 31, 2015, for an estimated cost not to exceed \$1,500.00, based on an hourly rate of \$27.64; now therefore be it

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

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 31-15

Authorize Agreement with Town of Hanover for Enhanced Police Services

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

WHEREAS, the Town of Hanover has requested the Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2015 calendar year; and

JOURNAL OF PROCEEDINGS

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Hanover for the period of January 1, 2015 through December 31, 2015 for a cost not to exceed \$352,035.00; now therefore be it

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

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 32-15

Authorize Agreement with Town of Kiantone for Court Security Detail

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

WHEREAS, the Town of Kiantone has requested that the Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Kiantone for the period of January 1, 2015 through December 31, 2015, for an estimated cost not to exceed \$6,500.00, based on an hourly rate of \$27.64; now therefore be it

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

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 33-15

Authorize Agreement with Village of Mayville for Enhanced Police Services

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

WHEREAS, the Village of Mayville has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2015 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Mayville for the period of June 21, 2015 through September 8, 2015, for an estimated cost not to exceed \$10,000.00, based on an hourly rate of \$37.28 for general patrols and an hourly rate of \$47.66 for national holidays; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Mayville for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

REGULAR SESSION

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 34-15

Authorize Agreement with Town of North Harmony for Court Security Detail

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

WHEREAS, the Town of North Harmony has requested that the Office of the Sheriff provide court security officers on designated court nights during the 2015 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2015 through December 31, 2015, for an estimated cost not to exceed \$6,000.00 based on an hourly rate of \$27.64; now therefore be it

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

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 35-15

Authorize Agreement with Town of Ripley for Enhanced Police Services

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

WHEREAS, the Town of Ripley has requested the Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2015 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2015 through December 31, 2015 for an estimated cost not to exceed \$30,000.00 based on an hourly rate of \$37.28; now therefore be it

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

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 36-15

Authorize Agreement with Village of Silver Creek for Enhanced Police Services

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

WHEREAS, the Village of Silver Creek has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2015 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Village of Silver Creek for the period of January 1, 2015 through December 31, 2015, with quarterly payments to be made by the Village to the County in the amount of \$94,413.00; now therefore be it

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

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 37-15

Authorize Agreement with New York State Unified Court System Eighth Judicial District for Court Security

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

WHEREAS, New York State Unified Court System Eighth Judicial District has requested the Chautauqua County Office of the Sheriff provide court security services during New York State's 2014-2015 fiscal year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated an agreement with New York State Unified Court System Eighth Judicial District for the period of April 1, 2014 through March 31, 2019, with initial annual payment made by the Unified Court System to the County not to exceed \$720,000.00; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with New York State Unified Court System Eighth Judicial District for court security services as set forth above with revenues to be credited to account A.1162.1110.R333.0000.

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

REGULAR SESSION

RES. NO. 38-15
2014 Tech Rescue/USAR Grant Program 2015 Appropriations

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

WHEREAS, the Office of Emergency Services was awarded a Technical Rescue/USAR Grant in the amount of \$99,522 under the NYS Division of Homeland Security and Emergency Services (DHSES) that runs from October 16, 2014 through August 31, 2016; and

WHEREAS, the objective of the Grant is to enhance the capabilities of regional technical rescue and urban search and rescue (USAR) response teams in New York State by the purchasing of allowable search and rescue equipment, training, exercises and planning projects; and

WHEREAS, Resolution 239-14 authorized the County Executive to sign and accept the Homeland Security Tech Rescue Grant Program; and

WHEREAS, the majority of the grant funding will be expended in the 2015 budget year; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3625.----.3	Depr.Equipment – Technical Rescue Team	\$71,402
A.3625.----.2	Equipment – Technical Rescue Team	\$16,200
A.3625.----.4	Contractual – Technical Rescue Team	<u>\$11,920</u>
		<u>\$99,522</u>

INCREASE REVENUE ACCOUNT:

A.3625.----.R430.5004	Federal Aid – Homeland Security	\$99,522
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 39-15
2014 Hazardous Materials Grant Program

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

WHEREAS, the Office of Emergency Services was awarded a Region Partnership Grant in the amount of \$94,000 under the 2014 Hazmat Grant Program which runs from September 1, 2014 thru August 31, 2016; and

WHEREAS, the 2014 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, Resolution 213-14 authorized the County Executive to sign and accept the Homeland Security HazMat Grant Program, and

JOURNAL OF PROCEEDINGS

WHEREAS, most grant funding will be expended in the 2015 budget year, now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.3	Depr.Equipment – HazMat	\$26,100
A.3640.----.2	Equipment – HazMat	\$44,200
A.3640.----.4	Contractual – Hazmat	<u>\$23,700</u>
		<u>\$94,000</u>

INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Federal Aid -- Homeland Security	\$94,000
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 40-15
FEMA SAFER Grant Allocations

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

WHEREAS, the Office of Emergency Services was awarded FY 2010 funds for the Staffing for Adequate Fire and Emergency Response (SAFER) – Recruitment & Retention 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 volunteer first responders available in Chautauqua County; and

WHEREAS, the grant is 100% funded with no matching funds and runs from the period of July 10, 2011 through July 09, 2015, and as may be extended by DHS; and

WHEREAS, Resolutions 1 authorized the County Executive to sign and accept the SAFER Grant; and

WHEREAS, the Office of Emergency Services needs to appropriate funds to the 2015 budget to reimburse students that qualified for the Tuition Reimbursement portion of the grant; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	70,000
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5007	Federal Aid – Homeland Security	70,000
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

REGULAR SESSION

Unanimously Adopted – February 25, 2015

RES. NO. 41-15
State Homeland Security Program 2011 Appropriations to 2015 Budget

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

WHEREAS, the Office of Emergency Services was awarded funds from the FY2011 State Homeland Security Programs (SHSP) in the amount of \$312,000 and the term of the grant ends on February 28, 2015; and

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

WHEREAS, due to a work plan change, the remaining funds will pay for communication equipment that will need to be placed into the 2015 Budget, now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.3	Depreciable Equipment – Emergency Services	\$ 43,000
A.3010.----.4	Contractual – Emergency Services	\$ 17,000

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid – Homeland Security	\$ 60,000
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 42-15
Recognition of Earth Day

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

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

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

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

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RESOLVED, That in recognition of Earth Day the user fees at the Chautauqua County Landfill and County Transfer Stations be waived for refuse collected by community and civic groups as part of organized clean-ups of public parks, roadways, waterways and other public areas for the period from Saturday April 25, 2015 through Saturday May 16, 2015, provided such community and civic groups advise the County Landfill of their organized clean-up activities one week prior to the start of the activity.

Signed: Hemmer, Nazzaro, Scudder, Himelein

Unanimously Adopted – February 25, 2015

RES. NO. 43-15

CARTS – Section 5311 Consolidated Operating and Capital Grant Application Request

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

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 States Code for a project(s) to provide public mass transportation service for replacement buses and for continued support of the county-wide Transportation Plan and Mobility Management Program servicing Chautauqua County, including the cities of Jamestown and Dunkirk, for fiscal years 2015–2016; and

WHEREAS, the County of Chautauqua and the State of New York have entered into a continuing agreement C005585 (county #13-25-01) that authorizes the undertaking of the project(s) and the advance payment of the Federal share; and

WHEREAS, the estimated Federal share is expected to be \$790,095 for capital and the State share is \$98,762 and the estimated local share is expected to be \$98,762 for fiscal years 2015-2016, 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 the New York State Department of Transportation.

Signed: Hemmer, Nazzaro, Scudder, Himelein, Runkle, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 44-15

Authorizing the Use of SCCLSD Contingency Funds for District Extension Map & Plan

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

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WHEREAS, the South & Center Chautauqua Lake Sewer District (Sewer District) wishes to prepare a map and plan and cost estimate for a sewer system to serve the area between the Goose Creek Pump Station and Prendergast Point (the Route 394 Corridor); and

WHEREAS, an engineering study is required to complete the task; and

WHEREAS, the existing Sewer District budget includes approximately \$215,000.00 in a contingency account; and

WHEREAS, the Sewer District desires to use a portion of its contingency funds for the engineering study; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

ESS.8120.----.4	Contractual – Sanitary Sewers	\$100,000
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DECREASE APPROPRIATION ACCOUNT:

ESS.9089.----.4	Contractual – Undistributed Benefits (Contingency Account)	\$100,000
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Signed: Hemmer, Nazzaro, Scudder, Himelein, Runkle, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 45-15

Confirming User Charges: South and Center Chautauqua Lake Sewer Districts

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan and Legislator Pierre Chagnon:

WHEREAS, the Board of Directors of the South and Center Chautauqua Lake Sewer Districts, the Administrative Body of the South and Center Chautauqua Lake Sewer Districts, has, pursuant to §266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the South and Center Chautauqua Lake Sewer Districts; and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective; now therefore be it

RESOLVED, That the Charges by the South and Center Chautauqua Lake Sewer Districts adopted by the Board of Directors of the South and Center Chautauqua Lake Sewer Districts as the Administrative Body of such Sewer Districts and attached hereto and made a part hereof be and hereby are confirmed as follows:

CHARGES BY THE
SOUTH AND CENTER CHAUTAUQUA LAKE SEWER DISTRICTS

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

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SECTION II
DEFINITIONS

As used herein, the following terms shall mean and include:

A. District: The South and Center Chautauqua Lake Sewer Districts, county sewer Districts of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. Administrative Head: The Administrative Head or body of the Districts as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. User: A parcel of property within the District connected or required by applicable law to be connected to a sewer owned by the District.

SECTION III
UNITS PER PARCEL

The number of units attributable to each parcel of property served by public sewers within the District shall be determined as follows:

A. A single family dwelling which contains facilities which generate or are capable of generating wastewater associated with activities of a household, and defined as a structure that contains a separate kitchen sink, a bathroom and sleeping quarters, shall consist of one unit.

B. Each separate dwelling unit within or attached to one building with provisions for a private or separate entrance and containing facilities to generate wastewater associated with activities of a household, and containing a kitchen sink, bathroom and sleeping quarters, shall consist of one unit.

C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site. Charges with respect to such site shall not commence until the initial occupancy of the site by a facility which generates sewage as long as the sewer line extended to the site is sealed to prevent the entry of any water.

D. The unit designation of all other uses shall, at minimum (being subject to increase in accordance with Subparagraph E of this section) be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water District providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this resolution and is not part of a public water distribution system, a water meter shall be installed and maintained by the property owner. At the request of the property owner, the actual wastewater flow from the property may be measured and substituted for metered water use, for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows; said sewage flow meter shall be installed and maintained by

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the property owner. Prior to the installation for a water meter or a waste water flow meter, the property owner shall make application to the District for a permit for such installation with all aspects of the installation being subject to the approval for the District. Work on the installation shall not commence until the permit is received. The following violations of the requirements of this paragraph shall be subject to the enforcement provisions of the Sewer Use Law applicable to the District, Chautauqua County Local Law 6-94 as subsequently or as may be subsequently amended or replaced (hereinafter referred to as Sewer Use Law): (1) failure to apply for a permit to install a water meter within one month of the notice by the District to do so, (2) failure to install the water meter within one month of the issuance of the permit for such installation, (3) installation of the water meter or waste water flow meter contrary to the terms of the permit, and (4) failure to maintain the water meter or waste water flow meter so that it provides accurate readings.

E. In the event any user's discharge to the sewer owned by District is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the facilities of the District, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Sewer Use Law including Chautauqua County Local Law 6-94, Article 9, to justify increasing a unit allocation, or parallel provisions in subsequent amendments or replacements of such Local Law.

SECTION IV
SCALE OF CHARGES

Pursuant to Section 266 of the County Law, \$354 per Unit per year is established as the charge for collection, conveyance, treatment and disposal of sewage.

SECTION V
BILLING

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers within the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof divided by four (4) and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The finance director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

SECTION VI
APPEALS

In accordance with Section 266 of the County Law and Resolution 222-97 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

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A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to South & Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Administrative Head shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Administrative Head shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to "Chairman, Chautauqua County Legislature, County Office Building, Mayville, New York 14757".

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint ad hoc committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Administrative Head by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Administrative Head of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to either the South and Center Chautauqua Lake Sewer

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Districts, Box 458, Celoron, New York 14720 or the property owner at the address stated in his appeal.

SECTION VII
SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgement or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

SECTION VIII
EFFECTIVE DATE AND REPEALER

This law shall be effective with respect to periods beginning after April 30, 2015. Prior laws enacted with respect to the Districts under Section 266 of the County Law are repealed prospectively with respect to charges for periods beginning after April 30, 2015.

Signed: Hemmer, Nazzaro, Scudder, Himelein, Runkle, Borrello, Chagnon

Unanimously Adopted – February 25, 2015

RES. NO. 46-15

Acceptance of New York State Department of Environmental Conservation Water Quality Improvement Project Grant for Dewittville Creek Streambank Stabilization Project

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

WHEREAS, pursuant to Resolution 234-13, the Chautauqua County Department of Planning and Economic Development ("CCPED") submitted a grant application to the New York State Department of Environmental Conservation's Water Quality Improvement Program (WQIP) – Round 11 for environmental restoration projects intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of 600 feet of streambank on Dewittville Creek, herein called the "Project", at a cost of \$107,100.00; and

WHEREAS, CCPED was awarded \$62,100.00 for the project (Project ID: 2013WQI11020) through the WQIP grant, with a requirement for local funding participation in the amount of \$45,000.00 to finance the remaining portion of the Project; and

WHEREAS, the local funding match for the Project includes previously expended funding from the Chautauqua County Occupancy Tax 2% Lakes and Waterways Program for the successfully completed 2013 Dewittville Creek Weir Stabilization 2% Project in the amount of \$40,000.00, and an additional \$5,000.00 for project administration to be provided through the Watershed Coordinator's salary in 2015; and

WHEREAS, the Watershed Coordinator will administrate the Project, the Chautauqua County Soil & Water Conservation District will manage the Project, the Chautauqua Watershed Conservancy will provide public outreach and education for the Project, and the Town of Chautauqua will provide long-term operation and maintenance for the project; and

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

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and Chautauqua County deems it to be in the public interest and benefit under this law to enter into a contract therewith; now therefore be it

RESOLVED, by the Chautauqua County Legislature as follows:

1. The County accepts the New York State Department of Environmental Conservation WQIP award in the amount of \$62,100.00 and pledges up to \$5,000.00 of the Watershed Coordinator's salary to fulfill the remaining local participation requirement for the New York State Department of Environmental Conservation WQIP grant for the project.
2. The County Executive is the representative authorized to act on behalf of the County'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 County's governing body in all matters related to the Project and to State assistance.
3. The County agrees that it will fund its match 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.
4. One (1) certified copy of this Resolution shall be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
5. This Resolution shall take effect immediately.

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

Unanimously Adopted – February 25, 2015

RES. NO. 47-15

Acceptance of New York State Department of Environmental Conservation Water Quality Improvement Project Grant for Goose Creek Streambank Stabilization Project

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

WHEREAS, pursuant to Resolution 233-13, the Chautauqua County Department of Planning and Economic Development ("CCPED") submitted a grant application to the New York State Department of Environmental Conservation's Water Quality Improvement Program ("WQIP") – Round 11 for environmental restoration projects intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of 1,450 feet of streambank on Steinhoff Run, a tributary to Goose Creek, herein called the "Project", at a cost of \$113,150.00; and

WHEREAS, CCPED was awarded \$70,650.00 for the Project (Project ID: 2013WQI11021) through the WQIP grant, with a requirement for local funding participation in the amount of \$42,500.00 to finance the remaining portion of the Project; and

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WHEREAS, the local funding match for the Project includes previously expended funding from the Chautauqua County Occupancy Tax 2% Lakes and Waterways Program for the successfully completed 2014 Goose Creek – Ashville 2% Streambank Stabilization Project in the amount of \$40,000.00, and an additional \$2,500.00 for project administration to be provided through the Watershed Coordinator's salary in 2015; and

WHEREAS, the Watershed Coordinator will administrate the Project, the Chautauqua County Soil & Water Conservation District will manage the Project, the Chautauqua Watershed Conservancy will provide public outreach and education for the Project, and the Town of North Harmony will provide long-term operation and maintenance for the Project; and

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

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; now therefore be it

RESOLVED, by the Chautauqua County Legislature as follows:

1. The County accepts the New York State Department of Environmental Conservation WQIP award in the amount of \$70,650.00 and pledges up to \$2,500.00 of the Watershed Coordinator's salary to fulfill the remaining local participation requirement for the New York State Department of Environmental Conservation WQIP grant for the project.
2. The County Executive is the representative authorized to act on behalf of the County'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 County's governing body in all matters related to the Project and to State assistance.
3. The County agrees that it will fund its match 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.
4. One (1) certified copy of this Resolution shall be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
5. This Resolution shall take effect immediately.

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

Unanimously Adopted – February 25, 2015

RES. NO. 48-15

Environmental Assessment for Inclusion of Parcels in the Village of Fredonia to Agricultural District #2

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

WHEREAS, pursuant to Article 25AA Section 303-B of the Agriculture and Markets Law and Resolution No. 280-03, the Chautauqua County Legislature allows a landowner to submit a

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request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district during an annual review period; and

WHEREAS, the Chautauqua County Legislature received a request to include two new parcels located at 201 & 225 Seymour Street in the Village of Fredonia (*SBL-130.10-1-4.1* & *130.10-1-5*) into Agricultural District #2 during the annual review period; and

WHEREAS, the Chautauqua County Farmland Protection Board (hereinafter "FPB") reviewed the request to include 201 & 225 Seymour Street in the Village of Fredonia, which consists of predominantly viable agriculture land made up of prime agricultural soils, and recommends to the County Legislature that inclusion in an agricultural district serves the public interest; and

WHEREAS, pursuant to 6 NYCRR 617 of the implementing regulations pertaining to New York State Environmental Quality Review Act (hereinafter "SEQRA") of the Environmental Conservation Law, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of inclusion of the parcels in the Village of Fredonia to Agricultural District #2; and

WHEREAS, the inclusion of parcels in an agricultural district is considered an unlisted action and as such the criteria of 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; therefore be it

RESOLVED, That the Chautauqua County Legislature has determined that the inclusion of parcels located at 201 & 225 Seymour Street in the Village of Fredonia to Agricultural District #2 will not have a significant environmental impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Borrello, Heenan, Niebel, Chagnon, Ahlstrom

Unanimously Adopted – February 25, 2015

RES. NO. 49-15

Determination of Chautauqua County Legislature on Proposed Inclusion of Parcels in Chautauqua County Agricultural District #2 in the Village of Fredonia

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

WHEREAS, pursuant to Article 25AA 303-B of the Agriculture and Markets Law and Resolution No. 280-03, the Chautauqua County Legislature received a request to include two new parcels located at 201 & 225 Seymour Street in the Village of Fredonia (*SBL-130.10-1-4.1* & *130.10-1-5*) during the annual review period; and

WHEREAS, the Chautauqua County Farmland Protection Board (hereinafter "FPB") reviewed the request to include 201 & 225 Seymour Street in the Village of Fredonia, which consists

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of predominantly viable agriculture land made up of prime agricultural soils, and recommended to the County Legislature that inclusion in an agricultural district serves the public interest; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act (hereinafter "SEQRA") have been considered and processes have been completed by Chautauqua County, and the FPB report has been filed with the County Legislature; and

WHEREAS, the required public hearing was held by the Legislature on February 25, 2015, in order to gather input from landowners in the district; therefore be it

RESOLVED, That it is the determination of the Chautauqua County Legislature to include the parcels located at 201 & 225 Seymour Street in the Village of Fredonia, (SBL-130.10-1-4.1 & 130.10-1-5) to Agricultural District #2, in accordance with the recommendations of the Farmland Protection Board and input gathered from the public hearing; and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file this resolution, FPB Report, and tax maps with the tax map identification numbers for each parcel, and all things necessary to be filed with the Commissioner of Agriculture and Markets for final certification.

Signed: Borrello, Heenan, Niebel, Chagnon, Ahlstrom

Unanimously Adopted – February 25, 2015

RES. NO. 50-15

Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental Quality Review (SEQR) of New Snowmobile Trail S18A Within the Town of Gerry and Village of Sinclairville and Reroute of Snowmobile Trail C1 Within the Villages of Cherry Creek and Cassadaga

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

WHEREAS, Chautauqua County acts as a local sponsor for the New York State Office of Parks, Recreation and Historic Preservation's Snowmobile Trail Maintenance program; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has tentatively approved a new snowmobile trail S18A that would connect snowmobile trails S18 and C1D to provide access to Sinclairville; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has tentatively approved a reroute of snowmobile trail C1 that would connect the villages of Cherry Creek and Cassadaga; and

WHEREAS, the State Environmental Quality Review Act (SEQR) requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, it is the responsibility of an agency which undertakes an action to be the lead agency in the SEQR process; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby agree to act as the SEQR Lead Agency and as such is authorized to comply with all SEQR requirements for the establishment of new snowmobile trail S18A and the rerouting of snowmobile trail C1.

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Signed: Borrello, Heenan, Niebel, Chagnon, Ahlstrom

Unanimously Adopted – February 25, 2015

RES. NO. 51-15

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "A" Within the Towns of Ellington and Poland

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "A", which is a reroute of existing trail C1D and is proposed to begin at the Chautauqua-Cattaraugus County line near Bemis Road and run west across agricultural fields crossing County Touring Route 67 south of the intersection of Bemis Road to a proposed junction with existing snowmobile trail C1D directly south of the Leach Hill Road and Little Road intersection (within the Towns of Ellington and Poland); and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "A", which is a reroute of existing trail C1D and is proposed to begin at the Chautauqua-Cattaraugus County line near Bemis Road and run west across agricultural fields crossing County Touring Route 67 south of the intersection of Bemis Road to a proposed junction with existing snowmobile trail C1D directly south of the Leach Hill Road and Little Road intersection, within the Towns of Ellington and Poland, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Heenan, Niebel, Chagnon, Ahlstrom

Unanimously Adopted – February 25, 2015

RES. NO. 52-15

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "B" Within the Town of Gerry and the Village of Sinclairville

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "B", which is a secondary route proposed to create a junction with C1D just south of the intersection of County Route 60 and Chautauqua Road, running north with the trail crossing County Route 60 south of the intersection of Bloomer Street and turning east into agricultural fields, where it turns north connecting to the intersection of Maple Street and Lester Street (within the Town of Gerry and Village of Sinclairville); and

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WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "B", which is a secondary route proposed to create a junction with C1D just south of the intersection of County Route 60 and Chautauqua Road, running north with the trail crossing County Route 60 south of the intersection of Bloomer Street and turning east into agricultural fields where it turns north connecting to the intersection of Maple Street and Lester Street, within the Town of Gerry and Village of Sinclairville, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Heenan, Niebel, Chagnon, Ahlstrom

Unanimously Adopted – February 25, 2015

RES. NO. 53-15

Amend 2014 Budget to Adjust Accounts for Year End Reconciliation

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

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

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

RESOLVED, That ESP Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

ESP.----.909.0000	0000-Fund Balance, Unreserved Fund Balance	\$52,810
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; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.1040.----.1	Personal Services-Clerk, Legislative Board	\$3,405
A.1162.1110.5	Fixed Contractual-Unified Courts-Court Officers	\$4
A.1162.1120.4	Contractual-Assigned Counsel	\$486,764
A.1165.1169.1	Personal Services-Crime Victims	\$175
A.1165.1169.4	Contractual-Crime Victims	\$340
A.1165.----.2	Equipment-District Attorney	\$1,869
A.1165.----.5	Fixed Contractual-District Attorney	\$863
A.1170.1172.1	Personal Services-Public Defender - Aid to Defense	\$95
A.1170.1174.1	Personal Services-Public Defender - Alt to Incarceration	\$2,866

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A.1170.----.4	Contractual-Public Defender	\$37,592
A.1170.----.5	Fixed Contractual-Public Defender	\$426
A.1185.----.5	Fixed Contractual-Med Examiners & Coroners	\$63
A.1230.CMPL.1	Personal Services-Compliance	\$462
A.1230.CMPL.4	Contractual-Compliance	\$55
A.1230.CMPL.5	Fixed Contractual-Compliance	\$34
A.1230.----.1	Personal Services-County Executive	\$19,041
A.1230.----.2	Equipment-County Executive	\$77
A.1310.----.4	Contractual-Department of Finance	\$11,487
A.1330.----.4	Contractual-Real Property Tax	\$21,475
A.1330.----.5	Fixed Contractual-Real Property Tax	\$1,202
A.1362.----.5	Fixed Contractual-Tax Advertising & Expense	\$185
A.1364.----.5	Fixed Contractual-Exp: Prop Acquired - Tax	\$324
A.1410.1411.5	Fixed Contractual-MOTOR VEHICLES	\$1,543
A.1410.----.1	Personal Services-COUNTY CLERK	\$2,321
A.1420.----.4	Contractual-County Attorney	\$2,100
A.1430.----.5	Fixed Contractual-Human Resources	\$374
A.1440.----.3	Depreciable Equipment-Engineers	\$4,215
A.1450.----.1	Personal Services-	\$45,287
A.1450.----.2	Equipment-	\$4,745
A.1450.----.5	Fixed Contractual-	\$3,964
A.1450.----.8	Employee Benefits-	\$17,098
A.1460.----.5	Fixed Contractual-RECORDS MANAGEMENT	\$80
A.1610.----.1	Personal Services-OFFICE SERVICES	\$863
A.1610.----.8	Employee Benefits-OFFICE SERVICES	\$315
A.1620.5020.4	Contractual-B&G - Hall R. Clothier Building	\$22,463
A.1620.5030.4	Contractual-B&G - Court House	\$7,447
A.1620.5060.4	Contractual-B&G - Gerace Office Building	\$32,931
A.1620.6070.4	Contractual-B&G - Chadwick Bay Building	\$103
A.1620.6080.4	Contractual-B&G - North Co. Office Building	\$10
A.1620.7010.4	Contractual-B&G - South Co. Office Building	\$26,346
A.1620.8060.4	Contractual-B&G - AG Center	\$5,662
A.1650.----.1	Personal Services-COMMUNICATIONS	\$5,308
A.1650.----.5	Fixed Contractual-COMMUNICATIONS	\$4,145
A.1650.----.8	Employee Benefits-COMMUNICATIONS	\$845
A.1670.----.4	Contractual-PRINT SHOP	\$2,179
A.1680.----.2	Equipment-INFORMATION TECHNOLOGY	\$3,203

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A.1680.----.5	Fixed Contractual-INFORMATION TECHNOLOGY	\$1,543
A.1680.----.8	Employee Benefits-INFORMATION TECHNOLOGY	\$98,203
A.1710.----.4	Contractual-Insurance Administration	\$2,319
A.1985.----.4	Contractual-Municipal Sales Tax	\$1,015,117
A.1989.----.1	Personal Services-Tax Tolls Maint & Process	\$2,480
A.1989.----.5	Fixed Contractual-Tax Tolls Maint & Process	\$1,274
A.3010.----.1	Personal Services-Emergency Services	\$16,029
A.3010.----.8	Employee Benefits-Emergency Services	\$2,910
A.3020.DISP.1	Personal Services-Consolidated Dispatching	\$41,020
A.3020.E911.4	Contractual-E911 System	\$7,130
A.3020.IECG.5	Fixed Contractual-Publ Safety Comm-Interoperable Emer Comm	\$1
A.3020.TECH.4	Contractual-Technical Services	\$655
A.3020.W911.3	Depreciable Equipment-E911 Wireless	\$104,362
A.3110.3114.1	Personal Services-Pistol Permit	\$340
A.3110.3118.8	Employee Benefits-Criminal Investigation-Juvenile	\$5,810
A.3110.----.1	Personal Services-Sheriff	\$86,760
A.3110.----.2	Equipment-Sheriff	\$8,390
A.3140.----.4	Contractual-Probation	\$14,360
A.3140.----.8	Employee Benefits-Probation	\$10,143
A.3150.----.1	Personal Services-Jail	\$630,260
A.3150.----.2	Equipment-Jail	\$967
A.3150.----.3	Depreciable Equipment-Jail	\$7,597
A.3150.----.4	Contractual-Jail	\$226,570
A.3150.----.5	Fixed Contractual-Jail	\$900
A.3189.3111.1	Personal Services-Navigation	\$12,890
A.3189.3111.5	Fixed Contractual-Navigation	\$3,900
A.3189.3111.8	Employee Benefits-Navigation	\$3,150
A.3189.3112.4	Contractual-Snowmobile	\$740
A.3189.MEDI.1	Personal Services-Medi-Vac	\$113,500
A.3189.MEDI.4	Contractual-Medi-Vac	\$6,130
A.3189.MEDI.5	Fixed Contractual-Medi-Vac	\$1
A.3189.MEDI.8	Employee Benefits-Medi-Vac	\$20,120
A.3315.VICT.1	Personal Services-Victim Impact Panel	\$430
A.3315.----.1	Personal Services-STOP DWI	\$21,230
A.3640.----.8	Employee Benefits-Hazardous Materials	\$3,742
A.3989.----.1	Personal Services-Emergency Medical Service	\$4,167

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A.4310.----.5	Fixed Contractual-Mental Hygiene Admin	\$10,434
A.4310.----.8	Employee Benefits-Mental Hygiene Admin	\$12,872
A.4320.----.2	Equipment-Mental Hygiene Programs	\$1,835
A.4320.----.3	Depreciable Equipment-Mental Hygiene Programs	\$48,672
A.4322.----.4	Contractual-Mental Hygiene Law	\$14,826
A.5610.5610.5	Fixed Contractual-Jamestown Airport	\$4,408
A.5610.5612.1	Personal Services-Dunkirk Airport	\$8,157
A.5610.5612.4	Contractual-Dunkirk Airport	\$2,332
A.5610.5612.5	Fixed Contractual-Dunkirk Airport	\$1,616
A.5610.5612.8	Employee Benefits-Dunkirk Airport	\$3,564
A.5630.5625.1	Personal Services-5630-BUS OPERATIONS	\$27,360
A.5630.5625.4	Contractual-5630-BUS OPERATIONS	\$3,238
A.5630.MED.1	Personal Services-5630-BUS OPERATIONS	\$9,706
A.5630.MED.8	Employee Benefits-5630-BUS OPERATIONS	\$6,400
A.6420.----.4	Contractual-Promotion of Industry	\$4,161
A.6420.----.8	Employee Benefits-Promotion of Industry	\$24,749
A.6610.----.1	Personal Services-WEIGHTS & MEASURES	\$350
A.6772.----.5	Fixed Contractual-OFFICE FOR THE AGING	\$3,441
A.7110.----.4	Contractual-Parks	\$2,253
A.7110.----.5	Fixed Contractual-Parks	\$2,359
A.7510.----.4	Contractual-HISTORIAN	\$375
A.7510.----.5	Fixed Contractual-HISTORIAN	\$28
A.8020.GIS.4	Contractual-Planning	\$36
A.8020..1	Personal Services-Planning	\$32
A.9950.----.9	Interfund Transfers-Transfer to Capital	\$685,576
A..4010.HE.4	Contractual-Health Education	\$60,057
A..4010.----.1	Personal Services-Public Health Admin	\$69,678
A..4010.----.5	Fixed Contractual-Public Health Admin	\$19,052
A..4010.----.8	Employee Benefits-Public Health Admin	\$25,565
A..4017.----.5	Fixed Contractual-Prenatal Clinic-MOMs	\$111
A..4025.----.1	Personal Services-Laboratories	\$661
A..4025.----.8	Employee Benefits-Laboratories	\$7,943
A..4046.----.4	Contractual-Phys Handicapped Children	\$1,359
A..4070.----.1	Personal Services-TB Testing	\$12,203
A..4070.----.8	Employee Benefits-TB Testing	\$6,952
A..4090.----.1	Personal Services-Environmental Health	\$3,880
A..4090.----.5	Fixed Contractual-Environmental Health	\$2,047

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A..4189.HIV.1	Personal Services-HIV Testing	\$51,022
A..4189.HIV.8	Employee Benefits-HIV Testing	\$29,889
A..6140.----.4	Contractual-Safety Net	\$342,488
A..7310.----.4	Contractual-Youth Programs	\$7,110
CS.1710.----.5	Fixed Contractual-Liability Insurance - Insurance Administration	\$70
D.5010.----.5	Fixed Contractual-Public Facilities Admin	\$1,624
D.5110.----.1	Personal Services-Maintenance of Roads	\$246,436
D.5110.----.8	Employee Benefits-Maintenance of Roads	\$97,323
D.5112.391.4	Contractual-Highway Improvements	\$475,268
D.5142.----.4	Contractual-Snow Removal: Co Roads	\$34,999
DM.5130.----.2	Equipment-Road Machinery	\$1,817
DM.9730.----.7	Interest-Debt Service	\$206
DM.9950.----.9	Interfund Transfers-Transfer to Capital	\$5,761
EE.8140.----.4	Contractual-Energy Fund-Electric Generation	\$355,379
EE.9901.9040.9	Interfund Transfers-Energy Fund-Transfers to Other Funds(EE-A)	\$400,538
EL.8160.1000.2	Equipment-Environment - Landfill	\$1,665
EL.8160.1000.3	Depreciable Equipment-Environment - Landfill	\$73,072
EL.8160.1000.4	Contractual-Environment - Landfill	\$200,000
EL.8160.7000.1	Personal Services-Environment - Recycling	\$12,160
EL.8160.7000.8	Employee Benefits-Environment - Recycling	\$7,331
ESN.8110.8112.1	Personal Services-ADMINISTRATION	\$4,316
ESN.8110.8112.4	Contractual-ADMINISTRATION	\$37,102
ESN.8110.8112.5	Fixed Contractual-ADMINISTRATION	\$2,051
ESN.8110.8112.8	Employee Benefits-ADMINISTRATION	\$356
ESN.8120.8122.1	Personal Services-SANITARY SEWERS	\$4,429
ESN.8120.8122.8	Employee Benefits-SANITARY SEWERS	\$5,431
ESN.8130.8132.1	Personal Services-SEWAGE TREATMENT	\$960
ESN.8130.8132.4	Contractual-SEWAGE TREATMENT	\$7,118
ESN.8130.8132.8	Employee Benefits-SEWAGE TREATMENT	\$2,870
ESP.8110.8114.5	Fixed Contractual-ADMINISTRATION	\$210
ESP.8120.8124.4	Contractual-SANITARY SEWERS	\$8,543
ESP.8120.8124.5	Fixed Contractual-SANITARY SEWERS	\$96
ESP.8130.8134.4	Contractual-SEWAGE TREATMENT	\$50,532
ESP.8130.9730.7	Interest-PPDSD DEBT SERVICE	\$3,065
ESS.8110.----.1	Personal Services-Administration	\$31,485
ESS.8110.----.5	Fixed Contractual-Administration	\$3,360

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ESS.8110.----.8	Employee Benefits-Administration	\$24,039
ESS.8130.----.8	Employee Benefits-Sewage Treatment	\$7,996
EW.8310.----.1	Personal Services-Water Fund-No Co Ind Water District #1	\$58
EW.8310.----.4	Contractual-Water Fund-No Co Ind Water District #1	\$5,598
EW.8310.----.5	Fixed Contractual-Water Fund-No Co Ind Water District #1	\$1
EW.8310.----.8	Employee Benefits-Water Fund-No Co Ind Water District #1	\$25
M.1930.----.8	Employee Benefits-Health Insurance Fund-Judgments & Claims	\$25,114
MS.1720.----.4	Contractual-Self Insurance - Benefits & Awards	<u>\$277,823</u>
		\$7,192,515

DECREASE APPROPRIATION ACCOUNTS:

A.1010.----.4	Contractual-Legislative Board	\$3,468
A.1162.1110.4	Contractual-Court Officers	\$4
A.1165.----.4	Contractual-District Attorney	\$3,247
A.1170.----.8	Employee Benefits-Public Defender	\$40,979
A.1230.----.4	Contractual-County Executive	\$646
A.1230.----.5	Fixed Contractual-County Executive	\$772
A.1230.----.8	Employee Benefits-County Executive	\$9,792
A.1310.----.8	Employee Benefits-Department of Finance	\$11,487
A.1362.----.4	Contractual-Tax Advertising & Expense	\$26,940
A.1410.1411.4	Contractual-MOTOR VEHICLES	\$1,543
A.1410.----.4	Contractual-COUNTY CLERK	\$2,321
A.1420.----.8	Employee Benefits-County Attorney	\$2,100
A.1430.----.4	Contractual-Human Resources	\$374
A.1440.----.4	Contractual-Engineers	\$4,215
A.1450.----.3	Depreciable Equipment-Board of Elections	\$3,500
A.1450.----.4	Contractual-Board of Elections	\$57,526
A.1460.----.4	Contractual-RECORDS MANAGEMENT	\$80
A.1610.----.4	Contractual-OFFICE SERVICES	\$28,022
A.1620.----.1	Personal Services-B&G	\$69,167
A.1620.----.8	Employee Benefits-B&G	\$25,795
A.1650.----.4	Contractual-COMMUNICATIONS	\$10,060
A.1680.GIS.4	Contractual-GEOGRAPHIC INFO SYSTEM	\$9,154
A.1680.----.1	Personal Services-INFORMATION TECHNOLOGY	\$45,158

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A.1680.----.4	Contractual-INFORMATION TECHNOLOGY	\$24,210
A.1710.----.8	Employee Benefits-Insurance Administration	\$2,319
A.2490.----.4	Contractual-Community College Tuition	\$332,000
A.3010.----.4	Contractual-Emergency Services	\$26,848
A.3020.DISP.4	Contractual-Consolidated Dispatching	\$9,070
A.3020.DISP.8	Employee Benefits-Consolidated Dispatching	\$1,650
A.3020.E911.1	Personal Services-E911 System	\$8,740
A.3020.E911.8	Employee Benefits-E911 System	\$720
A.3020.IECG.1	Personal Services-Interoperable Emer Comm	\$44,910
A.3020.IECG.4	Contractual-Interoperable Emer Comm	\$240
A.3020.IECG.8	Employee Benefits-Interoperable Emer Comm	\$28,220
A.3020.TECH.1	Personal Services-Technical Services	\$25,040
A.3020.TECH.5	Fixed Contractual-Technical Services	\$300
A.3020.TECH.8	Employee Benefits-Technical Services	\$3,460
A.3020.W911.4	Contractual-E911 Wireless	\$4,660
A.3110.3114.4	Contractual-Pistol Permit	\$23,070
A.3110.3114.8	Employee Benefits-Pistol Permit	\$1,910
A.3110.3118.4	Contractual-Criminal Investigation-Juvenile	\$3,290
A.3110.3118.8	Employee Benefits-Criminal Investigation-Juvenile	\$460
A.3110.----.3	Depreciable Equipment-Sheriff	\$61,800
A.3110.----.4	Contractual-Sheriff	\$23,210
A.3110.----.5	Fixed Contractual-Sheriff	\$6,730
A.3110.----.8	Employee Benefits-Sheriff	\$57,960
A.3140.----.1	Personal Services-Probation	\$24,503
A.3150.----.8	Employee Benefits-Jail	\$115,030
A.3189.3111.4	Contractual-Navigation	\$7,880
A.3189.3112.1	Personal Services-Snowmobile	\$8,700
A.3189.3112.5	Fixed Contractual-Snowmobile	\$1,000
A.3189.3112.8	Employee Benefits-Snowmobile	\$17,790
A.3315.VICT.4	Contractual-Victim Impact Panel	\$340
A.3315.VICT.8	Employee Benefits-Victim Impact Panel	\$1,350
A.3315.----.4	Contractual-STOP DWI	\$28,510
A.3315.----.5	Fixed Contractual-STOP DWI	\$640
A.3315.----.8	Employee Benefits-STOP DWI	\$35,820

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A.4310.----.1	Personal Services-Mental Hygiene Admin	\$23,306
A.4320.----.4	Contractual-Mental Hygiene Programs	\$65,333
A.5610.5610.1	Personal Services-Jamestown Airport	\$8,536
A.5610.5610.4	Contractual-Jamestown Airport	\$11,541
A.5630.5625.5	Fixed Contractual-5630-BUS OPERATIONS	\$35,724
A.5630.MED.4	Contractual-5630-BUS OPERATIONS	\$10,980
A.6420.----.1	Personal Services-Promotion of Industry	\$174
A.6420.----.5	Fixed Contractual-Promotion of Industry	\$2,377
A.6610.----.4	Contractual-WEIGHTS & MEASURES	\$350
A.6772.----.4	Contractual-OFFICE FOR THE AGING	\$3,441
A.7110.----.1	Personal Services-Parks	\$4,612
A.7510.----.8	Employee Benefits-HISTORIAN	\$403
A.8020.8746.4	Contractual-Planning	\$186
A.8020.----.4	Contractual-Planning	\$6,893
A.8020.----.5	Fixed Contractual-Planning	\$1,408
A.8020.----.8	Employee Benefits-Planning	\$17,940
A..2960.TRAN.4	Contractual-EDUC: Handicapped Children- Transportation	\$266,800
A..6109.----.4	Contractual-Family Assistance Contractual-Liability Insurance - Insurance Administration	\$342,395
CS.1710.----.4	Administration	\$70
D.5010.----.1	Personal Services-Public Facilities Admin	\$33,997
D.5010.----.4	Contractual-Public Facilities Admin	\$28,226
D.5010.----.8	Employee Benefits-Public Facilities Admin	\$14,878
D.5110.3310.1	Personal Services-Pavement Marking	\$31,167
D.5110.3310.4	Contractual-Pavement Marking	\$13,587
D.5110.3310.8	Employee Benefits-Pavement Marking	\$27,579
D.5110.----.4	Contractual-Maintenance of Roads Contractual-Capital Improvements-County Bridget Program	\$97,850
D.5112.390.4	Program	\$65,971
D.5142.----.1	Personal Services-Snow Removal: Co Roads	\$278,308
D.5142.----.8	Employee Benefits-Snow Removal: Co Roads	\$264,087
DM.5130.----.4	Contractual-Road Machinery	\$7,784
EL.8160.1000.1	Personal Services-Environment - Landfill	\$45,316
EL.8160.1000.8	Employee Benefits-Environment - Landfill	\$73,684
ESN.8130.9730.6	Principal-DEBT SERVICE	\$64,633
ESP.8110.8114.2	Equipment-ADMINISTRATION	\$4,781

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ESP.8130.9730.6	Principal-DEBT SERVICE	\$4,855
ESS.8130.----.4	Contractual-Sewage Treatment	\$66,880
EW.8120.----.4	Contractual-Water Fund-Sanitary Sewers	\$5,682
M.1930.----.4	Contractual-Health Insurance Fund-Judgments & Claims	\$25,114
MS.1710.----.4	Contractual-Self Insurance - Insurance Administration	<u>\$277,823</u>
		\$3,523,401

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.1230.R270.5000	Miscellaneous: Gifts & Donations	\$814
A.1310.9999.R503.1ELE	Interfund transfers - I/F Transf: Gas to Electric	\$400,000
A.1310.9999.R272.5000	Miscellaneous - VLT/Tribal Compact Money	\$246,930
A.1985.R111.0MUN	Sales Taxes - Muni Make Whole	\$1,015,117
A.3020.E911.R114.0000	Surchg: Emerg Phone Sys	\$30,950
A.3020.E911.R240.1000	Use of Money & Property: Interest & Earnings	\$32,060
A.3020.W911.R114.0000	Surchg: Emerg Phone Sys	\$88,460
A.3020.W911.R338.9PH2	NYS Aid: Oth Publ Safty: Exp Dploy	\$14,470
A.3189.MEDI.R158.9001	Oth PS Inc: Medi-Vac	\$139,960
A.4010.NURS.R345.0MHC	NYS Aid: MICHC COLA	\$23,712
A.9950.9999.R240.1RSV	Use of Money & Property: INT & ERN: Capital Resrv	\$685,576
A.7310.R382.0000	NYS Aid: Youth Programs	\$7,110
EL.8160.1000.R213.0000	Chrgs: Refuse & Garbage	\$83,000
EL.8160.1000.R237.6000	Chrgs: OOC Municipal	\$92,228
EE.8140.R215.0002	Departmental Income -NEISO	<u>\$755,917</u>
		\$3,616,304

Signed: Runkle, Nazzaro, Chagnon, Borrello

Unanimously Adopted – February 25, 2015

RES. NO. 54-15
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

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WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

SCHEDULE A

Offer Number	Munic	S/B/L	Purchaser	Offer Amt	Taxes Owning
PA-284-2014	Hanover	064689-67.19-1-4	Milton C Steiger	\$ 1.00	\$1,580.86
PA-285-2014	Hanover	064689-67.19-1-5	Milton C Steiger	\$1,859.00	\$ 185.97
TOTALS:				\$1,860.00	\$1,766.83

Signed: Scudder, Whitford, Wendel, Vanstrom, Himelein

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - February 25, 2015

EMERGENCY RES. NO. 55-15

Authorize Grant Application Through the NYS Office of Community Renewal Community Development Block Grant (CDBG)

At the Request of Legislator Mark J. Tarbrake and County Executive Vincent W. Horrigan:

WHEREAS, the New York State Office of Community Renewal (OCR) has up to \$750,000 of grant funding available through its Community Development Block Grant (CDBG) program for community and economic development and housing programs benefiting low-to moderate income households in Chautauqua County; and

WHEREAS, the County has developed two projects for CDBG funding; and

WHEREAS, the County plans to propose funding to the OCR of \$200,000 for private water and wastewater system assistance, and \$550,000 for mobile home replacement; and

WHEREAS, the Chautauqua County Department of Health & Human Service and Office for the Aging held a public meeting on these funding applications seeking public input on these programs; and

WHEREAS, it has been determined that the aforementioned CDBG grant application process requires the governing body of a municipality to authorize proceeding with the CDBG grant

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applications, and the County will need to complete preparation of the proposals for filing by February 27, 2015, the CDBG deadline; 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.

Unanimously Adopted – February 25, 2015

ANNOUNCEMENTS:

Legislator Vanstrom: This week as we celebrated the 70th anniversary of the first rising at Iwo Jima on February 23, 1945, where our brave Marine's secured Mt. Suribachi, I'd like to acknowledge brave US Marine Corp photographer, Lewis R. Lowery, who had strong ties to the Jamestown area never received the proper recognition for his bravery in having taken the original photo of the flag raising at Iwo Jima at 10:20 a.m., under active gun fire from the Japanese. Hours later, a civilian, Joe Rosenthal took photos of the second flag raising, a larger flag with a longer pole more visible under no duress. Mr. Rosenthal went on to receive great acclaim. The flag rising at Iwo Jima was a turning point of WW II, by opening the heartland of Japan to American airstrikes. However, vicious fighting to control the island went on for 31 more days. Let us give thanks to our brave servicemen and women and give thanks to the brave Lewis Lowery. Let him be recognized and remembered as he should have been.

I have another announcement. The Chautauqua County Soil and Water Conservation District is holding its 2015 tree and shrub sale. The fruit tree order deadline is March 15th, and the catalog deadline is April 1st and you can access the catalog on line in color at www.soilwater.org. Thank you.

Chairman Gould: Any other announcements? Seeing none –

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Lemon, SECONDED by Legislator Heenan and duly carried the meeting adjourned at 7:22 p.m.

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Regular Meeting
Chautauqua County Legislature
Wednesday, March 25, 2015, 6:30 p.m.
Legislative Chambers, Mayville, N.Y.

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

Clerk Tampio called the roll and announce a quorum present.

Legislator Chagnon delivered the prayer and pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Lemon the minutes were approved. (2/25/15)

1st Privilege of the Floor

Mr. John Jablonski, Watershed Conservancy spoke in support of resolution 74-15.

Mr. Richard Kimball, representing Farm Bureau, spoke in support of increasing the sales tax.

Ms, Jane Grice, speaking on behalf of the Chautauqua/ Cattaraugus County Board of Realtors and I didn't find anyone who was not in favor of the increase of the sales tax. In fact, we think that it's going to help a lot with our value of lowering the homeowners tax, is what we're hoping to see and we're hoping that a certain amount of that money is going to go towards that. I tried to highlight because I got many letters from realtors who wanted to be heard and they are saying that our property taxes stagnate the value of Chautauqua County and especially the City of Jamestown. The high taxes decrease the value of our homes, it also makes it more difficult to attract buyers to relocate back in our City. If you were born here and you knew that upon graduation you had to relocate to have a maximum of opportunity for jobs because they are so scare here. We now have an opportunity to attract our baby boomers back to Chautauqua County, comparing property taxes leaves us at a great disadvantage. The clients I've worked with over the years that I have relocated back to Jamestown, they will come back, get their jobs here but they are living in the outlining areas were the taxes are lower. They firmly believe that there should be the raise of the 8%. They have heard many complain that this will affect the poor and that they will be in detriment of this and this person was saying well, maybe they can't buy the big screen TV and all the overpriced items but increasing the sales tax is not going to affect at all your everyday things you need such as groceries and things to live on. I believe the raise of the sales tax will generate more tax income that will alleviate some of the burden of the budget of homeowners. The homeowners that have been over taxed, which has kept property values in check or decreasing in value. It's almost unheard of to sell a residential property in Jamestown in the \$200,000 range because of the tax burden. I have heard that over and over again of the value of our homes are staying down and their mortgage payments end up being less than what their tax payment is per year. I think that is pretty much it. Thank you.

Mr. Ben Haskins, 1982 Peck Settlement Road. I disagree. I just had my taxes reviewed today by the Town of Carroll. They tripled them on a bunch of swamp land that I have. I talked to the assessor and they were lowered back down to the farm values. If you are in a farm district, you get a real good rate on your property. My land is not only in a farm district but it's in a conservation district. It can only be a farm in perpetuity, no houses, no gas wells, nothing can be done with the property except farming. Not many people have done that in this County. Most of them are getting low taxes however if they are in a farm district of some sort. As far as the real estate values, that is ridiculous what this woman -- you're taxing people that have no money with the sales tax. People who are on

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welfare and there is a lot of them in this area who will have to pay more money on everything that they buy at Wal-Mart except for food. On everything that they buy at a hardware store, on everything that they buy at Home Depot, they have to pay extra money and they have no money but they have to have these things and they get screwed. Thank you.

Chairman Gould: Anyone else to speak to the first privilege of the floor? Seeing no one else, I'll close the first privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 2/25/15

COMMUNICATIONS:

1. Resignation Letter – Legstr. Keith D. Ahlstrom, District 1
2. Certificate to Fill Vacancy on County Legislature – District 1
3. Certificate of Acceptance – District 1
4. Letter – Chmn. Gould – Appts. to Inter-County Meetings – 2015
5. Letters (2) – Co. Executive – Appts. to Sports Fishery & Soil & Water Conservation District
6. Report – Fn. Director Marsh – February 2015 Investment Report
7. Letter – RPTS Director Caffisch – Re: Level 3 Communication, LLC – Application for Corrected Tax Roll for the Year 2014
8. Letter – Assist. Atty. Gustafson – Re: Level 3 Communication, LLC
9. Letter – Public Defender Barone – Re: Support \$3 Million Incr. to Aid Localities Budget of the Indigent Legal Services Office
10. Invitation from United Veterans Council of Jmst.–Re: Memorial Day Parade
11. Minutes – January 2015 – Soil & Water Conservation District
12. Quarterly Report – Small Business Devlp. Center – 10/1/14 – 12/31/14
13. Annual Report – Small Business Devlp. Center – 1/1/14-12/31/14
14. University of California, Davis – Re: FOIL Request
15. Letter – Senator Young – Re: Chaut. Co. Bed Tax & NYS Sales Tax Law, Chapter 405 of 2007
16. Letter – NYSAC – Re: State's Tax Freeze Rebate Program
17. State of the County Address – 2015

MOTIONS: (On file w/ 3/25/15 Legislature Data)

- 2-15 Requesting New York State Legislature to Delay Implementation of STAR Program Conversion – Unanimously Adopted
- 3-15 Urging Governor Cuomo and the New York State Legislature to Advance Funding and Expedite Completion of Interstate 86 Projects in Broome, Delaware, Sullivan and Orange Counties – Unanimously Adopted

RES. NO. 56-15

Appointment of Keith D. Ahlstrom as Legislator from District 1, Town and City of Dunkirk

At the Request of Legislators Heenan, Keefe, Nazzaro, Whitford:

WHEREAS, a vacancy exists in the office of County Legislator for District 1; and

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WHEREAS, a Certificate of Recommendation has been received from Legislative District 1, (Town/City of Dunkirk) Committees recommending the appointment of Keith D. Ahlstrom, 25 Cedar St., PO Box 254, Dunkirk, N.Y. and

WHEREAS, a Certificate of Acceptance has been received from Keith D. Ahlstrom; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Keith D. Ahlstrom is hereby appointed Legislator from District 1, comprised of the Town and City of Dunkirk.

Signed: Heenan

Unanimously Adopted – March 25, 2015

RES. NO. 57-15

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

By Public Facilities Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, has submitted the following re-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.

Fred Croscut
7804 Freeman Rd.
Sherman, NY 14781
Term Expires: 12/31/17

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong

Unanimously Adopted – March 25, 2015

RES. NO. 58-15

Confirm Appointment – Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:

At the Request of County Executive Vincent W. Horrigan:

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

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

Craig Robbins
28 N. Pear St.
Frewsburg, N.Y. 14738

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Term Expires: 12/31/16

Signed: Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 59-15

Authorizing Public Hearing Regarding Improvements for Phosphorous Removal to Treatment Plant of the North Chautauqua Lake Sewer District

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

WHEREAS, pursuant to Resolution 152-14, the Chautauqua County Legislature authorized the Chairman of the North Chautauqua Lake Sewer District (hereinafter referred to as District) to execute a contract with URS Corporation-New York to prepare a Map and Plan of the proposed improvement to meet the final effluent limit for phosphorous required by the permit of the District issued by the New York State Department of Environmental Conservation; and

WHEREAS, the Chautauqua County Legislature has received from the District Board a Map and Plan entitled North Chautauqua Lake Sewer District Final Phosphorous Effluent Limit Compliance Evaluation dated December, 2014 (hereinafter referred to as Report) prepared by URS Corporation-New York, an engineer duly licensed by the State of New York with the request by the District Board that this Legislature call a public hearing thereon pursuant to County Law Section 268; now therefore be it

RESOLVED, That a public hearing will be held by the Chautauqua County Legislature at the Legislative Chambers, Gerace Office Building in the Village of Mayville, Chautauqua County, New York on April 22, 2015 at 6:45 o'clock PM, prevailing time, on the question of the improvement of the Treatment Plant of the North Chautauqua Lake Sewer District, by the installation of a pumping station, chemical storage building, existing structure upgrades and facilities to enhance the removal of phosphorous from the effluent of the District by multi-point chemical addition and filtration using continuous backwash sand filters, and to take such action thereon as is required or authorized by law; and it is further

RESOLVED, That the proposed improvement and reconstruction of facilities is a Type II Action under Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), specifically under 6 NYCRR §617.5(c)(2), the replacement, rehabilitation or reconstruction of an existing facility, in kind, on the same site, requiring no further action under the New York State Environmental Quality Review Act, being Article 8 of the Environmental Conservation Law of the State of New York, pursuant to 6 NYCRR §617.6(a)(1)(i); and be it further

RESOLVED, That the Clerk of the Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspapers of the County and to be transmitted by first class mail to each assessed owner of property within the district as their names and addresses appear on the current assessment roll not less than ten (10) nor more than twenty (20) days before the date designated for the hearing; and be it further

RESOLVED, That the Notice of Public Hearing shall be in substantially the following form:

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NOTICE OF PUBLIC HEARING

Notice is Hereby Given that the County Legislature of the County of Chautauqua, New York, will meet in the Legislative Chambers, Gerace Office Building, Mayville, New York on April 22, 2015 at 6:45 o'clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the improvement of the Treatment Plant of the North Chautauqua Lake Sewer District in said county consisting of the installation of a pumping station, chemical storage building, existing structure upgrades and facilities to enhance the removal of phosphorous from the effluent of the District by multi-point chemical addition and filtration using continuous backwash sand filters for an estimated maximum cost of \$2,800,000. The estimated annual cost to the typical single family home within the District will be increased by \$75 per year to \$453 per year. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong

MOVED by Legislator Himelein, SECONDED by Legislator Chagnon to table.

Unanimously Carried – TABLED - March 25, 2015

RES. NO. 60-15

Amending Resolution 43-15 CARTS – Section 5311 Consolidated Operating and Capital Grant Application Request

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

WHEREAS, Resolution 43-15 authorizes the County Executive to sign the CARTS – Section 5311 Consolidated Operating and Capital Grant application; and

WHEREAS, the County submitted a request for a consolidated grant to the New York State Department of Transportation pursuant to Section 5311 of Title 49 of the United States Code; and

WHEREAS, the submitted request for a consolidated grant states that the Federal operating share is expected to be \$387,716 for fiscal year 2015 and \$393,286 for fiscal year 2016, and includes \$69,502 under the Appalachian Development Public Transportation Assistance Program (ADPTAP); and

WHEREAS, the estimated Federal operating shares for fiscal years 2015-2016 are not included in Resolution 43-15; and

WHEREAS, the estimated capital and operating shares approved in Resolution 43-15 must match the estimated capital and operating shares in the County's submitted request for a consolidated grant pursuant to Section 5311 of title 49 of the United States Code; therefore be it

RESOLVED, That Resolution 43-15 is amended to include that the Federal operating share is expected to be \$387,716 for fiscal year 2015 and \$393,286 for fiscal year 2016, and includes \$69,502 under the Appalachian Development Public Transportation Assistance Program (ADPTAP).

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong, Borrello, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

REGULAR SESSION

RES. NO. 61-15

Increase Petty Cash Fund for Public Facilities – Division of Environment

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

WHEREAS, the DPF Division of Environment has an established petty cash fund approved by Resolutions 309-89, 124-91, 54-94, and 122-95, in the amount of nine hundred and fifty dollars (\$950.00) pursuant to Section 371 of New York State County Law; and

WHEREAS, an increase of this petty cash fund to one thousand one hundred and fifty dollars (\$1,150.00) gives the ability to maintain sufficient operating monies at the transfer stations and the landfill and sufficient operating cash for minor purchases; therefore be it

RESOLVED, That the Director of Finance be authorized to transfer the amount of two hundred dollars (\$200.00) to the Chautauqua County DPF Division of Environment petty cash fund, therefore making the total amount of the petty cash fund one thousand one hundred and fifty dollars (\$1,150.00).

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong, Borrello, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 62-15

Authorize Contracts Between Chautauqua County And Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP)

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

WHEREAS, pursuant to New York State General Municipal Law §103(16) the County may make purchases through the use of contracts let by States or by political subdivisions thereof, if such contracts were let in accordance with New York State Requirements, and

WHEREAS, the State of Minnesota operates the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), a group purchasing organization for government entities that require pharmaceuticals and health care products; and

WHEREAS, the County of Chautauqua desires to contract with MMCAP so that it may purchase off of MCCAP contracts and thereby take advantage of MMCAPs' national buying leverage; now, therefore, be it

RESOLVED, That the County Executive is hereby authorized to enter into Agreements with Minnesota Multistate Alliance for Pharmacy (MMCAP) for so long as doing so is deemed advantageous to the County.

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Unanimously Adopted – March 25, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 63-15

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

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

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

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

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

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

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Borrello, Nazzaro, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 64-15

Standard Workday and Reporting Resolution

By Administrative Services Committee:
At the Request of County Executive Vincent W. Horrigan and Chairman Frank "Jay" Gould:

BE IT RESOLVED, That the County of Chautauqua hereby establishes the following standard work days for these titles, as set forth in the attached schedule, and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy - mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-If yes, do not complete the last	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
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REGULAR SESSION

					two columns		
ELECTED OFFICIALS							
Legislator	6.00	George	Borrello	01/01/14 - 12/31/15	N	6.47	
Legislator	6.00	Shaun	Heenan	01/01/14 - 12/31/15	N	2.17	
Legislator	6.00	Ronald	Lemon	01/01/14 - 12/31/15	N	2.20	
Legislator	6.00	Charles	Nazzaro	01/01/14 - 12/31/15	N	5.00	
Legislator	6.00	Robert	Scudder	01/01/14 - 12/31/15	N	6.90	
Legislator	6.00	Mark	Tarbrake	01/01/14 - 12/31/15	N	2.00	
Legislator	6.00	Lisa	Vanstrom	01/01/14 - 12/31/15	N	4.80	
Legislator	6.00	Paul	Wendel Jr	01/01/14 - 12/31/15	N	2.30	
County Clerk	7.00	Larry	Barmore	01/01/14 - 12/31/17	Y		
District Attorney	7.00	David	Foley	01/01/14 - 12/31/17	N	23.86	
APPOINTED OFFICIALS							
County Attorney	8.00	Stephen	Abdella	01/01/14 - 12/31/17	Y		
Commissioner of Elections	7.00	Brian	Abram	01/01/13 - 12/31/16	Y		
Director Office for the Aging	7.00	Mary	Ann Spanos	01/01/14 - 12/31/17	Y		
Public Defender	7.00	Nathani el	Barone II	01/01/14 - 12/31/15	N	26.50	
Deputy Sheriff Lieutenant	8.00	David	Bentley	01/01/15 - 12/31/18	N	22.14	
Deputy Sheriff Captain	8.00	Darryl	Braley	01/01/15 - 12/31/18	N	26.22	
Director Community MH Services	7.00	Patricia	Brinkman	01/01/14 - 12/31/17	Y		
Insurance Administrator	8.00	Dennis	Brooks	03/13/14 - 12/31/17	Y		
Engineer III	8.00	Alexey	Brumagin	01/01/14 - 12/31/17	Y		
First Deputy Director of Finance	8.00	Todd	Button	01/01/14 - 12/31/17	Y		

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Director Real Property Tax Services 3	8.00	James	Cafilisch		10/01/13 - 09/30/19	Y		
Assistant Public Defender	7.00	Philip	Cala		01/01/14 - 12/31/15	N	25.70	
Assistant District Attorney	7.00	Joseph	Calimeri		01/01/14 - 12/31/17	N	19.60	
Director North Chautauqua Lake Sewer	8.00	Thomas	Carlson		01/01/14 - 12/31/17	Y		
Assistant County Attorney	8.00	Allison	Carrow		07/31/14 - 12/31/17	Y		
Assistant Public Defender	7.00	Michael	Cerrie		01/01/14 - 12/31/15	N	16.30	
Director of Veterans Services	7.00	Gary	Chilcott		01/01/14 - 12/31/17	Y		
Budget Director	8.00	Kitty	Crow		01/01/14 - 12/31/17	Y		
Warden	8.00	James	Crowell		01/01/15 - 12/31/18	N	23.96	
Assistant Social Services Attorney	7.00	Rebeca	Davison		08/04/14 - 11/28/17	Y		
Chief Information Officer	8.00	Jonathan	Deangelo		01/01/14 - 12/31/17	Y		
Director of Patient Services	7.00	Wendy	Douglas		06/20/13 - 11/28/17	Y		
Assistant District Attorney	7.00	Gregory	Drab		01/01/14 - 12/31/17	N	18.90	
Assistant Public Defender	7.00	Mark	Duncanson		01/01/14 - 12/31/15	N	17.43	
Assistant Public Defender	7.00	William	Duncanson		01/01/14 - 12/31/15	N	20.95	
Personnel Technician	7.00	Francine	Emley		06/01/11 - 05/31/17	Y		
Probation Supervisor	8.00	Philip	Evans		03/03/14 - 12/31/17	Y		
Purchasing Manager	8.00	Tracy	France		08/21/14 - 12/31/17	Y		
Child Psychiatrist	7.00	Alicia Liliana	Galecki-Kuropas		01/01/14 - 12/31/17	Y		
Deputy Director of Planning And Economic Development	7.00	Mark	Geise		01/01/14 - 12/31/17	Y		
Deputy County Fire Coordinator	6.00	Michael	Gleason		01/01/14 - 12/31/17	N	5.90	
Commissioner of Elections	7.00	Norman	Green		01/01/13 - 12/31/16	Y		
First Assistant District Attorney	7.00	Derek	Gregory		01/01/14 - 12/31/17	N	26.20	

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Deputy County Fire Coordinator	6.00	John	Griffith		01/01/14 - 12/31/17	N	4.40	
Assistant Public Defender	7.00	John	Gullo II		01/01/14 - 12/31/15	N	7.70	
Senior Project Coordinator (Transportation)	8.00	Cheryl	Gustafson		01/01/14 - 12/31/17	Y		
First Assistant County Attorney	8.00	Kurt	Gustafson		01/01/14 - 12/31/17	Y		
Second Assistant County Attorney	8.00	Scott	Harley		01/01/14 - 12/31/17	Y		
Deputy County Clerk	7.00	Tracie	Haskin		01/01/14 - 12/31/17	Y		
Executive Assistant	7.00	Daniel	Heitzenrate r		03/03/14 - 12/31/17	Y		
Undersheriff	8.00	Charles	Holder		01/01/15 - 12/31/18	N	28.76	
Deputy Sheriff Lieutenant	8.00	Lori	Holder		01/01/15 - 12/31/18	N	23.63	
Assistant Public Defender	7.00	Sheila	Hyde		01/01/14 - 12/31/15	N	21.91	
Coroner	6.00	James	Jackson		01/01/15 - 12/31/17	N	11.28	
Deputy Sheriff Lieutenant	8.00	Timothy	Kindberg		01/01/15 - 12/31/18	N	23.81	
Director of Emergency Services	7.00	Julius	Leone Jr		01/01/14 - 12/31/17	Y		
Deputy Director of Finance	8.00	Valerie	Lis		01/01/14 - 12/31/17	Y		
Director of Finance	8.00	Susan	Marsh		01/01/14 - 12/31/17	Y		
Special Projects Coordinator	7.00	David	McCoy		05/19/14 - 12/31/17	Y		
MH Program Coordinator (SPOA-Child)	7.00	Rachel	Mesmer Ludwig		01/01/14 - 12/31/17	Y		
Second Assistant District Attorney	7.00	Andrew	Molitor		04/25/14 - 12/31/17	N	24.50	
Probation Supervisor	8.00	Thomas	Narraway		05/06/14 - 12/31/17	Y		
Deputy Sheriff Lieutenant	8.00	William	Nelson		01/01/15 - 12/31/18	N	20.00	
Deputy Director of Public Facilities (Engineer)	8.00	Pantelis	Panteli		01/01/14 - 12/31/17	Y		
First Assistant Public Defender	7.00	James	Pelletter		01/01/14 - 12/31/15	N	25.35	

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Director of Human Resources	7.00	Joseph Porpiglia		06/01/11 - 05/31/17	Y		
Assistant Public Defender	7.00	Joseph Price		01/01/14 - 12/31/15	N	14.20 19.90	
Deputy Sheriff Lieutenant	8.00	James Quattrone		01/01/15 - 12/31/18	N	27.88	
Sanitation Supervisor	8.00	Kelly Rhinehart		01/01/14 - 12/31/17	Y		
Assistant Public Defender	7.00	John Rice		01/01/14 - 12/31/15	N	22.54	
Coroner	6.00	Warren Riles		01/01/15 - 12/31/17	N	17.00	
First Assistant District Attorney	7.00	Rachel Roberts		01/01/14 - 12/31/17	N	21.67	
Engineer III	8.00	Drew Rodgers		01/01/14 - 12/31/17	Y		
Engineer III	8.00	Paul Snyder		01/01/14 - 12/31/17	Y		
Director Public Facilities	8.00	George Spanos		01/01/14 - 12/31/17	Y		
Second Assistant District Attorney	7.00	Patrick Swanson		01/01/14 - 12/31/17	N	25.60	
Clerk of Legislature	7.00	Katherine Tampio		01/01/15 - 12/31/15	Y		
Probation Supervisor	8.00	Gilbert Taylor		06/26/14 - 12/31/17	Y		
Deputy Sheriff Lieutenant	8.00	Richard Telford		01/01/15 - 12/31/18	N	21.79	
Director South/Center Lake Sewer	7.00	Thomas Walsh		03/04/14 - 12/31/17	Y		
Senior Personnel Technician/Deputy Director	7.00	Kenneth Westphal		06/01/11 - 05/31/17	Y		
Assistant District Attorney	7.00	Steven Wickmark		04/25/14 - 12/31/17	N	20.30	
Second Assistant County Attorney	8.00	Kristen Wright		01/01/14 - 12/31/17	Y		
First Assistant District Attorney	7.00	John Zuroski		01/01/14 - 12/31/17	N	21.90	

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

MOVED by Legislator Himelein, SECONDED by Legislator Wendel to amend J. Price "Record of Activities result from 14.20 days to 19.90 days.

Unanimously Carried

Unanimously Adopted as amended – March 25, 2015

REGULAR SESSION

RES. NO. 65-15

Authorize Agreement with Village of Bemus Point for Enhanced Police Services

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

WHEREAS, the Village of Bemus Point has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2015 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of July 2, 2015 through September 8, 2015, for an estimated cost not to exceed \$6,600.00, based on an hourly rate of \$37.28 for general patrols and an hourly rate of \$46.77 for national holidays; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Bemus Point for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Keefe, Niebel, Whitford, Tarbrake, Borrello, Nazzaro, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 66-15

Authorize Agreement with Cassadaga Lakes Association for Enhanced Police Services

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

WHEREAS, the Cassadaga Lakes Association has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of Cassadaga Lakes during the 2015 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Cassadaga Lakes Association for the period of June 27, 2015 through September 7, 2015, inclusive, for an estimated cost not to exceed \$3,500.00, based on an hourly rate of \$37.28 for general patrols and an hourly rate of \$46.77 for national holidays; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Cassadaga Lakes Association for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Keefe, Niebel, Whitford, Tarbrake, Borrello, Nazzaro, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 67-15

Authorize Agreement with Findley Lake Watershed Foundation for Enhanced Police Services

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

JOURNAL OF PROCEEDINGS

WHEREAS, the Findley Lake Watershed Foundation has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of Findley Lake during the 2015 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Findley Lake Watershed Foundation for the period of June 27, 2015 through September 7, 2015, inclusive, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of \$37.28 for general patrols and an hourly rate of \$46.77 for national holidays; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Findley Lake Watershed Foundation for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Keefe, Niebel, Whitford, Tarbrake, Borrello, Nazzaro, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 68-15

Increase Appropriation and Revenue Accounts for Replacement of Patrol Vehicle

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

WHEREAS, the County Sheriff's Office received insurance recovery funds due to the total destruction of patrol vehicle CX720; and

WHEREAS, the County Sheriff's Office will need to make an unexpected equipment purchase to replace the destroyed vehicle; now therefore be it

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

INCREASE REVENUE ACCOUNT:

A.3110.R268.0000	Sale of Property/Compensa-Insurance Recovery - Sheriff	\$19,479
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ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.3110.----.3	Depreciable Equipment – Sheriff	\$19,479
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Signed: Wendel, Keefe, Niebel, Whitford, Tarbrake, Borrello, Nazzaro, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 69-15

Authorize Execution of Grant Agreement and Increase Appropriation Accounts for New York State
Division of Criminal Justice Services – Narcotic Control Grant

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

REGULAR SESSION

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York Division of Criminal Justice Services has approved the application submitted for Narcotic Control; and

WHEREAS, the State of New York will provide funding in the amount of \$75,000.00 with no local funds for a contract period from January 1, 2015 to December 31, 2015; and

WHEREAS, the 2015 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 Division of Criminal Justice Services, and be it further

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.4230.3113.1	Personal Services – Southern Tier Regional Drug Task Force	\$32,300
A.4230.3113.4	Contractual - Southern Tier Regional Drug Task Force	42,700

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4230.3113.R332.4000	State Aid - Drug Control Program	75,000
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Signed: Wendel, Keefe, Niebel, Whitford, Tarbrake, Borrello, Nazzaro, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 70-15

State Homeland Security Program FY 2013 & 2014 Appropriations to 2015 Budget

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

WHEREAS, the Office of Emergency Services was awarded funds from the FY 2013 State Homeland Security Program (SHSP) in the amount of \$150,000 which runs from 9/1/13 through 8/31/15 and from the 2014 State Homeland Security Program (SHSP) in the amount of \$150,000 which runs from 9/1/14 through 8/31/16; and

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

WHEREAS, as of December 2014, Emergency Services had spent over \$67,000 of the SHSP FY 2013 funds and none of the SHSP FY 2014 funds; and

WHEREAS, the unspent funds from 2013 and the portion of the 2014 funds that will be spent in 2015 need to be appropriated to the proper 2015 expenditure accounts as stated in the work plans; now therefore be it

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

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.2	Equipment – Emergency Services	\$ 21,510
A.3010.----.4	Contractual – Emergency Services	\$128,467

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid – Homeland Security	\$149,977
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Signed: Wendel, Keefe, Niebel, Whitford, Tarbrake, Borrello, Nazzaro, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 71-15

Transfer Revenue from NYS FEMA 4180 DR NY to Capital Budget

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

WHEREAS, New York State reimbursed the County for the 25% local share costs for FEMA disaster declaration # 4180 DR NY in the amount of \$2,910.59; and

WHEREAS, the Office of Emergency Services desires to utilize the funds for Capital Improvements to the Murphy Fire Training Center located in Dunkirk and the Taylor Fire Training Center in Jamestown to facilitate needed Capital Improvements to enhance education and training for the paid and volunteer firefighters of Chautauqua County; therefore be it

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3410.510.4	Contractual – Training Center Enhance	\$ 2,911
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3410.510.R430.5006	Federal Aid - FEMA – Disaster Reimbursement	\$ 2,911
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Signed: Wendel, Keefe, Niebel, Whitford, Tarbrake, Borrello, Nazzaro, Heenan, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 72-15

Authorize Use of Funds from Gifts and Donations Veterans Van Trust Account for Purchase of Veterans' Van

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

WHEREAS, pursuant to Resolution No. 257-86, the County Legislature established a special designated trust account, Gifts and Donations Veterans Van (TA.92) for the receipt of donations to support the Veterans' Van for use in defraying the cost of major repairs or maintenance expenses or the acquisition or replacement of the van; and

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WHEREAS, it is necessary to purchase a new van to transport County veterans to the VA Hospitals in Buffalo, New York and Erie, Pennsylvania; and

WHEREAS, the County can obtain a new van through Shepard Brothers, Inc., in the amount of \$64,776.19; and

WHEREAS, the 2015 budget did not appropriate funds for the purchase of a van; and

WHEREAS, the funds for purchasing the van are available in said trust account; now therefore be it

RESOLVED, That the Legislature approves the use of funds in the amount of \$64,776.19 from the Gifts and Donations Veterans' Van trust account for the purchase of a new Veterans' Van; and it is further

RESOLVED, That TA.92 funds are appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

TA.----.----.92	Liabilities, Liabilities – Gifts/Donations: Vets Van	\$64,777
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;and it is further

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.6510.----.3	Depreciable Equipment – Veterans Service Agency	\$64,777
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INCREASE REVENUE ACCOUNT:

A.6510.R270.5000	Miscellaneous – Gifts and Donations	\$64,777
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Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong, Borrello, Nazzaro, Chagnon, Heenan

Unanimously Adopted – March 25, 2015

RES. NO. 73-15

Abolish Office for the Aging's Petty Cash Fund for Supportive Services and Authorize Increase in Office for the Aging's Petty Cash Fund for the Nutrition Program for the Elderly

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

WHEREAS, Chautauqua County Resolution No. 156-74 established a revolving petty cash fund of \$100.00 to be used by the Office for the Aging to pay for Supportive Services; and

WHEREAS, Chautauqua County Resolution No. 451-80 increased the petty cash fund to \$150.00 due to an increase of small bills of \$10 or less that needed processing; and

WHEREAS, Chautauqua County Resolution No. 340-74 established a petty cash fund in the amount of \$100.00 for the Nutrition Program for the Elderly through the Office for the Aging; and

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WHEREAS, the petty cash fund in the amount of \$150.00 established by Chautauqua County Resolution No. 156-74 and modified by Chautauqua County Resolution No. 451-80 is no longer necessary for what it was originally established for; and

WHEREAS, the Office for the Aging's Nutrition Program has developed a need for an increase in their petty cash fund; therefore be it

RESOLVED, That the petty cash fund for Supportive Services established by Resolution No. 156-74 and modified by Resolution No. 451-80, in the amount of \$150.00, is hereby abolished; and be it further

RESOLVED, That the petty cash fund for the Nutrition Program for the Elderly is hereby increased by \$150.00 to a total amount of \$250.00; and be it further

RESOLVED, That the Director of Finance is hereby directed to make any and all necessary accounting adjustments to establish these changes.

Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong, Borrello, Nazzaro, Chagnon, Heenan

Unanimously Adopted – March 25, 2015

RES. NO. 74-15

Authorize Allocation of 2% Occupancy Tax Funding from the 2015 Reserve Account to Chautauqua Watershed Conservancy for Education and Outreach Efforts

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

WHEREAS, the County's Lakes & Tributaries are invaluable assets whose health and usability have been threatened by numerous factors, including excess sedimentation and phosphorus inputs from on-land runoff that exacerbate weed and algae growth; and

WHEREAS, Chautauqua County created a 2% Occupancy Tax program that was established for the enhancement and protection of lakes and streams in Chautauqua County; and

WHEREAS, various agencies currently receive allocations ranging from \$1,500.00 to \$135,000.00 from the 2% Occupancy Tax fund in order to undertake activities that result in improved water quality and usability of our lakes and tributary streams; and

WHEREAS, the Chautauqua Watershed Conservancy (CWC), a private, not-for-profit 501(c)(3) charitable organization, is dedicated to preserving and enhancing the water quality, scenic beauty and ecological health of the lakes, streams and watersheds of the Chautauqua region, and works with residents, landowners, landscapers, developers, contractors, public officials, governmental entities and other organizations to promote best land management practices aimed at preserving and restoring the waterways and watersheds of the Chautauqua region; and

WHEREAS, CWC receives \$1,767.00 from the County Department of Planning and Economic Development's budget, which is part of the County's general fund; and

WHEREAS, CWC has continued to increase its offerings and plays a key role in reversing the negative effects of land-intensive activities on Chautauqua Lake and other water bodies

REGULAR SESSION

throughout the County, and has partnered with the County for various education and outreach activities, as well as other grant-funded initiatives; and

WHEREAS, it would be beneficial for the County to further enhance CWC's various education and outreach activities in 2015; and

WHEREAS, the current balance of the reserve for 2% Lakes and Waterways Reserve is \$563,646.00, and this project meets the criteria for use of these funds; therefore be it

RESOLVED, That Chautauqua County, through the Reserve for 2% Occupancy Tax Lakes and Waterways fund, allocates an additional \$3,233.00 to support the Chautauqua Watershed Conservancy's educational and outreach activities in the 2015 budget; and therefore be it

RESOLVED, That commencing with the 2016 budget, the County Executive is requested to include in the tentative budget the entire \$5,000.00 allocation for the Chautauqua Watershed Conservancy from the 2% Occupancy Tax Account, thereby eliminating the appropriation from the General Fund.

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal., Res Fund Bal – Misc. Res: Lakes & Waterway \$3,233

;and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual – Watershed Administration \$3,233

Signed: Borrello, Heenan, Niebel, Chagnon, Nazzaro

Adopted w/ Gould voting "no" – March 25, 2015

RES. NO. 75-15

Authorize Allocation of 3% Occupancy Tax Funding from the 2015 Reserve Account for Attraction of Tourism-Related Businesses

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

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities, and has a vibrant tourism economy; and

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

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and the Chautauqua County Department of Planning and Economic Development (CCPED) are working to

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create secondary tourism attractions and attract tourism-related businesses to take advantage of the County's wealth of natural assets; and

WHEREAS, Chautauqua County has established a 3% occupancy tax program for the purposes of promoting, developing, and protecting the area's tourism industry; and

WHEREAS, the CCIDA recently created a marketing department whose primary mission is to help grow existing tourism-related businesses and attract new tourism-related businesses to the County; and

WHEREAS, the CCIDA is instituting a "Key Metric Approach" to running its organization, whereby key data indicators will be gathered and analyzed to direct its marketing decision-making about what key businesses should be targeted to maximize its return on investment; and

WHEREAS, as of January of 2015, the balance of the 3% Occupancy Tax Reserve Account was \$252,955; and

WHEREAS, the CCIDA is requesting a portion of the 3% Occupancy Tax Reserve funding to offset the costs associated with staffing its marketing department; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into a contract with CCIDA in the amount of \$50,000 of 3% Occupancy funding from the 2015 Reserve Account to promote the advantages of the County for tourism-related businesses; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----883.0000	Fund Balance, Res Fund Bal – Res for Occupancy Tax	\$50,000
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;and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4	Contractual – Promotion of Industry, Tourism	\$50,000
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Signed: Borrello, Heenan, Niebel, Chagnon, Nazzaro

Unanimously Adopted – March 25, 2015

RES. NO. 76-15

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

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

WHEREAS, the County Department of Planning and Economic Development, in cooperation with the Chautauqua County Industrial Development Agency, has encouraged and supported the development of an industrial incubator project in the Riverside Industrial Center in Jamestown, New York; and

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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, 2015 and terminating December 31, 2015 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 \$326.75 per month.
- 3.) Utilities: Landlord to pay utilities.
- 4.) Term: One year commencing on January 1, 2015 and terminating on December 31, 2015 subject to termination by prior notice.
- 5.) Other: As negotiated by the County Executive.

Signed: Borrello, Heenan, Niebel, Chagnon, Nazzaro

Unanimously Adopted – March 25, 2015

RES. NO. 77-15

Authorization to Approve SEQR Documentation for New York State Department of Environmental Conservation Water Quality Improvement Project Grants for Goose Creek and Dewittville Creek Streambank Stabilization Projects

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

WHEREAS, pursuant to Resolutions 233-13 and 234-13, the Chautauqua County Department of Planning and Economic Development ("CCPED") submitted grant applications to the New York State Department of Environmental Conservation's Water Quality Improvement Program (WQIP) – Round 11 for environmental restoration projects intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of streambanks along Goose Creek and Dewittville Creek; and

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WHEREAS, pursuant to Resolutions 46-15 and 47-15, the Chautauqua County Legislature approved the acceptance of New York State Department of Environmental Conservation Water Quality Improvement Project Grants for the Goose Creek and Dewittville Creek Streambank Stabilization Projects; and

WHEREAS, the CCPED and the various involved agencies have reviewed the projects consistent with SEQRA and applicable state regulations; and

WHEREAS, the County has required the Short Environmental Assessment Forms (SEAF) to be prepared for all projects recommended to be classified as Unlisted Actions; and

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

WHEREAS, the CCPED recommends that the projects be classified as Unlisted under 6 N.Y.C.R.R. 617.2 of the Environmental Conservation Law and do not require additional environmental review; now therefore be it

RESOLVED, That the County hereby finds and determines that the Goose Creek and Dewittville Creek Streambank Stabilization Projects will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration.

Signed: Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted – March 25, 2015

RES. NO. 78-15

Authorize Transfer of Tax Foreclosure Property to Chautauqua County Land Bank Corporation

By Administrative Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, New York State's land bank legislation was enacted to address the negative impacts of distressed or at-risk structures and abandoned vacant property in New York's communities; and

WHEREAS, pursuant to Resolution 157-14, the County transferred various tax foreclosure properties to the Chautauqua County Land Bank Corporation (CCLBC) for redevelopment; and

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

WHEREAS, a deteriorating structure on 71 Fairview Avenue in the City of Dunkirk was previously designated for demolition under the OAG grant and retained by the County for such purpose, but CCLBC has received a proposal for restoration of the property for a future owner-occupied residence; therefore be it

REGULAR SESSION

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

City/Town	Village	Parcel ID Number	Property Location
City of Dunkirk		96.15-1-17	71 Fairview Avenue

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford (Amended: A.S. – See underlined)

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - March 25, 2015

RES. NO. 79-15
Quit Claim Deed

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

SCHEDULE 1

Offer Number	Munic,	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-140-2014	C/Jmst.	060800-387.12-5-2	Donald L Anderson & Shirley Anderson	Michael Young	\$ 1.00	\$ 2,205.28
TOTALS:					\$1.00	\$2,205.28

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

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Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - March 25, 2015

RES. NO. 80-15

Requesting Amendment of State Legislation Regarding Imposition of Occupancy Tax

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

WHEREAS, pursuant to Chapter 128 of the Laws of 2013 adopted by the New York State Legislature, the County was authorized to continue to impose a 5% occupancy tax for the period of December 1, 2013 through November 30, 2015, 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 tributary 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 tributary streams of Chautauqua County; 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 Chapter 128 of the Laws of 2013, to take effect December 1, 2015 and continuing through November 30, 2017; 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 and Assemblyman Andrew Goodell.

Signed: Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted - March 25, 2015

RES. NO. 81-15

Requesting Amendment of State Legislation Regarding Imposition of Sales Tax

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

WHEREAS, the State legislation authorizing the County's additional sales tax has reduced the allowable rate from 1.25% to .5% since 2006, producing an overall sales tax rate reduction from 8.25% to 7.5%; and

WHEREAS, along with the reduction in the sales tax rate, the County has previously exempted the sales tax on residential energy and clothing items priced under \$110, and was additionally required by the State to "hold harmless" the cities, towns, and villages from the impact of the sales tax exemption on residential energy; and

WHEREAS, the County is 1 of 2 counties among the 17 counties in Western New York with a sales tax rate lower than 8%, and is the only county that exempts residential energy from sales tax and then holds other local governments harmless from that exemption; and

REGULAR SESSION

WHEREAS, the reduction in the additional sales tax rate to .5% (currently \$7.78 million less in revenue than a 1% rate), and the cost of the "hold harmless" requirement for the residential energy exemption (currently \$4 million per year), coupled with the increases in mandated expense such as Medicaid (13% increase in the past 10 years) and public safety (32% increase in the past 10 years due mostly to the mandated expense of the County jail), has caused the County to consistently dip into its fund balance to keep the property tax levy in check; and

WHEREAS, over the past 5 years, Chautauqua County has reduced the size of County government by 270 employees, implemented significant cost reduction measures in employee health insurance and social services, and privatized the Chautauqua County Nursing home – all of which led the County's independent deficit reduction commission to conclude that further program cuts in non-mandated services would be "extreme measures" affecting the County's quality of life; and

WHEREAS, the County's fund balance will have dropped from \$29 million at the end of 2007 to a projected fund balance of \$5.7 million at the end of 2016, which is less than half the level of fund balance recommended by the State Comptroller, unless the County's continuing structural deficit is immediately addressed; and

WHEREAS, with mandated and required services consuming 85% of the County's property tax levy, the County's cumulative reduction in sales tax revenue of \$41 million since 2007 can no longer be maintained going forward without substantial unacceptable property tax increases given that the County's real property tax rate is already 72 cents per thousand higher than the average rate of \$8.43 in Western New York, putting the County at a competitive economic disadvantage; and

WHEREAS, an increase in the allowable additional sales tax from .5% to 1.0%, which would be in parity with all but 5 other counties in New York State, while still maintaining the current clothing exemption, the residential energy exemption, and the "hold harmless" for local governments, would enable the County to eliminate the current structural deficit and provide the opportunity to reduce the property tax levy to boost our competitiveness with neighboring counties; 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 an additional sales tax of one percent (1.00%) for the period December 1, 2015 through November 30, 2017, subject to the same requirements set forth in Chapter 223 of the Laws of 2013 for the period December 1, 2013 to November 30, 2015, 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 and Assemblyman Andrew Goodell.

Signed: Scudder, Whitford, Himelein, Wendel, Vanstrom, Borrello, Nazzaro, Heenan, Chagnon

Adopted w/ Legislators Hemmer, Keefe, Niebel, Runkle voting "no" – March 25, 2015

2nd Privilege of the Floor

My name is Michael Rough(?), 4464 County Road, Lakewood, New York. I want to thank the members of the Legislature for passing the Veterans' van resolution. A lot of Veterans are grateful for that.

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On a personal note, I want to say that working in the Veteran's office I see people in all walks of life and one of the biggest barriers to buying a house is the property tax but one of the biggest barriers to improving our community is the fact that it is harder to buy a home. Homeowners have an investment not only in their home but by extension investment in their community. So, if we want to improve our County, which is right now diseased with heroin problems and drug problems, methamphetamines and also diseased by Welfare abuse and fraud and public assistance. We have to make our County more palatable and more attractive to new businesses to provide more employment opportunities and then to provide more opportunities for them to buy homes. Because if we continue – I grew up in rented housing in Jamestown with a landlord that could have cared less. Very poor. My brother and I are the first people in our family to own homes. Right now my mortgage payment is around \$1,300 and my property taxes are around \$500. If I were to spend as much as I spent in Lakewood to buy my house in Jamestown, my property taxes would be in excess of \$6 to \$7,000. I grew up in Jamestown, I love Jamestown, I worked there, I coached football in Jamestown, I love this area and I don't want to leave. But, there is a lot of work that needs to be done to make this County what it should be and what it could be.

Chairman Gould: Anybody else to speak to the 2nd privilege of the floor? If not, I will ask for a motion to adjourn.

MOVED by Legislator Himelein, SECONDED by Legislator Heenan and duly carried, the meeting was adjourned. (7:19 p.m.)

REGULAR SESSION

Regular Meeting
Chautauqua County Legislature
Wednesday, April 22, 2015, 6:30 p.m.
Legislative Chambers, Mayville, N.Y.

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

Clerk Tampio called the roll and announce a quorum present. (Nazzaro absent)

Legislator Hemmer delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Borrello the minutes were approved. (3/25/15)

1st Privilege of the Floor

Mr. Greg Lindquist, 21 LaSalle Avenue, speaking on behalf of Jamestown Renaissance Corporation, 119 W. 3rd, Jamestown, New York. I am here tonight to speak in favor of resolution number 92-15, which would authorize lease of approximately 3,085 square feet of office space at 512 W. 3rd to the Department of Motor Vehicles. First, I would like to thank the Administrative Services Committee and Chautauqua County Clerk, Larry Barmore, for the curtesy of allowing alternate sites to be viewed that would retain DMV in downtown Jamestown.

When it was first brought to our attention that the DMV was considering alternatives to the present location in the South County Office building, and that this item would be a point of conversation at the County Administrative Services Committee, first and foremost, Vince DeJoy, Director of Development and myself, were extremely interested in retaining the Department of Motor Vehicles not only as a service in the urban core of Jamestown but also as an employer in the urban core. Since the adoption of Jamestown Urban Design Plan in 2006, the JRC and the City of Jamestown have been steadfast partners working towards revitalization the urban core of our fair city. We view the DMV as an important player and as important as any other business located in the downtown core. Therefore, we thought that it was important for us to take this important step and to try to show the DMV and Larry Barmore alternate sites. The philosophy of the Urban Core Development has also inspired and supported by the Chautauqua 20/20 Plan which was adopted by this body back in 2011. As a County strategy that Chautauqua 20/20 Plan promotes reuse of underutilized properties in the County's urban cores including the City of Jamestown. The retention of a long time downtown employer and service provider such as the DMV in the urban center of the city supports both the City of Jamestown Urban Design Plan and the County's 20/20 Comprehensive Plan. So, we strongly encourage the unanimous support of this resolution. There were alternate sites that were looked at, however the site at 512 W. 3rd offers a number of advantages that the others sites do not offer including a price advantage and also very high visibility beyond one of the most traveled corridors in the Jamestown area and offers the convenience of constituencies both to the north, south, east, and west of the city. So, with that, I am going to turn the floor over to Mr. DeJoy.

Vince DeJoy, Director of Development with the City of Jamestown. I live at 310 Arlington Avenue in the City of Jamestown. Mr. Chairman and esteemed members of the Legislature and the County Executive Horrigan, I want to thank you for the opportunity to come here tonight to address you in support of this resolution to lease DMV office on West 3rd Street in Jamestown. It was a cold winter Monday on President's Day when I approached County Executive Horrigan as we were waiting for Senator Charles Schumer to come to Jamestown to address another issue and spoke with the County Executive and told him that I had been made aware that DMV was looking at some potential sites around the south county area, typically in Jamestown, on Fluvanna Avenue. I mentioned to the County Executive that we would like the opportunity, we meaning my office as the Director of

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Development and the Jamestown Renaissance Corporation which is Greg's steadfast partner in development of Jamestown, to find alternate sites that would do the type of thing that Greg was talking about. Some of the goals and what I was thinking about various properties that would fit the DMV is first and foremost I want to find a site that would help drive residents and customers to the DMV to retain as much of DMV fees in the County. Wanted to find a site that was easily accessible to the largest density of the population base in southern Chautauqua County which is Jamestown, Town of Busti, Town of Ellicott, on either side and that was one of the main consideration. Another consideration was wanted to find a site that had ample and adequate free parking for both customers and for staff of the Department of Motor Vehicles. Lastly I wanted to try and find a space that would be competitive and meet the cost because as a County taxpayer I am looking for ways for the County to save money. I believe with Greg and I collaborating, we had a couple of sites in mind and we came to this one on West 3rd Street. It is my opinion and as well as Greg's, as we work in this development space day in and day out and we understand what the going rate is for lease space, for class A office space, which this will be. At \$12.00 a square foot, that price is more than fair considering all of the amenities that come with it. Including utilities, including snow removal, landscaping, build out site, we're talking about \$25,000 per year in just the cost that will be including within this \$12.00 per square foot. Which is an effective lease rate but between four and five dollars a square foot which is extremely competitive for this level of office space.

What Greg said in terms of the Urban Design Plan, this new space is going to be right in the heart of where the National Comedy Center is and where there will be a number of new businesses that are starting and that are presently there, and we feel that it will help to enhance what is being built there now and what is already existing. It will offer the convenience that will drive business to the DMV instead of people mailing in their license renewals and expiration renewals and so forth. So, appreciate the fact that Administrative Services allowed us to come and make our presentation. It has been extremely wonderful to work with the County and especially County Clerk Barmore, who is very open and listened to our suggestions and came in and looked at the spaces with a very open mind and we appreciate that. We appreciate the County Executive, we appreciate the Administrative Services Committee in allowing us to do so, in making our presentation.

Like my colleague Greg, I urge the Legislative body tonight to unanimously support this resolution. Thank you very much.

Chairman Gould: Is there anyone else to speak at the first privilege of the floor? Seeing no one else, I will close the privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 3/25/15

COMMENDATION:

LAURA WILSON
BY
LEGISLATOR JOHN HEMMER

PRESENTATION:

JAIL ACCREDITATION AWARDS
BY
NYS SHERIFF'S ASSOCIATION
PETER R. KEHOE, EXECUTIVE DIRECTOR
TO
CAPT. JAMES CROWELL, WARDEN
&
LT. DOUG MULSON, PROGRAM MANAGER

COMMUNICATIONS:

1. Letters (3) Co. Exec. Appts. to Various Boards
2. Report – Fn. Director Marsh – March 2015 Investment Report
3. Letter – Co. Atty. Abdella – Disclosure of Interest & Recusal – A. Abdella
4. Annual Compliance Report – Chaut. Co. IDA
5. Public Notice – NYSDEC – Brownfield Cleanup Prgm. – Harrison Street Site
6. Letter – NYSAC – Ack. Receipt of Motion 3-15
7. Letter – NYSAC – Re: 2015 NYSAC Annual County Directory
8. Letter – NYSAC – Re: Various Programs to Help Counties Save Money

TABLED RES. NO. 59-15 – Authorize Public Hearing Regarding Improvements for Phosphorous Removal to Treatment Plant of the North Chautauqua Lake Sewer District (See page 58 for text)

MOVED by Legislator Himelein, **SECONDED** by Legislator Tarbrake to bring tabled resolution to the floor.

Unanimously Carried

Legislator Himelein: I would like to make a motion to amend Res. 59-15 for the reason that we do have updated cost associated with this project for the public hearing.

Legislator Runkle: Second.

Unanimously Carried

Amendment:

1. Amend the second WHEREAS clause as follows:

WHEREAS, the Chautauqua County Legislature has received from the District Board a Map and Plan entitled North Chautauqua Lake Sewer District Final Phosphorous Effluent Limit Compliance Evaluation dated December, 2014 (hereinafter referred to as Report) prepared by URS Corporation-New York, an engineer duly licensed by the State of New York with the request by the District Board that this Legislature call a public hearing thereon pursuant to County Law Section 268 and addendum thereto dated April 2015 made by AECOM USA, Inc.; now therefore be it

2. Amend the next to last sentence of the Notice of Public Hearing to state as follows:

NOTICE OF PUBLIC HEARING

Notice is Hereby Given that the County Legislature of the County of Chautauqua, New York, will meet in the Legislative Chambers, Gerace Office Building, Mayville, New York on May 27, 2015 at 6:45 o'clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the improvement of the Treatment Plant of the North Chautauqua Lake Sewer District in said county consisting of the installation of a pumping station, chemical storage building, existing structure upgrades and facilities to enhance the removal of phosphorous from the effluent of the District by multi-point chemical addition and filtration using continuous backwash sand filters for an estimated maximum cost of \$2,800,000. The estimated annual cost to the typical single family home within the District will be increased by \$75 \$94 per year to \$453 \$472 per year. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.

TABLED RES. NO. 59-15 – Unanimously Adopted as amended – April 22, 2015

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RES. NO. 82-15
Confirm Re-Appointment – Parks Commission

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

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

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

Re-Appointment
Ainsley Smith
PO Box 466
Sinclairville, N.Y. 14782
Term Expires: 12/31/17

Signed: Hemmer, Scudder, Himelein, Wilfong, Nazzaro

Unanimously Adopted – April 22, 2015

RES. NO. 83-15
Confirm Re-Appointment – South & Center Chautauqua Lake Sewer Districts Board

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

WHEREAS, the term of office for one member of the South & Center Chautauqua Lake Sewer Districts' Board expired on December 31, 2014; and

WHEREAS, the Board of Directors of the Districts has recommended the reappointment of the following member; therefore be it

RESOLVED, That the following person be reappointed as a member of the South & Center Chautauqua Lake Sewer Districts Board effective January 1, 2015.

Mr. Lance Spicer
32 W. James Street
Falconer, NY 14733
Term to expire 12/31/2020

Signed: Hemmer, Scudder, Himelein, Wilfong, Nazzaro

Unanimously Adopted – April 22, 2015

RES. NO. 84-15
Confirm Appointment – Chautauqua County Traffic Safety Board

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

REGULAR SESSION

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

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

Captain Eric Balon
3081 N. Main St.
Jamestown, N.Y. 14701
Term Expires: 7/31/16

Filling term of Greg Worrell

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – April 22, 2015

RES. NO. 85-15

Confirm Appointments - Chautauqua County Aging Advisory Council

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

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

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

Mary Ann Johnston
3784 Victoria Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/16

Marie Carrubba, Esq.
843 North Main St.
Jamestown, N.Y. 14701
Term Expires: 12/31/16

Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong

Unanimously Adopted – April 22, 2015

RES. NO. 86-15

Confirm Re-Appointment - Chautauqua County Industrial Development Agency

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

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 12/31/2015.

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Dennis Rak
10277 Christy Road
Fredonia, NY 14063

Signed: Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted – April 22, 2015

RES. NO. 87-15

Confirm Appointment – Chautauqua County Industrial Development Agency

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Industrial Development Agency.

Kelly Farrell DuBois
84 Hopkins Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/15

Filling term of Doreen Sixbey

Signed: Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted – April 22, 2015

RES. NO. 88-15

Establishing a "Complete Streets" Policy

By Public Facilities Committee:
At the Request of County Executive Vincent W. Horrigan and Legislators Hemmer, Wilfong, Nazzaro, Scudder, Himelein:

WHEREAS, bicycling and walking are important forms of transportation and recreation in Chautauqua County, and walking and bicycling contribute to health, fitness, and economic development; and

WHEREAS, a Complete Street policy considers the needs of all users of our roadways of all ages and abilities including: pedestrians, bicyclists, public transportation and school bus riders, motorists, movers of commercial goods, persons with disabilities, seniors, and emergency services; and

WHEREAS, streets that support and invite multiple uses, including safe, active, and ample space for pedestrians, bicycles, and public transportation are more conducive to the public life and efficient movement of people than streets designed primarily to move automobiles and trucks; and

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WHEREAS, promoting pedestrian, bicycle and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

WHEREAS, the design and construction of new roads and facilities should anticipate future demand for biking, walking, and other alternative transportation facilities and not preclude the provision of future improvements; and

WHEREAS, Complete Streets are supported by the Institute of Traffic Engineers, the American Planning Association, and many other transportation, planning and public health professionals, and

WHEREAS, Governor Andrew M. Cuomo signed the Complete Streets Act on August 15, 2011, requiring state, county and local agencies to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding; and

WHEREAS, the Chautauqua 20/20 Comprehensive Plan adopted by the County Legislature in 2011 provides that the County will follow the NYS DOT "Complete Streets" design practices for all road projects in the County; therefore be it

RESOLVED, That this resolution shall formally adopt a Complete Streets Program and require the Chautauqua County Department of Public Facilities to consider all modes of travel within its design projects; and be it further

RESOLVED, That the Department of Public Facilities shall, in the planning stage of each project, evaluate the feasibility of implementing the Complete Streets design features which may include: sidewalks, paved shoulders suitable for use by bicyclists, lane striping, bicycle lanes, share the road signs, crosswalks, road diets, pedestrian control signalization, bus pull outs, pedestrian curb ramps, and traffic calming measures; and recognize that the needs of users of the road network vary according to a rural, urban and suburban context; and be it further

- RESOLVED, That Complete Streets shall not apply in the following circumstances:
- (1) projects limited to resurfacing, maintenance, or pavement recycling;
 - (2) locations where use by bicyclists and pedestrians is prohibited by law;
 - (3) the cost would be disproportionate to the need; or
 - (4) demonstrated lack of need as determined by factors such as, but not limited to: land use context, current and projected traffic volumes, and population density;
 - (5) demonstrated lack of community support; or
 - (6) the use of these design features would have an adverse impact on, or be contrary to, public safety; and be it further

RESOLVED, That the Department of Public Facilities shall not be required to expend monies that exceed the amount of County, State and Federal funding allocated for a particular project as identified in the County's capital program.

Signed: Hemmer, Scudder, Himelein, Wilfong, Nazzaro

MOVED by Legislator Hemmer, SECONDED by Legislator Runkle to TABLE and REFER back to committee. – Unanimously Carried – April 22, 2015

RES. NO. 89-15

Denial of Applications for Refund and Credit of Real Property Taxes for the years 2010-12 Submitted by Level 3 Communication, LLC

JOURNAL OF PROCEEDINGS

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

WHEREAS, Level 3 Communications LLC (Level 3) filed applications for refunds and credits of real property taxes for years 2010, 2011 and 2012 pursuant to Real Property Tax Law section 556 for each of the parcels set forth below, and

WHEREAS, the County Director of Real Property Tax has investigated the circumstances of the applications and transmitted a written report of the investigation, and

WHEREAS the Director of Real Property Tax denied said applications for refunds and credits on form RP-556 dated August 18, 2014, and

WHEREAS, it is appropriate that the aforesaid applications be denied for the following reasons:

- (1) Applicant's property constitutes real property under Real Property Tax Law (RPTL) Section 102(12)(f) and (i);
- (2) The application fails to establish a clerical error, an unlawful entry or an error in essential fact as defined in Article 5 and Section 550 of the RPTL;
- (3) Applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the RPTL. Applicant failed to follow those procedures and the time period in which to do so Under Article 7 has expired;
- (4) No administrative grievance or complaint was filed pursuant to Section 524 of the RPTL;
- (5) The applications contain conclusory allegations with respect to fiber optic cables and fails to contain detailed and sufficient evidence and proof with respect to the identity, location, composition and usage of its property and lines;
- (6) The RCN case which Applicant relies upon is factually and legally distinguishable from the circumstances involving the Level 3 property located in Chautauqua County and, in any event, is in a different department and not binding on the courts in the Appellate Division, Fourth Department;
- (7) Level 3 has no right to a refund or credit because it paid the taxes without an appropriate written protest;
- (8) The applications should be denied on public policy grounds because the Applicant voluntarily deferred its challenge to the public assessments and exposed the municipalities and school districts to retroactive disruption of their budgets; and
- (9) The applications are untimely and barred by the applicable statute of limitations; therefore be it

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RESOLVED, That the applications for refund and credit submitted by Level 3 Communications LLC for the following parcels are hereby denied for the reasons set forth in numbered paragraphs 1-9 above:

TOWN	SBL	School
Dunkirk	063400-99-9-99..SF8	Dunkirk 063400-99-9-99..SF8
Dunkirk	063400-95-9-95..PS3	Dunkirk 063400-95-9-95..PS3
Pomfret	065889-95-9-95..PS5	Dunkirk 063400-99-9-99..SF8
Portland	066001-87-7-88..PS1	Dunkirk 063400-95-9-95..PS3
Portland	066089-87-7-88..PS2	Pomfret 065889-95-9-95..PS5
Portland	066089-87-7-88..PS1	Fredonia 065889-95-9-95..PS5
Ripley	066200-662-9999-760.700.1881	Portland 066001-87-7-88..PS1
Ripley	066200-662-9999-760.700.1883	Portland 066089-87-7-88..PS2
Ripley	066200-662-9999-710.000.1883	Portland 066089-87-7-88..PS1
Westfield	0678201-672-9999-760.700.1883	Portland 066001-87-7-88..PS1
Westfield	067201-672-9999-710.000.1883	Westfield 066089-87-7-88..PS1
Westfield	067289-672-9999-710.000.1883	Brocton 066001-87-7-88..PS1
Westfield	067289-672-9999-760.700.1883	Brocton 066089-87-7-88..PS2
Dunkirk	060300-55.00-5-55..PS4	Ripley 066200-662-9999-760.700.1881
		Ripley 066200-662-9999-760.700.1883
Village Tax		Ripley 066200-662-9999-710.000.1883
Village	SBL	Ripley 066200-662-9999-760.700.1881
Westfield	0678201-672-9999-760.700.1883	Westfield 066200-662-9999-760.700.1883
Westfield	067201-672-9999-710.000.1883	Westfield 066200-662-9999-710.000.1883
Portland	066001-87-7-88..PS1	Westfield 0678201-672-9999-760.700.1883
		Westfield 067201-672-9999-710.000.1883
School		Westfield 067289-672-9999-710.000.1883
School	SBL	Westfield 067289-672-9999-760.700.1883
Dunkirk	063400-99-9-99..SF8	Westfield 0678201-672-9999-760.700.1883
Dunkirk	063400-95-9-95..PS3	Westfield 067201-672-9999-710.000.1883
Dunkirk	060300-55.00-5-55..PS4	Westfield 0678201-672-9999-760.700.1883
Ripley	066200-662-9999-760.700.1881	Westfield 067201-672-9999-710.000.1883
Westfield	0678201-672-9999-760.700.1883	Westfield 067289-672-9999-710.000.1883
Westfield	067201-672-9999-710.000.1883	Westfield 067289-672-9999-760.700.1883
Westfield	067289-672-9999-710.000.1883	Dunkirk 060300-55.00-5-55..PS4
Westfield	067289-672-9999-760.700.1883	Dunkirk 060300-55.00-5-55..PS4
Westfield	066200-662-9999-760.700.1883	
Westfield	066200-662-9999-710.000.1883	
Westfield	066089-87-7-88..PS1	
Brocton	066001-87-7-88..PS1	
Brocton	066089-87-7-88..PS2	
Fredonia	065889-95-9-95..PS5	

Signed: Scudder, Vanstrom, Himelein, Wendel, Whitford

JOURNAL OF PROCEEDINGS

Unanimously Adopted – April 22, 2015

RES. NO. 90-15
Denial of Applications for Corrected Tax Roll for the Year 2014 Submitted by Level 3
Communications, LLC

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

WHEREAS, Level 3 Communications LLC (Level 3) filed applications to correct tax rolls for the year 2014 pursuant to Real Property Tax Law section 554 for each of the parcels set forth below, and

WHEREAS, the County Director of Real Property Tax has investigated the circumstances of the applications and transmitted a written report of the investigation, and

WHEREAS the Director of Real Property Tax denied said applications for corrected tax rolls on form RP-554 by letter dated February 23, 2015, and

WHEREAS, the Director of Real Property Tax recommended that the aforesaid applications be denied for the following reasons:

- (1) Applicant's property constitutes real property under Real Property Tax Law (RPTL) Section 102(12)(f) and (i);
- (2) The application fails to establish a clerical error, an unlawful entry or an error in essential fact as defined in Article 5 and Section 550 of the RPTL;
- (3) Applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the RPTL. Applicant failed to follow those procedures and the time period in which to do so Under Article 7 has expired;
- (4) No administrative grievance or complaint was filed pursuant to Section 524 of the RPTL;
- (5) The applications contain conclusory allegations with respect to fiber optic cables and fails to contain detailed and sufficient evidence and proof with respect to the identity, location, composition and usage of its property and lines;
- (6) The RCN case which Applicant relies upon is factually and legally distinguishable from the circumstances involving the Level 3 property located in Chautauqua County and, in any event, is in a different department and not binding on the courts in the Appellate Division, Fourth Department;
- (7) Level 3 has no right to a refund or credit because it paid the taxes without an appropriate written protest;

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- (8) The applications should be denied on public policy grounds because the Applicant voluntarily deferred its challenge to the public assessments and exposed the municipalities and school districts to retroactive disruption of their budgets; and
- (9) The applications are untimely and barred by the applicable statute of limitations; therefore be it

RESOLVED, That the applications for corrected tax rolls for the year 2014 submitted by Level 3 Communications LLC for the following parcels are hereby denied for the reasons set forth in numbered paragraphs 1-9 above:

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TOWN	SBL	School
Dunkirk	063400-99-9-99..SF8	Dunkirk 063400-99-9-99..SF8
Dunkirk	063400-95-9-95..PS3	Dunkirk 063400-95-9-95..PS3
Pomfret	065889-95-9-95..PS5	Dunkirk 063400-99-9-99..SF8
Portland	066001-87-7-88..PS1	Dunkirk 063400-95-9-95..PS3
Portland	066089-87-7-88..PS2	Pomfret 065889-95-9-95..PS5
Portland	066089-87-7-88..PS1	Fredonia 065889-95-9-95..PS5
Ripley	066200-662-9999-760.700.1881	Portland 066001-87-7-88..PS1
Ripley	066200-662-9999-760.700.1883	Portland 066089-87-7-88..PS2
Ripley	066200-662-9999-710.000.1883	Portland 066089-87-7-88..PS1
Westfield	0678201-672-9999-760.700.1883	Portland 066001-87-7-88..PS1
Westfield	067201-672-9999-710.000.1883	Westfield 066089-87-7-88..PS1
Westfield	067289-672-9999-710.000.1883	Brocton 066001-87-7-88..PS1
Westfield	067289-672-9999-760.700.1883	Brocton 066089-87-7-88..PS2
Dunkirk	060300-55.00-5-55..PS4	Ripley 066200-662-9999-760.700.1881
Village Tax		Ripley 066200-662-9999-760.700.1883
Village SBL		Ripley 066200-662-9999-710.000.1883
Westfield	0678201-672-9999-760.700.1883	Ripley 066200-662-9999-760.700.1881
Westfield	067201-672-9999-710.000.1883	Westfield 066200-662-9999-760.700.1883
Portland	066001-87-7-88..PS1	Westfield 066200-662-9999-710.000.1883
School		Westfield 0678201-672-9999-760.700.1883
School SBL		Westfield 067201-672-9999-710.000.1883
Dunkirk	063400-99-9-99..SF8	Westfield 067289-672-9999-710.000.1883
Dunkirk	063400-95-9-95..PS3	Westfield 067289-672-9999-760.700.1883
Dunkirk	060300-55.00-5-55..PS4	Westfield 0678201-672-9999-760.700.1883
Ripley	066200-662-9999-760.700.1881	Westfield 067201-672-9999-710.000.1883
Westfield	0678201-672-9999-760.700.1883	Westfield 067289-672-9999-710.000.1883
Westfield	067201-672-9999-710.000.1883	Westfield 067289-672-9999-760.700.1883
Westfield	067289-672-9999-710.000.1883	Dunkirk 060300-55.00-5-55..PS4
Westfield	067289-672-9999-760.700.1883	Dunkirk 060300-55.00-5-55..PS4
Westfield	066200-662-9999-760.700.1883	
Westfield	066200-662-9999-710.000.1883	
Westfield	066089-87-7-88..PS1	
Brocton	066001-87-7-88..PS1	
Brocton	066089-87-7-88..PS2	
Fredonia	065889-95-9-95..PS5	

Signed: Scudder, Vanstrom, Himelein, Wendel, Whitford

Unanimously Adopted – April 22, 2015

REGULAR SESSION

RES. NO. 91-15

Denial of Applications for Corrected Tax Roll for the Year 2014 Submitted by Sprint Communications Co., LP

By Administrative Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Sprint Communications Co, LP filed applications to correct tax rolls for the year 2014 pursuant to Real Property Tax Law section 554 for the parcel set forth below, and

WHEREAS, the County Director of Real Property Tax has investigated the circumstances of the applications and transmitted a written report of the investigation, and

WHEREAS, the Director of Real Property Tax denied said applications for corrected tax rolls on form RP-554 by letter dated March 24, 2015, and

WHEREAS, the Director of Real Property Tax recommended that the aforesaid applications be denied for the following reasons:

- (1) Applicant's property constitutes real property under Real Property Tax Law (RPTL) Section 102(12)(f) and (i);
- (2) The application fails to establish a clerical error, an unlawful entry or an error in essential fact as defined in Article 5 and Section 550 of the RPTL;
- (3) Applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the RPTL. Applicant failed to follow those procedures and the time period in which to do so Under Article 7 has expired;
- (4) No administrative grievance or complaint was filed pursuant to Section 524 of the RPTL;
- (5) The applications contain conclusory allegations with respect to fiber optic cables and fails to contain detailed and sufficient evidence and proof with respect to the identity, location, composition and usage of its property and lines;
- (6) The RCN case which Applicant relies upon is factually and legally distinguishable from the circumstances involving the Level 3 property located in Chautauqua County and, in any event, is in a different department and not binding on the courts in the Appellate Division, Fourth Department;
- (7) Sprint Communications Co, LP has no right to a refund or credit because it paid the taxes without an appropriate written protest;
- (8) The applications should be denied on public policy grounds because the Applicant voluntarily deferred its challenge to the public assessments and exposed the municipalities and school districts to retroactive disruption of their budgets; and
- (9) The applications are untimely and barred by the applicable statute of limitations; therefore be it

RESOLVED, That the applications for corrected tax rolls for the year 2014 submitted by Sprint Communications Co, LP for the following parcel in the City of Dunkirk, Dunkirk City School District, and County of Chautauqua is hereby denied for the reasons set forth in numbered paragraphs 1-9 above:

SBL: 066400-44-4-44..PS3

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Signed: Scudder, Vanstrom, Himelein, Wendel, Whitford

Unanimously Adopted – April 22, 2015

RES. NO. 92-15

Authorize Lease of Office Space at 512 W. Third Street, Jamestown for the Chautauqua County DMV

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

WHEREAS, the County's Department of Motor Vehicles (DMV) has identified an alternative Jamestown location at 512 West Third Street that will provide several advantages over its current location in the South County Office Building (SCOB), including more efficient customer flow, plenty of adjacent free parking for customers and employees, and greater security of DMV computers; and

WHEREAS, the cost of office space for DMV would decrease significantly for the duration of the lease over the current rental paid at the SCOB, and it is expected that there will be an expansion of DMV customer volume and revenue at the new location due to greater customer convenience for parking, shorter DMV wait times, and an increase in driver's license renewals beginning in mid-2016; and

WHEREAS, the County's Department of Health and Human Services (DHHS) is in need of DMV's current space at the South County Office Building in order to implement a more efficient and cost-saving central intake space allowing shorter wait times, better customer service, and improved safety for the public and employees; and

WHEREAS, 68% of the cost of the space taken over by DHHS from DMV would be funded by State and Federal revenues, and the remaining 32% local share of approximately \$13,000 in the 2015 DHHS budget can be absorbed in part by way of elimination of other leased space and foregoing other budgeted equipment purchases; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with Jamestown's Rental Properties LLC for such office space on substantially the following terms and conditions:

1. Premises: Approximately 3085 square feet of office space at 512 W. Third Street, Jamestown, N.Y.
2. Term: June 1, 2015 to May 31, 2025 with options to renew.
3. Rent: \$12.00 per square foot for the first year with a 4% increase every year thereafter.
4. Other: As negotiated by the County Executive.

Signed: Hemmer, Whitford, Himelein, Wilfong, Nazzaro, Vanstrom, Wendel, Runkle, Heenan, Borrello, Chagnon

Adopted w/ Legislator Lemon voting "no" – April 22, 2015

REGULAR SESSION

RES. NO. 93-15

Authorize Agreement with Village of Westfield for Chautauqua Creek Fishway Repair Project to Satisfy Dunkirk Airport Wetland Mitigation Obligation

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

WHEREAS, pursuant to Resolution 193-12, the Legislature authorized Chautauqua County to enter into an agreement with the State of New York for financial assistance for the project "Extend (1,000 ft.) Runway 24 & Parallel Taxiway including Navoids – Construction", FAA AIP Project No. 3-36-0022-45-12, NYSDOT PIN# 5905.75 (Project), at the Chautauqua County Dunkirk Airport and approved funds for the local share of project costs in the amount of \$153,839; and

WHEREAS, the Project included disturbance of wetland and the County is obligated to provide wetland mitigation measures, including stream habitat mitigation for the culvert extension area; and

WHEREAS, these wetland mitigation measures cannot be satisfied on the airport property upon which the Project occurred; and

WHEREAS, the Village of Westfield is sponsoring the Chautauqua Creek Fishway Repair Project; and

WHEREAS, the Army Corps of Engineers, the New York State Department of Environmental Conservation (DEC), and the County agree that the County shall fulfill the Dunkirk Airport wetland mitigation obligation by making an "in lieu" donation to the Village of Westfield for the Chautauqua Creek Fishway Repair Project; and

WHEREAS, the total amount of the "in lieu" donation to the Village of Westfield is \$15,000; and

WHEREAS, Resolution 193-12 allocated the \$15,000 for the "in lieu" donation to the Village of Westfield for the Chautauqua Creek Fishway Repair Project in the local share of the project costs; therefore be it

RESOLVED, That the Legislature authorizes the County Executive to enter into all necessary agreements for payment of \$15,000 to the Village of Westfield for the Chautauqua County Fishway Repair Project in satisfaction of the Dunkirk Airport wetland mitigation obligation.

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

Unanimously Adopted – April 22, 2015

RES. NO. 94-15

Authorizing County Executive to Execute the Resource Allocation Plan

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

WHEREAS, the Chautauqua County Youth Board recommends the manner in which Youth Bureau funding from the New York State Office of Children and Family Services (OCFS) is dispersed through a Resource Allocation Plan (RAP); and

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WHEREAS, signing the RAP will qualify the County of Chautauqua for State reimbursement for the 2015 program year; and

WHEREAS, the amount approved for allocation to the County is \$ ~~452,596.00~~ \$151,073.00; and

WHEREAS, OCFS will reimburse the County for expenditures made in accordance with the approved Program Allocations and Budgets for the agencies listed on the program summary; and

WHEREAS, the County RAP shall be deemed executory to the extent of monies made available to OCFS through the State of New York for a Local Assistance program, therefore be it

RESOLVED, That the Resource Allocation Plan is approved to be executed by the County Executive; and it is further

RESOLVED, That the County Executive is authorized to enter into agreements with the State of New York and other municipalities as necessary to draw down the State Aid reimbursement for youth programs included in the Allocation Plan.

Signed: Tarbrake, Keefe, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

(H.S.- Lemon abstained) (A.C. – Amended – Dollar amount change – see 3rd Whereas)

MOVED by Legislator Ahlstrom, SECONDED by Legislator Heenan to go back to original amount of \$151,073.00 – Unanimously Carried

Unanimously Adopted as amended – April 22, 2015

RES. NO. 95-15

2015 Increase Accounts – Women, Infants, and Children (WIC) Improvement Projects

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

WHEREAS, the New York State Department of Health has awarded Chautauqua County additional funds for the Nutrition Program for Women, Infants and Children (WIC); and

WHEREAS, the federal award must be used for up to three approved projects under the WIC program through September, 2015, and

WHEREAS, the 2015 Chautauqua County Adopted Budget must be amended to reflect these changes; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the State of New York, and to execute such other documents as may be necessary for implementation of this initiative; and it is further

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

INCREASE APPROPRIATION ACCOUNT:

A.4082.-----4	Contractual – WIC Program	\$78,298.00
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INCREASE REVENUE ACCOUNT:

A.4082.R448.2000	Federal Aid – WIC Program	\$78,298.00
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Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – April 22, 2015

RES. NO. 96-15

2015 Increase Accounts for Supplemental Nutrition Program for Women, Infants, and Children (WIC)

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

WHEREAS, the New York State Department of Health has awarded a Direct Care Cost of Living Adjustment (DC COLA) to the Chautauqua County Department of Health & Human Services, Division of Public Health, and

WHEREAS, the 2014-2015 DC COLA award must be used for salaries of staff who provide direct care services in the Nutrition Program for Women, Infants and Children (WIC) between January 1, 2015 and March 31, 2015, and

WHEREAS, the 2015 Chautauqua County Adopted Budget must be amended to reflect these changes; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the State of New York, and to execute such other documents as may be necessary for implementation of this adjustment; and it is further

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

INCREASE APPROPRIATION ACCOUNT:

A.4082.4	Contractual – WIC Program	\$3,458
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INCREASE REVENUE ACCOUNT:

A.4082.R345.0WIC	State Aid – WIC COLA	\$3,458
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Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – April 22, 2015

RES. NO. 97-15

Authorize Acceptance of Funds from the New York State Office for the Aging Balance Incentive Program (BIP) Caregiver Support Program Grant

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

WHEREAS, the Office for the Aging was awarded \$25,921.00 by the New York State Office for the Aging (NYSOFA) through their Balance Incentive Program (BIP) Caregiver Support Program Grant; and

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WHEREAS, such funds are to be utilized to provide non-institutional long term services and supports for Medicaid-eligible recipients and their caregivers; and

WHEREAS, such funds have not been appropriated in the 2015 Budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts this New York State Office for the Aging BIP Caregiver Support Program Grant to provide non-institutional long term services and supports for Medicaid-eligible recipients and their caregivers; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That the programs funded pursuant to the BIP Caregiver Support Program Grant shall sunset after the grant funds are exhausted; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.6772.----.4	Contractual – Office for the Aging	\$25,921
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INCREASE REVENUE ACCOUNT:

A.6772.R477.2000	Federal Aid – OFA Programs	\$25,921
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Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – April 22, 2015

RES. NO. 98-15

Authorize Allocation of 3% Occupancy Tax Funding from the 2015 Reserve Account to the Robert H. Jackson Center for the Planning and Execution of *Liberty Under Law: The Robert H. Jackson Story* and the 70th Anniversary Events of the Nuremberg Trial

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

WHEREAS, Robert H. Jackson, a Chautauqua County resident, lived most of his life on the national and global stage, and his work during the New Deal administration, friendship with Franklin D. Roosevelt, insightful and powerful writings as a US Supreme Court Justice, and role as the Chief

US Prosecutor at Nuremberg after World War II placed him in the public eye and created a legacy that is powerful and continues to be relevant today; and

WHEREAS, the Robert H. Jackson Center's mission is to advance public awareness and appreciation of Robert H. Jackson's legacy and in doing so, increase awareness and visibility of the Chautauqua County community on a global scale; and

WHEREAS, the County unanimously adopted its County Comprehensive Plan (*Chautauqua 20/20*) in 2011 which advocates for development of primary and secondary venues that result in attracting more visitors to Chautauqua County; and

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WHEREAS, the goal of the Western New York Regional Economic Development Council is to invest in world-class tourist destinations and to "develop a distinct identity and brand to reflect the authenticity of the region" with its visibility on a global scale; and

WHEREAS, in Spring 2015, the Robert H. Jackson Center, in partnership with Main Street Media of Northeast Pennsylvania, will finish the production of a feature-length documentary about the life and work of Robert H. Jackson entitled *Liberty under Law: The Robert H. Jackson Story*; and

WHEREAS, The Robert H. Jackson Center shall host the world debut of the completed film on May 4, 2015, which will involve an aggressive outreach, marketing and distribution campaign, and the campaign will include the production of a film "trailer," promotional materials, print and radio ads, and distribution to regional and national PBS stations, including Buffalo/Toronto, Cleveland/Columbus, and Pittsburgh/Erie, as well as debuts in external markets, including New York City and Washington D.C., distribution through educational outlets and streaming services, and extensive DVD promotion and sales; and

WHEREAS, *Liberty under Law: The Robert H. Jackson Story* shall be the anchor for the introduction and promotion of an eighteen month celebration in Chautauqua County honoring the 70th anniversary of the Nuremberg Trial, and planned events include the Documentary Debut (May 2015), speakers on Nuremberg and its Legacy (Summer 2015), and the International Humanitarian Dialogs (August/September 2015); and

WHEREAS, in conjunction with 70th Anniversary events and activities, a re-designed website will make its debut with features and information about the famous trial, along with a special "Nuremberg" exhibit which shall debut in Spring 2015; and

WHEREAS, the total estimated budget for these events is over \$150,000; and

WHEREAS, Chautauqua County has established a 3% occupancy tax program for the purposes of promoting, developing, and protecting the area's tourism industry; and

WHEREAS, as of April of 2015, the balance of the 3% Occupancy Tax Reserve Account was \$269,886; and

WHEREAS, the Robert H. Jackson Center is requesting a portion of the 3% Occupancy Tax Reserve funding to offset the costs associated with planning and executing the world premiere of *Liberty Under Law: The Robert H. Jackson Story* and the 70th Anniversary Events of the Nuremberg Trial; therefore be it

RESOLVED, That the Chautauqua County Legislature allocates funds in the amount of \$25,000.00 to the Robert J. Jackson Center to aid in the offset of costs associated with the planning and execution of the world premiere of *Liberty Under Law: The Robert H. Jackson Story* and the 70th Anniversary Events of the Nuremberg Trial; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----883	Fund Bal., Res Fund Bal – Reserve for Occupancy Tax	\$25,000
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;and be it further

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

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$25,000

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

Unanimously Adopted – April 22, 2015

RES. NO. 99-15
Quit Claim Deed

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

SCHEDULE 1

Offer Number	Munic.	S/B/L	Purchaser	Foreclosed Owner	Offer Amt.	Taxes Owning
PA-117-2014	C/Jmstn.	060800-387.08-8-21	Debora A Calkins and Ryan C Calkins	Shauble Inc	\$ 500.00	\$ 2,635.68

TOTALS: \$ 500.00 \$ 2,635.68

Signed: Scudder, Vanstrom, Himelein, Wendel, Whitford

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - April 22, 2015

ANNOUNCEMENTS:

Legislator Wendel: In cooperation with the moment of silence, on Friday throughout the Village of Falconer and surrounding areas there is going to be an urging for people to wear orange or

if you have orange ribbons as stated in the memo that I got to tie them to anything standing still. Again this young girl needs all of our prayers and thoughts from everybody so throughout the area, starting on Friday there is going to be a support of orange throughout Chautauqua County if we could get everybody that is interested in showing of support for this family.

2nd Privilege of the Floor

Vince Horrigan, Mayville, New York. Cornell Cooperative Extension has been through let's say a period of turbulence and I'm pleased to relay to everybody that the new Executive Director has been announced and it's Emily Reynolds that is here and she will lead the organization to do great things. (Applause)

Mr. Jim Johnson, President of the Jackson Center and I live in Lakewood. I would just like to thank you for your support to this very worthwhile project at the Jackson Center and just to reinforce that the Center takes very seriously our responsibility to this to this community, to this County, and to the promotion of the community and County and tourism and I would like to invite you all to the world premiere of the Robert H. Jackson story Liberty Under Law on the evening of 4th of May at the Robert H. Jackson Center. Thank you very much. (Applause)

Mr. Anthony Toda, 48 Sherman Street, Jamestown, N.Y. I called the Clerk of the County Legislature and I was informed by the Clerk that I could present a tape. A conversation that I had with a Mayville Dispatcher who's under the supervision of the Sheriff. Now in the midst of all the accreditation the Sheriff has received there are things that are happening that need to be made aware of. I have had problems with the Sheriff and Dispatcher harassing me, refusing to record my complaints, entrapping me, and other issues, refusing to identify themselves. I have addressed all of these issues with the Sheriff on two occasions over the period of the last two years. The problem continues, specifically I would just like to give the Legislature an idea of what is happening here by showing a tape of a conversation or an audio tape of a conversation that I had with the dispatch in Mayville concerning vehicle noise in my neighborhood which has been an ongoing problem for years in my neighborhood and the conversation was dated March 16, 2015 and was made approximately at 2:35 p.m. and I'm asking the body to please listen to this conversation now and will give you an idea of what I am trying to say here. (He then put the tape recorder to the microphone)

This is Anthony Toda, I live at 48 Sherman Street in Jamestown and there have been several (*inaudible*) loud exhaust going by my house a lot and disturbing me (*inaudible*) have a police come down here to see if they can catch someone.

Dispatcher: (*Inaudible*) illegal.

Mr. Toda: (*Inaudible*) illegal exhaust.

Dispatcher: They have a loud exhaust?

Mr. Toda: Yes.

Dispatcher: Do you have a calibrator or something like that down there?

Mr. Toda: No I don't but – (He then shut the recorder off)

Mr. Toda: The important thing is here is Mr. Larson is asking me if I had a calibrator to measure the amount of noise so I can determine whether it's illegal or not. (He then turns the recorder back on)

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Mr. Toda: (*Inaudible*) between something that's not illegal and something that is. I can tell you because I have been caught myself with the same type of noise inside the (*inaudible*) and I've seen people (*inaudible*). Thank you.

Mr. Toda: This is just an example of the type of treatment I get from the Sheriff's dispatchers. Now, as I stated in the last two years, I've talked with separately – or actually around the beginning of each year to the Sheriff. The Sheriff has promised me that he would address these problems and rectify them, he has not, the problems continue as this tape will verify. Time and date being March of this year in the afternoon. When I called back the Sheriff as this problem continues, which it does, immediately, after I address the issues with the Sheriff. The Sheriff will not answer the calls and will not return my calls with any explanations. Now, the reason –

Chairman Gould: Wind it up sir. Your three minutes are up.

Mr. Toda: The reason I'm here is to ask, to respectfully ask this body to start an investigation or somehow direct an investigation concerning the criminal actions of the Sheriff involved with conspiracy with the Dispatchers who harasses me and violate my rights. Also for misconduct of the Sheriff. I tried to go see people like Paula DeJoy. The last conversation that I had with Paula DeJoy and she was directed by someone to state that she could no longer help me on this issue and when I asked Ms. DeJoy who that person was, she would not answer me. So, I also respectfully request this body to find out who directed Mrs. DeJoy, who was a member at the time of the Public Safety Committee, not to pursue these issues any further. Thank you.

MOVED by Legislator Heenan, SECONDED by Legislator Borrello and duly carried the meeting was adjourned. (7:13 p.m.)

REGULAR SESSION

Regular Meeting
Chautauqua County Legislature
Wednesday, May 27, 2015, 6:30 p.m.
Legislative Chambers, Mayville, N.Y.

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

Clerk Tampio called the roll and announce a quorum present.

Legislator Himelein delivered the prayer and pledge of allegiance.

MOVED by Legislator Himelein, SECONDED by Legislator Heenan the minutes were approved. (4/22/15)

1st Privilege of the Floor

No one chose to speak at this time.

PRESENTATION:

FISHING ESSAY CONTEST
GRAND PRIZE AWARD WINNERS

PUBLIC HEARING:

6:45 P.M.

IMPROVEMENTS FOR PHOSPHOROUS
REMOVAL TO TREATMENT PLANT OF THE
NORTH CHAUTAUQUA LAKE SEWER DISTRICT

Chairman Gould called the public hearing to order at 6:45 p.m. and asked if there was anyone here to speak to the public hearing.

Mr. John Jablonski, representing the Chautauqua Watershed Conservancy, 413 North Main Street, Jamestown, New York. Is there going to be any kind of a presentation on the part of the sewer district to explain this proposal and what alternatives have been explored to arrive at this proposal?

Chairman Gould: There was in committee.

Mr. Carlson: I can do that.

Mr. Jablonski: That would be appreciated, thank you.

My name is Tom Carlson and I am the Director of the North Chautauqua Lake Sewer District. Approximately three years ago, DEC determined that Chautauqua Lake was impaired and decided to initiate a phosphorous reduction from the existing publically owned wastewater treatment plants. That brought the North Chautauqua Lake Sewer District into play and we are now mandated by them to remove roughly 90% of the phosphorous that comes into the plant. This came in a two phase mandate. We're initially meeting the first mandate of about removing about 80%. We have done that with chemical addition. To meet the second mandate, our engineer, URS AECOM, out of Buffalo has come up with a plan and they had three different scenarios costing anywhere from \$2.8 million to \$4.3 million. Basically it's adding tertiary treatment to the plant. It's another whole phase of

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treatment which basically is a sand filter. Because of the design of the plant they also have to add a pump station and some other pretty expensive equipment. They feel that by the addition of this equipment we will meet those standards that we have to meet by June of 2018. It's nothing that we want to do, but it's something that we have to do. This was the best plan that our engineers came up with.

Chairman Gould: Do you have any direct questions for him Mr. Jablonski?

Mr. Jablonski: Yes. For oxidation ponds systems or land applications (*inaudible-not a mic*), public process of an advisory committee or (*inaudible*)?

Mr. Carlson: The first part of your question, we don't have the property down there to put in oxidation ponds. We're very limited on the size, the foot print of the plant. As far as a Citizens Advisory Committee, our meetings are always open and published. It was in the newspapers of what we were doing. It shouldn't have been any secret to anybody. That is all that I can say to that.

Mrs. Sandra Wagner and my question is, it says the district will have an increase by \$94 to \$472 per year. Is it \$94 per family and the \$472 like for businesses or is that just a range and it could be anywhere in there to be charged?

Mr. Carlson: We looked at what the cost was and the number of users out there and I don't know there has been a lot of questions on this statement. What it will do is raise the annual total cost per unit of \$94 to a total cost of \$472. Businesses commercial users are handled in a totally different way than residential. So, your total sewer bill is estimated to only go up to \$472 a year.

Mrs. Wagner: Is that per family unit? I understand last year, I paid \$50 and it went up to \$95 and now it's going to go from \$95 to \$472?

Mr. Carlson: No.

Mrs. Wagner: No?

Mr. Carlson: You are talking about yearly or quarterly.

Mrs. Wagner: I was talking about quarterly. So what, four nines are three hundred and sixty

Mr. Carlson: Well, \$472 divided by four would be your quarterly charge.

Mrs. Wagner: Thank you.

Chairman Gould: Any other questions?

Mr. Chris Barretta, part timers down on Mill Street extension. So the sand is the only option that we have? I mean, there are other things and obviously you don't have room but is there any other things that we have looked at or that you have looked at?

Mr. Carlson: They looked at two other processes and they were more expensive. The process that was chosen was \$2.8 million dollars. They looked at another one which was, I believe, \$3.8 and another one was \$4.3. So, out of the processes that we're looking at, we're looking at the cheapest one and we want to put in one that is going to work.

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Mr. Barretta: That was the other thing that I was going to ask. Did they look around and find out from other people who have used this, is it working for them and getting the percentage you are looking for, I guess?

Mr. Carlson: URS AECOM is a worldwide engineering company that employs thousands and thousands of engineers throughout the world. We have full confidence in their knowledge and experience. The plan that they set forth for us will work.

Mr. Barretta: Chemicals? The other process that you started with. Now, is that something that would be going back into the lake again itself or how does that dilute itself so it's not a concern of another thing that is added to the lake itself?

Mr. Carlson: Well, we're adding para(?) -chloride now which has been approved by DEC and a lot of it, not to get into a chemistry lesson but a lot of it will attach to the phosphorous and will dissipate and fall out and then we collect that in our sludge and then get rid of it at the landfill.

Chairman Gould: Any other questions?

Mr. Robert Landin, 98 Elm Street, Mayville. How does this take into account any future expansion or is that a separate – for the – thinking of expanding around the east side of the lake?

Mr. Carlson: We're currently looking at that now. We do have our engineers providing a map plan and report as is South & Center is doing for coming up the west side. That should be due in another month and it's a horse race to see who can get done first. DEC has mandated that we have to in compliance by June of 2018. It is our hope that we can provide DEC enough information to allow them to say, o.k., we'll give you an extension on that as long as we know that you will continue with the process of putting sewers around the lake. But, that is the big question as to what it is going to take to get DEC and say that they will give us that extension. But, we're pushing as hard as we can to get all that information put together.

Mr. Landin: One comment. I am also on the Board of the Chautauqua Watershed Conservancy and I firmly support what we're doing as far as this treatment plant. I keep getting asked, "well, what are you doing?" This is the first step that I really see that is going to be very effective in reducing phosphates in the lake and I would like to thank you for proceeding with this project.

Mr. Paul Benson, 75 East Chautauqua Street, Mayville. I am curious about the \$2.8 million. Does that cost is what it is going to cost you a year to run the plant or is this the cost of buying the equipment and maintaining it?

Mr. Carlson: The two point eight million is the total cost of the project and we'll be amortized over 30 years with a bond.

Mr. Benson: So what we're paying for is the bond?

Mr. Carlson: Right and that is what the \$94 is paying for, the bond and also that would include about \$25,000 extra a year for operation and maintenance.

Mr. Benson: When there was a question about any other expansion of the district, are we going to be hit again for an additional cost to our sewer bills because when they doubled the last time, you know, that was unannounced and was a surprise. They may have been announced at your meetings but I didn't know about that I would just like to know if we have to prepare for another hit?

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Mr. Carlson: Well, the sewer Board of Directors is adamant about any extension of the district will be borne by those benefit from that extension. The people that are in the district now that have been paying for this sewer for the last 30 years, shouldn't have the bear the expense of that extension. So there will be a different charge area there.

Chairman Gould: Anybody else?

Mrs. Wagner: My other question is, you said that you didn't have the room to expand, is there any property around that's possible to buy and do these ponds and things that Mr. Jablonski was talking about?

Mr. Carlson: Well, we are bordered by Village property and we did make a determination that the Village property is not part of the park property which is controlled by New York State. So, we actually have the Mayor of Mayville on our Board which makes it very convenient and for this upgrade, we don't believe that we'll need any extra property. Now, if we go to a sewer extension, we will be looking at getting some Village property. (*Inaudible*) basins are something that takes up a lot of room and it was just something that was brought to the table and discussed but because of the limited room it just really wasn't a lot of discussion about that. there is always been complaints in that area about odor and it's just something that we didn't know if that would add to that or not so we're going to try and reduce that as well with this project.

Chairman Gould: Any other questions?

Mr. John Jablonski, Chautauqua Watershed Conservancy again. Our organization is very pleased to see forward movement on sewerage the lake because this is such a large percentage of the phosphorous going into the lake is from the existing sewage plants. Again, I would like more clarification as to whether there is excess capacity built in, how many units are you servicing now, and what percentage of expansion of what you are designing right now will be built into that or is that a whole new separate capital item to add onto that plant if you pick up more land area in the district?

Chairman Gould: That was discussed pretty thoroughly in Committee and if you read the minutes of the Committee meeting, you could probably find out most of that stuff Mr. Jablonski.

Mr. Carlson: What we are planning on doing now will satisfy the current capacity at that plant. We are rated at .5 mgd and what we're planning to do is (*inaudible*) .5 mgd. The sewer extension would double the size of the plant but what we're planning on doing with phosphorous is only rated for current plans.

Chairman Gould: Seeing no more questions, we'll close the public hearing. (6:58 p.m.) Thank you.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 4/22/15

COMMUNICATIONS:

1. Proof of Publication – Public Hearing – NCLSD
2. Letters (2) – County Executive – Re: Appts. – EMS and Planning Boards
3. Report – Fn. Director Marsh – Re: Investment Report – April/2015
4. Letter – Fmld. Protection Bd.–Resignation of F. Walker & Recommendation
5. Letter – RPTS Director Caffisch – Re: US Sprint Communications Co., LLP
6. Letter – Ingram Firm/NYC – Re: Level 3 Communications, LLC

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7. Minutes – Chaut. Co. Soil & Water Conservation District – April/2015
8. Letter – American Scandinavian Heritage Foundation – Reuse of Occupancy Tax Allocation
9. Quarterly Report – Small Business Development Center – 1/1-3/31/15
10. Letter – JCC – Invite to President's Roundtable
11. Report/Study – SUNY Fredonia – Re: Fredonia Economic Impact Study
12. Letter – NYS Ag. & Markets – Re: Ack. Receipt of Ag. District 2 Documents
13. Letter – Senator Young – Re: Extension of 5% Occupancy Tax Rate
14. Letter – Senator Young – Re: Increase in Sales Tax

TABLED RES. NO. 88-15 – Establishing a "Complete Streets" Policy

Chairman Gould: Is there anyone to move to bring it off the table? Seeing none, we'll leave it on the table and it will die.

RENEW & AMEND RES. NO. 33-15 – Authorize Agreement with Village of Mayville for Enhanced Police Services

MOVED by Legislator Himelein, **SECONDED** by Legislator Wendel to renew and amend by considering a typo on the rate per hour, from \$47.66 to \$46.77.

Unanimously Carried

Unanimously Adopted as amended – May 27, 2015

RENEW & AMEND RES. NO. 82-15 – Confirm Re-Appointment – Parks Commission

MOVED by Legislator Himelein, **SECONDED** by Legislator Runkle to renew and amend.

Unanimously Carried

MOVED by Legislator Himelein, **SECONDED** by Legislator Hemmer to change the name from Ainsley Smith to Tom Dawes.

Unanimously Adopted as amended – May 27, 2015

RES. NO. 100-15

Confirm Appointment – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, County Executive, has submitted the following appointment 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 Emergency Medical Services Council.

Chris Roll
83 Jamestown St.
PO Box 452

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Sinclairville, N.Y. 14782
Term Expires: 12/31/17

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – May 27, 2015

RES. NO. 101-15
Confirm Re-Appointment - Chautauqua County Planning Board

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

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

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

Jon Ortendahl
5978 Twin Drive
Mayville, N.Y. 14757
Term Expires: 12/31/17

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – May 27, 2015

RES. NO. 102-15
Determining that it is in the Public Interest to Increase and Improve Facilities by Constructing Improvements for Phosphorous Removal in the Treatment Plant of the North Chautauqua Lake Sewer District

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

WHEREAS, pursuant to Resolution 59-15 and County Law § 268, the Chautauqua County Legislature called a public hearing at the Legislative Chambers, Gerace Office Building in the Village of Mayville, Chautauqua County, New York on May 27, 2015 at 6:45 o'clock P.M. on the question of the improvement of the treatment plant of the North Chautauqua Lake Sewer District (hereinafter referred to as the "District") by the installation of a pumping station, chemical storage building, existing structure upgrades and facilities to enhance the removal of phosphorous from the effluent of the District by multi-point chemical addition and filtration using continuous backwash sand filters and directed the provision of notice thereof; and

WHEREAS, such notice was given as stated therein and as required by law and the public hearing was held and all persons appearing thereat were heard; now therefore be it

RESOLVED, Upon the map and plan entitled North Chautauqua Lake Sewer District Final Phosphorous Effluent Limit Compliance Evaluation dated December, 2014 prepared by URS Corporation – New York, and the addendum thereto dated April 2015 prepared by AECOM USA, Inc.,

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and the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to construct improvements for phosphorous removal at the treatment plant of the District as described in the preambles hereof at a maximum cost of Two Million Eight Hundred Thousand Dollars (\$2,800,000) which includes all amounts anticipated to be required to be expended in connection with the construction and financing of such improvements, and be it further

RESOLVED, That the Chairman of the Chautauqua County Legislature is authorized and directed to apply to the Comptroller of the State of New York for consent to such expenditure, and it is affirmatively stated as required by 2 NYCRR §85.3(b) in connection with such application:

1. The application which has been prepared is believed by this Legislature to be accurate.
2. The proposed increase and improvement of facilities will not constitute an undue burden upon the property which will bear the cost thereof.
3. All real property to be assessed will be benefitted by the proposed improvements and no benefitted property has been excluded.

and be it further

RESOLVED, Upon receipt of the consent of the Comptroller of the State of New York, the Board of Directors of the North Chautauqua Lake Sewer District is directed to proceed to construct the improvement in the manner provided in County Law §262.

Signed: Runkle, Nazzaro, Heenan, Borrello, Chagnon (P.F. – Passed on w/o recommendation – A.C. amended)

Unanimously Adopted – R/ C Vote: 19 Yes - May 27, 2015

RES. NO. 103-15

North Chautauqua Lake Sewer District 2015 Budget Amendment for the Purchase of a Trailer-Mounted Generator for Emergency Use

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

WHEREAS, the North Chautauqua Lake Sewer District (NCLSD) operates and maintains 11 pump stations within the district; and

WHEREAS, the NCLSD has two (2) trailer-mounted generators purchased in 1978 and used for emergency response to unexpected power outages; and

WHEREAS, the generators were scheduled for replacement in 2014 but were not purchased due to other necessary expenditures; and

WHEREAS, the generators have surpassed their useful life in that one has ceased to operate due to an electrical control failure which the service tech (Penn Power) has determined cannot be repaired because needed replacement parts are no longer available, and the other has developed a gas leak requiring the complete dismantling of the unit to locate the leak and replace and/or repair defective components; and

WHEREAS, the NCLSD is in need of these units to maintain uninterrupted service from its pump stations in the event of a power outage; and

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WHEREAS, the estimated cost is \$28,900 per unit; and

WHEREAS, there is sufficient fund balance to cover the immediate purchase of one unit;
and

WHEREAS, the second unit will be included in the 2016 Budget; therefore be it

RESOLVED, That ESN Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

ESN. ---, ---, 909	Fund Balance, Unreserved Fund Bal. - Fund Bal.	\$28,900;
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and be it further

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

INCREASE APPROPRIATION ACCOUNT:

ESN.8120.8122.3	Depreciable Equipment – Sanitary Sewers	\$28,900
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Signed: Hemmer, Nazzaro, Scudder, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – May 27, 2015

RES. NO. 104-15

Establish Chautauqua County Sewer Agency Pursuant to Article 5-A of the County Law

By Public Facilities and Planning & Economic Development Committees:

At the Request of County Executive Vincent W. Horrigan and Legislator Pierre Chagnon:

WHEREAS, Chautauqua Lake experiences nuisance algal blooms and excessive weed growth as a direct result of excessive phosphorus inputs; and

WHEREAS, in 2004, Chautauqua Lake was officially designated as an impaired water body by the NYS DEC pursuant to Section 303(d) of the federal Clean Water Act due to phosphorus loadings; and

WHEREAS, a Total Maximum Daily Load (TMDL) phosphorus allocation for Chautauqua Lake was completed in 2012, which provides an official regulatory plan for reducing phosphorus inputs and restoring the impaired water body, and requires substantial reductions in phosphorus inputs to Chautauqua Lake by 2018; and

WHEREAS, approximately 1,200 septic systems still exist surrounding Chautauqua Lake, and along with publically-owned treatment works (POTWs), have been identified as two of the primary point sources of phosphorus inputs to Chautauqua Lake; and

WHEREAS, recognizing the need to reduce wastewater phosphorus from entering Chautauqua Lake, the County, the North Chautauqua Lake Sewer District (NCLSD), the South and Center Chautauqua Lake Sewer Districts (SCCLSD), and other stakeholders worked collaboratively and contracted with O'Brien and Gere Engineers to develop the "Chautauqua Lake Integrated Sewage Management Plan" (CLISMP), which was completed in October 2014; and

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WHEREAS, the CLISMP recommends upgrades to POTWs and extension/development of sewer infrastructure to replace existing septic systems in the Towns of Chautauqua, Ellery and North Harmony; and

WHEREAS, the next step in the process towards implementing the project is to form the Chautauqua County Sewer Agency which will be tasked with making recommendations to the County Legislature regarding the formation of districts and other pertinent issues; and

WHEREAS, Article 5-A of New York State County Law authorizes the County to create a County Sewer Agency to evaluate sewer infrastructure needs, prepare maps and plans, and recommend to the County Legislature the creation or expansion of County sewer district(s) as may be necessary and in the best interest of the people of Chautauqua County; therefore be it

RESOLVED, That there is hereby established a Chautauqua County Sewer Agency pursuant to Article 5-A of the County Law, initially consisting of seven (7) members to serve without compensation, as follows:

1. Two (2) County Legislators appointed by the Chairman of the County Legislature; and
2. Three (3) elected officials representing the municipalities proposed to be included in areas that will be upgraded with sewer infrastructure, to include the Supervisors of the Towns of Chautauqua, Ellery, and North Harmony, and their successors in office; and
3. Two (2) members appointed by the County Executive.

and be it further

RESOLVED, That it is the intent of the County Legislature to review the makeup of the membership of the Chautauqua County Sewer Agency as later phases of the project are developed.

Signed: Hemmer, Nazzaro, Scudder, Himelein, Borrello, Heenan, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – May 27, 2015

RES. NO. 105-15

Authorize Public Hearing for Renewal of Lease of Part of Airport Facilities to U.S. Department of Transportation Federal Aviation Administration (FAA)

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

WHEREAS, pursuant to Resolutions No. 220-05 and 131-10, the United States Department of Transportation Federal Aviation Administration (FAA) has been leasing approximately 588 square feet of office space at the Airport Terminal Building at the Greater Chautauqua-Jamestown Airport; and

WHEREAS, the FAA has requested a new ten (10) year lease until September 30, 2025, upon similar terms and the Airport Commission has recommended approval; therefore be it

RESOLVED, That pursuant to Article 14 of the General Municipal Law a public hearing shall be held on the proposed lease at the meeting of the County Legislature on June 24, 2015, at

JOURNAL OF PROCEEDINGS

6:30 pm at Legislative Chambers, Gerace Office Building, Mayville, New York 14757 upon substantially the following terms

1. Premises: Lease approximately 588 square feet of office space in the main Airport Terminal Building of the Greater Chautauqua-Jamestown Airport.
2. Rent: Monthly payments of \$416.67 which includes service agreement for water, HVAC, electricity, use of sanitary facilities, snow and ice removal, and janitorial service.
3. Term: October 1, 2015 – September 30, 2025.
4. Other: As negotiated by the County Executive; and be it further

RESOLVED, That the Clerk of the Legislature shall give at least ten (10) days' notice of said public hearing by publication in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Nazzaro, Scudder, Himelein

Unanimously Adopted – May 27, 2015

RES. NO. 106-15

Acceptance of Bike Racks from Chautauqua County Health Network

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

WHEREAS, the Chautauqua County Health Network (CCHN) desires to promote the health and wellness of the community through active transportation; and

WHEREAS, Chautauqua Area Regional Transit System (CARTS) is the only provider of open-to-the-public transportation in Chautauqua County; and

WHEREAS, CCHN has obtained New York State Department of Health funding to promote health and wellness including the purchase of two transit bus bike racks; and

WHEREAS, CARTS desires to partner with CCHN in providing healthy transportation options to the citizens and visitors of Chautauqua County; and

WHEREAS, CCHN desires to give the transit bike racks to Chautauqua County CARTS;
and

WHEREAS, pursuant to County Law § 215 the Chautauqua County Legislature may accept personal property to be utilized for lawful County purposes; now therefore be it

RESOLVED, That the County Executive is authorized to enter into any agreements necessary to accept the two transit bike racks from CCHN for CARTS use.

Signed: Hemmer, Nazzaro, Scudder, Himelein

Unanimously Adopted – May 27, 2015

REGULAR SESSION

RES. NO. 107-15
Distribution of Mortgage Taxes

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due the pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

October 1, 2014 through March 31, 2015

TOWNS		CITIES	
Arkwright	3,452.04	Dunkirk	15,418.24
Busti	44,087.01	Jamestown	88,313.84
Carroll	10,814.55		
Charlotte	7,736.15	TOTAL	\$103,732.08
Chautauqua	52,352.82		
Cherry Creek	4,451.26		
Clymer	5,039.72		
Dunkirk	84,613.38		
Ellery	39,360.40	Bemus Point	2,596.19
Ellicott	50,861.87	Brocton	1,083.92
Ellington	1,800.60	Cassadaga	955.34
French Creek	7,444.75	Celoron	3,030.44
Gerry	3,546.80	Cherry Creek	502.46
Hanover	29,137.44	Falconer	5,990.13
Harmony	6,505.42	Forestville	1,023.81
Kiantone	7,550.78	Fredonia	12,781.45
Mina	12,781.55	Lakewood	13,818.91
North Harmony	17,199.24	Mayville	4,197.77
Poland	8,134.93	Panama	791.27
Pomfret	24,493.19	Sherman	850.03

JOURNAL OF PROCEEDINGS

Portland	11,931.19	Silver Creek	3,538.16
Ripley	5,358.79	Sinclairville	1,184.04
Sheridan	14,387.51	Westfield	5,061.51
Sherman	4,315.19		
Stockton	5,067.86	TOTAL	\$57,405.43
Villanova	5,589.42		
Westfield	13,774.23		
TOTAL	\$481,788.09		

GRAND TOTAL \$642,925.60

Signed: Scudder, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 27, 2015

RES. NO. 108-15
Emergency Management Performance Grant for Fiscal Year 2015

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

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the total amount of \$111,520.00 with a fifty percent (50%) in kind match from the County in the amount of \$55,760.00; and

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

WHEREAS, the grant period runs from October 1, 2014 through September 30, 2016, or as may be amended; and

WHEREAS, the application documents need to be submitted to DHSES no later than June 12, 2015; and

WHEREAS, upon acceptance of application and execution of contract, funds will be allocated to the proper accounts; therefore be it

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

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

REGULAR SESSION

Unanimously Adopted – May 27, 2015

RES. NO. 109-15
State Homeland Security Program for Fiscal Year 2015

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

WHEREAS, Chautauqua County was awarded funds of \$200,000 from the FY2015 State Homeland Security Program (SHSP) and the State Law Enforcement Terrorism Prevention Program (SLETPP) with \$150,000 to Emergency Services and \$50,000 to the Sheriff's Office; and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in the Chautauqua County area through projects and initiatives that comply with the federal grant guidelines and support the implementation of the State Homeland Security Strategy; and

WHEREAS, the grant period runs from September 1, 2015 through August 31, 2018, and as may be extended; and

WHEREAS, upon acceptance of application and execution of the contract, funds will be allocated to the proper accounts in subsequent resolutions once the County is ready to expend them; now therefore be it

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

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

Unanimously Adopted – May 27, 2015

RES. NO. 110-15
Authorize Agreement with Village of Brocton for Enhanced Police Services (Revised)

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

WHEREAS, the Village of Brocton has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2015 calendar year; and

WHEREAS, after the passage of Resolution No. 28-15, the Village of Brocton reduced the maximum annual cost; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for the period of January 1, 2015 through December 31, 2015, for a revised estimated cost not to exceed \$21,000.00 (reduced from \$30,000.00), based on a regular hourly rate of \$37.28 and a holiday hourly rate of \$46.77; now therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Brocton for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – May 27, 2015

RES. NO. 111-15

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

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

WHEREAS, the County Sheriff's Office was awarded grant funding from the State of New York Office of Homeland Security for the further implementation of bomb detection; and

WHEREAS, grant awards #C174721 for \$78,750 and #C174731 for \$112,500 have not been fully expended during the original and/or amended contract period of May 14, 2014 to August 31, 2015; and

WHEREAS, the 2015 Chautauqua County Budget does not include any funding for these expenditures since the remaining grant funds became available after the budget was released; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.--1	Personal Services—Sheriff	\$ 5,890
A.3110.--2	Equipment—Sheriff	\$ 4,700
A.3110.--3	Depreciable Equipment—Sheriff	\$31,636
A.3110.--4	Contractual—Sheriff	\$35,058

INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB	Federal Aid—Other Public Safety Aid	\$77,284
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Chagnon, Borrello

Unanimously Adopted – May 27, 2015

RES. NO. 112-15

Increase Appropriation and Revenue Accounts for Replacement of License Plate Reader

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

WHEREAS, the County Sheriff's Office received insurance recovery funds due to damage of the license plate reader in patrol vehicle CX732; and

REGULAR SESSION

WHEREAS, the County Sheriff's Office will need to make an unexpected equipment purchase to replace the damaged license plate reader; now therefore be it

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

INCREASE REVENUE ACCOUNT:

A.3110.R268.0000 Sale of Property/Compensa-Insurance Recovery-Sheriff \$11,500

INCREASE APPROPRIATION ACCOUNT:

A.3110.3700.0000 Depreciable Equipment - Sheriff \$11,500

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

Unanimously Adopted – May 27, 2015

RES. NO. 113-15

Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant – Operation Stone Garden FY12 & FY13

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

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

WHEREAS, grant awards #C192439 for \$208,097 and #C192439 for \$171,295 have not been fully expended during the original and/or amended contract period of September 1, 2013 to August 31, 2015; and

WHEREAS, the 2015 Chautauqua County Budget does not include any funding for these expenditures since the remaining grant funds became available after the budget was released; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3110.---3 Depreciable Equipment—Sheriff \$14,269

INCREASE REVENUE ACCOUNT:

A.3110.R438.9OSG Federal Aid—Other Public Safety Aid \$14,269

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

Unanimously Adopted – May 27, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 114-15

Authorize First Amendment to Agreement with Crown Atlantic Company LLC for Use of Space on Crown Atlantic Company LLC's Tower in the Town of Sherman

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

WHEREAS, Crown Atlantic Company LLC ("Crown") and Chautauqua County ("County") entered into a certain Government Entity Tower License Agreement dated September 10, 2012, (the "License"), to lease space on the Crown-owned tower located at 3199 Armenian Road in the Town of Sherman (Tax Parcel No. 345.00-2-5) (the "Property"); and

WHEREAS, the License had an initial term of five (5) years with one (1) renewal term of five (5) years; and

WHEREAS, County and Crown desire to amend the License to allow County to install additional antennas on the tower and to set forth the rent due during such term; and

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

RESOLVED, That the County Executive is hereby authorized and empowered to execute a First Amendment to Government Entity Tower License Agreement with Crown to continue the License on substantially the following terms and conditions:

1. Term. Initial five (5) year term beginning September 10, 2012 and expiring September 9, 2017 with an automatic five (5) year extension term provided the Agreement has not been cancelled or been declared to be in default.
2. Rent. Starting July 1, 2015, annual rent shall be increased by \$7,800 per year as follows: 2015-16 annual rent is \$16,137.66; 2016-17 annual rent is \$16,621.79; and annual rent for years 2017-22 is \$16,200.
3. Other. As negotiated by the County Executive and the Sheriff's Office.

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

Unanimously Adopted – May 27, 2015

RES. NO. 115-15

Authorize Acceptance of Funds from New York State Office of Children and Family Services RHY Safe Harbor Grant

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

WHEREAS, the Chautauqua County Youth Bureau has been awarded a grant in the amount of \$35,000.00 from the New York State Office of Children and Family Services (OCFS) Runaway and Homeless Youth (RHY) Safe Harbor Grant; and

WHEREAS, such funds shall be used to support and provide programs, education and awareness to benefit youth who are at risk of becoming or who are identified as Commercial Sexually Exploited Children; and

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WHEREAS, the grant period runs from February 1, 2015 through December 31, 2015; and

WHEREAS, such funds have not been appropriated in the 2015 budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts this State grant to support Runaway and Homeless Youth programs that benefit youth who are at risk of becoming or who are identified as Commercial Sexually Exploited Children; and it is further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute all necessary agreements with New York State to obtain these funds; and it is further

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

INCREASE APPROPRIATION ACCOUNT:

A.7020.4	Contractual – Youth Bureau	\$35,000
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INCREASE REVENUE ACCOUNT:

A.7020.R382.0000	State Aid – Youth Programs	\$35,000
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Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – May 27, 2015

RES. NO. 116-15

Supporting Passage of A.7479 & S.4993 – 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 Planning and Economic Development and Audit & Control Committees:
At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 80-15, the County Legislature made a home rule request for authority to continue through November 30, 2017 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 legislative Bills before them to create said authority; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. 7479 and New York State Senate Bill No. 4993 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: Borrello, Heenan, Niebel, Ahlstrom, Chagnon, Runkle, Nazzaro

Unanimously Adopted – R/C Vote: 19 Yes – May 27, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 117-15

Supporting Passage of A.7557A & S.5317A entitled "AN ACT to amend the tax law, in relation to extending the expiration of and amending the provisions authorizing the county of Chautauqua to impose additional sales and compensating use taxes"

At the Request of County Executive Vincent W. Horrigan & Chairman Frank "Jay" Gould:

WHEREAS, the authority for the County's additional one-half of one percent (.5%) sales tax will expire on November 30, 2015; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to impose an additional one percent (1.0%) sales tax from December 1, 2015 through November 30, 2017; and

WHEREAS, the authorization to impose an additional 1.0% sales tax requires the County to:

(1) continue to assist the towns, villages and cities to the same degree provided in current law by sharing three-twentieths (3/20) of the net collections from the additional 1.0% of sales tax with the towns, villages and cities through November 30, 2017;

(2) maintain the residential energy exemption; and

(3) adopt budgets for 2016 and 2017 with a real property tax levy which is a minimum of three percent (3%) less than the real property tax levy for such purposes during the 2015 tax year; and

WHEREAS, an increase in the allowable additional sales tax from .5% to 1.0%, which would be in parity with all but five other counties in New York State, while still maintaining the current clothing exemption, the residential energy exemption, and the "hold harmless" for local governments, would enable the County to eliminate its current structural deficit and reduce the property tax levy to boost our competitiveness with neighboring counties; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A.7557A and New York State Senate Bill No. S.5317A entitled "AN ACT to amend the tax law, in relation to extending the expiration of and amending the provisions authorizing the county of Chautauqua to impose additional sales and compensating use taxes".
Signed: Gould

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

Unanimously Carried

WHEREAS, the authority for the County's additional one-half of one percent (.5%) sales tax will expire on November 30, 2015; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to impose an additional one percent (1.0%) sales tax from December 1, 2015 through November 30, 2017; and

WHEREAS, the authorization to impose an additional 1.0% sales tax requires the County to:

REGULAR SESSION

(1) continue to assist the towns, villages and cities to the same degree provided in current law by sharing three-twentieths (3/20) of the net collections from the additional 1.0% of sales tax with the towns, villages and cities through November 30, 2017;

(2) maintain the residential energy exemption; and

(3) adopt budgets for 2016 and 2017 with a real property tax levy which is a minimum of three percent (3%) less than the real property tax levy for such purposes during the 2015 tax year; and

WHEREAS, in order to maximize the benefit of the enhanced sales tax revenue to County real property taxpayers provided by an additional 1% tax, the County Legislature will strive to adopt a budget for 2016 and a budget for 2017 with a real property tax levy decrease of five percent (5%) as compared to the 2015 real property tax levy; and

WHEREAS, an increase in the allowable additional sales tax from .5% to 1.0%, which would be in parity with all but five other counties in New York State, while still maintaining the current clothing exemption, the residential energy exemption, and the "hold harmless" for local governments, would enable the County to eliminate its current structural deficit and reduce the property tax levy to boost our competitiveness with neighboring counties; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A.7557-A and New York State Senate Bill No. S.5317-B entitled "AN ACT to amend the tax law, in relation to extending the expiration of and amending the provisions authorizing the county of Chautauqua to impose additional sales and compensating use taxes".

Adopted as substituted w/ Ahlstrom voting "no" – R/C Vote: 17 Yes; 1 No; 1 Absent – May 27, 2015

RES. NO. 118-15

Supporting Passage of A. _____ & S.5457 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"

At the Request of County Executive Vincent W. Horrigan & Chairman Frank "Jay" Gould:

WHEREAS, the authority for the County's additional one-half of one percent (.5%) sales tax will expire on November 30, 2015; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to impose an additional one percent (1.0%) sales tax from December 1, 2015 through November 30, 2017; and

WHEREAS, in the event that the pending legislation to impose an additional 1.0% sales tax is not adopted by the New York State Legislature, the County desires to obtain an extended authorization of the current additional .5% sales tax; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A. _____ and New York State Senate Bill No. S.5457 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."

JOURNAL OF PROCEEDINGS

Signed: Gould

MOVED by Legislator Runkle, **SECONDED** by Legislator Himelein to add Assembly bill number 7760 in title and body of resolution.

Unanimously Carried

Unanimously Adopted as amended – R/C/ Vote: 18 Yes; 1 Absent - May 27, 2015

LOCAL LAW
INTRODUCTORY NO. 1-15 (Print 2)

CHAUTAUQUA COUNTY

A LOCAL LAW SUPPLEMENTING SALARY OF PUBLIC DEFENDER

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

Section 1. Purpose. In furtherance of Resolution 268-14 of the Chautauqua County Legislature accepting a grant from the New York State Office of Indigent Legal Services (OILS), the purpose of this Local Law is to implement the use of a portion of said grant funds that were required by OILS to be used solely as a salary supplement for the Public Defender, who has been working in excess of full-time hours. The grant required no local share match by the County.

Section 2. Salary Supplement. In accordance with the OILS grant, the current bi-weekly salary for the Public Defender established pursuant to Resolution 29-14 shall be supplemented in accordance with the formula below for the remainder of 2015 to the extent of available grant funds, and contingent upon the Public Defender working full-time for the County:

	Number of pay periods	=	Bi-weekly salary supplement
\$44,838 +	remaining following		for remaining pay periods
	effective date of this local law		following effective date of this local law

Section 3. Effectiveness. 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.

Laid on Desks: 4/22/15

Adopted by Legislature: 5/27/15

R/C Vote: 19 Yes

Public Hearing by County Executive: 6/10/15

45 Day Permissive Referendum

Mailed to State: 7/27/15

Adopted as LL 1-15

2nd Privilege of the Floor

Steve Skidmore, 600 Prendergast Avenue, Jamestown, N.Y. I am President of the CSEA Unit 6300. Tonight I listened to a couple of Legislators talk about the deficit reduction commission and they referenced numerous times things that are in the collective bargaining process. Any time I've ever talked to a Legislator or any one of my members have talked to a Legislator, they talk about how they can't answer any of our questions because they are not part of the bargaining process. I think that it poisons the process and I think it pushes the County into a position of negotiating in bad faith and I find it very disrespectful to almost a 1,000 members.

REGULAR SESSION

MOVED by Legislator Lemon, SECONDED by Legislator Vanstrom and duly carried the meeting was adjourned. (7:49 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
 Chautauqua County Legislature
 Wednesday, June 24, 2015, 6:30 p.m.
 Legislative Chambers, Mayville, N.Y.

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

Clerk Tampio called the roll and announce a quorum present.

Legislator Keefe delivered the prayer and pledge of allegiance.

MOVED by Legislator Runkle, SECONDED by Legislator Borrello the minutes were approved. (5/27/15)

1st Privilege of the Floor

No one chose to speak at this time.

6:30 P.M.

PUBLIC HEARING
 RENEWAL OF LEASE OF PART OF AIRPORT
 FACILITIES TO U.S. DEPART. OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION

Chairman Gould opened the public hearing at 6: 34 p.m. Ask if anyone would like to speak during this time and no one chose to speak. Chairman Gould closed the public hearing at 6:35 p.m.

PRESENTATIONS:

CERTIFICATES FOR VALEDICTORIANS
 BY
 COUNTY EXECUTIVE VINCENT HARRIGAN
 &
 CHAIRMAN JAY GOULD

CAPITAL PROJECTS REPORT
 BY DOUG BOWEN
 (See 6/24/15 Legislature Minutes)

CHARTER AND ADMINISTRATIVE CODE
 REVIEW COMMISSION REPORT
 BY
 ELLEN DITONTO
 (See 6/24/15 Legislature Minutes)

REGULAR SESSION

RES. NO. 119-15
Confirm Appointments – Agricultural and Farmland Protection Board

By Planning & Economic Development Committee:
At the Request of Chairman Frank J. Gould:

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

RESOLVED, That the Chautauqua County Legislature confirms the following appointment to the Agriculture & Farmland Protection Board:

Daniel L. Steward 4401 Leach Hill Rd. Kennedy, N.Y. 14747 Term Expires: 12/31/16	Filling Term of Frank W. Walker
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Heather Woodis 5686 Centralia Hartfield Road Dewittville, NY 14728 Term Expires: 12/31/16	Filling Vacant Seat
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Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – June 24, 2015

RES. NO. 120-15
Confirm Appointment & Re-Appointment – Chautauqua County Sports Fishery Advisory Board

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

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

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

New Appointment:

Joann Ehrhardt
8490 Hahn Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/16

Re-Appointment:

Daniel Dietzen
9865 Miller Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/16

Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – June 24, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 121-15

Confirm Re-Appointments – Chautauqua Opportunities Board of Directors

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

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

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

Susan Forrester Mackay
73 Eagle St.
Fredonia, N.Y. 14063
Term Expires: 6/30/16

Joseph Gerace
235 Hunt Rd. W.E.
Jamestown, N.Y. 14701
Term Expires: 6/30/16

Benjamin Spitzer
5841 Snug Harbor Dr.
Mayville, N.Y. 14757
Term Expires: 6/30/16

Legst. Janet Keefe
17 Green Street
Fredonia, N.Y. 14063
Term Expires: 6/30/16

Paul Whitford
25 Pearl Ave.
Jamestown, NY 14701
Term Expires: 06/30/16

Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong

Unanimously Adopted – June 24, 2015

RES. NO. 122-15

Establishing a "Complete Streets" Policy

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

WHEREAS, bicycling and walking are important forms of transportation and recreation in Chautauqua County, and walking and bicycling contribute to health, fitness, and economic development; and

WHEREAS, a Complete Street policy considers the needs of all users of our roadways of all ages and abilities including: pedestrians, bicyclists, public transportation and school bus riders, motorists, movers of commercial goods, persons with disabilities, seniors, and emergency services; and

WHEREAS, streets that support and invite multiple uses, including safe, active, and ample space for pedestrians, bicycles, and public transportation are more conducive to the public life and efficient movement of people than streets designed primarily to move automobiles and trucks; and

REGULAR SESSION

WHEREAS, promoting pedestrian, bicycle and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

WHEREAS, the design and construction of new roads and facilities should anticipate future demand for biking, walking, and other alternative transportation facilities and not preclude the provision of future improvements; and

WHEREAS, Complete Streets are supported by the Institute of Traffic Engineers, the American Planning Association, and many other transportation, planning and public health professionals, and

WHEREAS, Governor Andrew M. Cuomo signed the Complete Streets Act on August 15, 2011, requiring state, county and local agencies to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding; and

WHEREAS, the Chautauqua 20/20 Comprehensive Plan adopted by the County Legislature in 2011 provides that the County will follow the NYS DOT "Complete Streets" design practices for all road projects in the County; therefore be it

RESOLVED, That this resolution shall formally adopt a Complete Streets Program and require the Chautauqua County Department of Public Facilities to consider all modes of travel within its design projects; and be it further

RESOLVED, That the Department of Public Facilities shall, in the planning stage of each project, evaluate the feasibility of implementing the Complete Streets design features which may include: sidewalks, paved shoulders suitable for use by bicyclists, lane striping, bicycle lanes, share the road signs, crosswalks, road diets, pedestrian control signalization, bus pull outs, pedestrian curb ramps, and traffic calming measures; and recognize that the needs of users of the road network vary according to a rural, urban and suburban context; and be it further

RESOLVED, That Complete Streets shall not apply in the following circumstances: (1) projects limited to resurfacing, maintenance, or pavement recycling; (2) locations where use by bicyclists and pedestrians is prohibited by law; (3) the cost would be disproportionate to the need; or (4) demonstrated lack of need as determined by factors such as, but not limited to: land use context, current and projected traffic volumes, and population density; (5) demonstrated lack of community support; or (6) the use of these design features would have an adverse impact on, or be contrary to, public safety; and be it further

RESOLVED, That the Department of Public Facilities shall not be required to expend monies that exceed the amount of County, State and Federal funding allocated for a particular project as identified in the County's capital program.

Signed: Hemmer, Nazzaro, Wilfong, Himelein, Scudder, Tarbrake, Keefe, Lemon, Rankin, Wilfong

Unanimously Adopted – June 24, 2015

RES. NO. 123-15

Increase Revenue Account for Grantmakers Advantage Inc. U.S. Department of Homeland Security – Port Security Grant, 2015 Budget

By Public Safety and Audit & Control Committees:

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At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County Sheriff's Office was awarded grant funding from Grantmakers Advantage Inc., as fiduciary agent for the U.S. Department of Homeland Security, for further implementation of port security; and

WHEREAS, grant awards #PSGP2011-PU-K00069-IJ #3 AND #PSGP2011-PU-K00069-IJ #5 total \$542,490 for the period September 1, 2011 to August 31, 2014; and

WHEREAS, the equipment was ordered in 2014 but cannot be delivered until 2015 at which time the final payment of \$131,770 will be made; and

WHEREAS, the 2014 and 2015 appropriation budgets were amended through the encumbrance process; and

WHEREAS, the 2015 Chautauqua County Budget should be amended to include the corresponding revenue; now therefore be it

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

INCREASE REVENUE ACCOUNT:

A.3110.R438.9PSC	Federal Aid—Port Security	\$131,770
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – June 24, 2015

RES. NO. 124-15

Increase Revenue & Appropriation Accounts for Wireless 911 Equipment

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the total cost of the county-wide radio project will exceed available grant funds; and

WHEREAS, the County Sheriff's Office has sufficient funds in a reserve account that can be used to purchase equipment for operation of the 911 emergency system; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.890.0000 Fund Bal., Reserved Fund Bal –Misc. Reserve:E-911	\$456,383
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.3020.W911.3700 Depreciable Equipment—Sheriff	\$456,383
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – June 24, 2015

RES. NO. 125-15

Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2015-2016

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

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded \$152,495.00 to the multi-agency "GIVE" Task Force to reduce violent crimes in the primary jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the funded "GIVE" Task Force partners consist of the City of Jamestown Police Department, and the Chautauqua County Agencies of the District Attorney, Sheriff's Office and Probation Office; and

WHEREAS, the City of Jamestown Police Department has been awarded \$33,395.00 of the total "GIVE" funding and will sign and administer a separate contract with the New York State Division of Criminal Justice Services (DCJS) for said funding; and

WHEREAS, the Chautauqua County agencies consisting of the office of the District Attorney (\$79,878.00), the office of the Chautauqua County Sheriff (\$27,922.00) and the office of Probation (\$11,300.00) will share the balance of such funds; and

WHEREAS, the office of the District Attorney, Sheriff and Probation have included a portion of these grant funds in the 2015 budget with the balance to be included in the 2016 budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Gun Involved Violence Elimination Grant ("GIVE") contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$152,495.00 for the term of July 1, 2015 to June 30, 2016, and any other necessary agreements to implement the project.

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

Unanimously Adopted – June 24, 2015

RES. NO. 126-15

Authorize Lease Agreement with The Chautauqua Center (TCC) for Article 28 Clinic Space in SCOB

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

WHEREAS, The Chautauqua Center (TCC), a Federally Qualified Health Center (FQHC), is currently operating in the City of Dunkirk and has been granted authorization to expand services into the south County; and

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WHEREAS, Chautauqua County desires to improve the health of County residents through increased access to health care services such as can be provided by TCC as an FQHC; and

WHEREAS, TCC is in need of Article 28 clinic space in the south County on an interim basis until it acquires permanent space in the City of Jamestown; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to enter into a lease agreement with TCC for Article 28 clinic space in the South County Office Building on the following terms and conditions:

1. Premises. Approximately 3,688 square feet of partially furnished Article 28 clinic space, along with additional shared and common area space.
2. Term. August 1, 2015 to July 31, 2017, as needed until TCC acquires permanent space.
3. Rent. \$6,000/month.
4. Utilities. Included in monthly rental rate.
5. Other. As negotiated by the County Executive.

and be it further

RESOLVED, The use of the A Fund Balance is decreased as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance	\$30,000
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and be it further

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

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4010 R241.0000 Use of Money & Property-Rental: County Bldg. Space	\$30,000
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Signed: Tarbrake Keefe, Lemon, Rankin, Wilfong, Runkle, Nazzaro, Borrello, Chagnon, Heenan

Unanimously Adopted – June 24, 2015

RES. NO. 127-15

Adjust the Department of Health and Human Services, Social Services Division, Accounts to Purchase a New Server for Use with the New York State Reporting System

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

WHEREAS, the Health and Human Services (HHS) Division of Social Services needs to purchase a new server for the New York State reporting system; and

WHEREAS, Microsoft will no longer support the operating system on HHS's current server beginning July, 14, 2015, and this poses a security risk; and

WHEREAS, the 2015 budget must be adjusted to purchase the new server; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6010.2 Equipment - Social Services Admin	\$4,379.00
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DECREASE APPROPRIATION ACCOUNT:

A.6010.4 Contractual – Social Services Admin	\$4,379.00
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Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – June 24, 2015

RES. NO. 128-15

Authorize Transfer of Capital Funds Among Economic Development Capital Accounts

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

WHEREAS, the Chautauqua County Legislature has allocated certain monies for economic development capital projects with the intention of supporting, retaining and attracting business activity within the County; and

WHEREAS, the Legislature believes that improving the vitality of the business community will bring benefits to the populace at large in the form of improved job opportunities, a higher standard of living, and a better quality of life; and

WHEREAS, previous investments in the development of land and infrastructure within the County's industrial parks support the original intention of retaining and attracting businesses in Chautauqua County; and

WHEREAS, limited industrial land, with infrastructure, exists within the County's current industrial parks; and

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) seeks to expand the amount of industrial land available for business by pursuing the existing expansion plans for the Joseph Mason Industrial Park; and

WHEREAS, some of the original economic development capital projects have been completed and came in under budget or were not undertaken resulting in unallocated capital funds and can now be closed; and

WHEREAS, in order to provide the greatest advantage to the County to meet the goal of supporting, retaining and attracting business activity, the CCIDA requests that said monies be allocated to the capital account for Joseph Mason Industrial Park for the continued development of that park, including but not limited to environmental studies, utility infrastructure, land acquisition, general site development, and transportation access improvements as a result of the foregoing; now therefore be it

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

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INCREASE CAPITAL APPROPRIATION:

H.6420.530.4 Contractual – Promotion of Ind., South County Industrial Park- \$ 676,800

DECREASE CAPITAL APPROPRIATIONS:

H.6420.532.4	Contractual – Promotion of Ind., Busti Industrial Park	\$ 496,572
H.6420.625.4	Contractual – Promotion of Ind., Ripley Interstate Site	\$ 130,228
H.6420.644.4	Contractual – Promotion of Ind., Rail Access Site Dev	<u>\$ 50,000</u>
		\$ 676,800

INCREASE CAPITAL REVENUE ACCOUNTS:

H.6420.530.R503.1000	Interfund Transfers – Interfund Transfer	\$ 555,228
H.6420.530.R571.0000	Proceeds L/T Obligation – Serial Bonds	<u>\$ 121,572</u>
		\$ 676,800

DECREASE CAPITAL REVENUE ACCOUNTS:

H.6420.532.R503.1000	Interfund Transfers – Interfund Transfer	\$ 375,000
H.6420.532.R571.0000	Proceeds L/T Obligation – Serial Bonds	\$ 121,572
H.6420.625.R503.1000	Interfund Transfers – Interfund Transfer	\$ 130,228
H.6420.644.R503.1000	Interfund Transfers – Interfund Transfer	<u>\$ 50,000</u>
		\$ 676,800

;and be it further

RESOLVED, That the Director of Finance close out accounts H.6420.532, H6420.625, and H6420.644 for any further expenditures and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of accounts H.6420.532, H6420.625, and H6420.644, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Borrello, Niebel, Ahlstrom, Chagnon, Runkle, Nazzaro, Heenan (Tabled in P&E and A.C – 5/20/15)

Unanimously Adopted – June 24, 2015

RES. NO. 129-15

Rehabilitation of the City of Dunkirk Sea Wall on Lake Erie

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

WHEREAS, structural failure of the sea wall in the City of Dunkirk Harbor on Lake Erie poses an imminent threat to important municipal infrastructure; and

WHEREAS, the Chautauqua County Department of Health & Human Services recognizes that the failure of the sea wall threatens public water system infrastructure that serves approximately 15,000 Chautauqua County residents; and

WHEREAS, the United States Army Corps of Engineers recognizes that the failure of the sea wall is a threat to the continued viability of the City of Dunkirk Harbor and is partnering with the City of Dunkirk to provide engineering assistance for the rehabilitation of the seawall; and

WHEREAS, pursuant to Resolutions 253-09 and 109-11, the Chautauqua County Legislature authorized the use of funds in the 2% Occupancy Tax Lakes and Waterways Reserve Fund for lakes and waterways projects meeting specific criteria; and

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WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$577,934 and this project meets the criteria for use of these funds; therefore be it

RESOLVED, That the Chautauqua County Legislature, through the 2% Occupancy Tax Lakes and Waterways Reserve Fund, pledges ~~\$40,000~~ \$100,000 in support of the rehabilitation of the Dunkirk Harbor sea wall; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Resvd Fund Bal - MISC RES – Lakes & Waterways \$100,000

;and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual – Watershed Administration \$100,000

Signed: Borrello, Niebel, Ahlstrom, Chagnon, Runkle, Nazzaro, Heenan (Tabled P&E; Tabled A.C.;

Unanimously Adopted – June 24, 2015

RES. NO. 130-15

Authorize Membership in the Chautauqua Lake & Watershed Management Alliance

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

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, pursuant to Resolution 95-14, the Legislature authorized the execution of a memorandum of understanding to support the formation of the Chautauqua Lake & Watershed Management Alliance (Alliance); and

WHEREAS, pursuant to Resolution 164-14, the Legislature pledged \$50,000 to support the creation of the Alliance; and

WHEREAS, the Alliance has been established as a non-profit organization whose purpose is to procure funding and prioritize projects recommended in the Chautauqua Lake Watershed Management Plan, the Macrophyte Management Strategy, and the Chautauqua Lake LWRP to benefit the water quality of Chautauqua Lake; and

WHEREAS, the Alliance has commenced its inaugural membership drive; and

WHEREAS, it is essential that the Alliance during its inaugural membership drive seek and procure founding membership commitments and dues to support the formation and sustainability of the Alliance; and

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WHEREAS, the County would be considered a Tier 3 Member and the dues per year are \$4,000; and

WHEREAS, the County's dues for the 2015-2016 are covered in full pursuant to their pledge of \$50,000, and no dues shall be paid until 2016-2017; and

WHEREAS, the County desires to become a member of the Alliance; therefore, be it

RESOLVED, That Chautauqua County shall become a member of the Chautauqua Lake & Watershed Management Alliance; and be it further

RESOLVED, That the County Executive is authorized to act on behalf of the County of Chautauqua to sign the membership application and all other necessary documents; and be it further

RESOLVED, That the Chairman of the Chautauqua County Legislature be and hereby is authorized to appoint the Legislature member of the Chautauqua Lake & Watershed Management Alliance Board of Directors.

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

Unanimously Adopted – June 24, 2015

RES. NO. 131-15

Reallocation of Chautauqua Lake Management Commission Capital Projects Funding for
Chautauqua Lake & Watershed Management Alliance Grant Leveraging

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

WHEREAS, the Chautauqua Lake Management Commission (CLMC), an advisory body consisting of a diverse group of stakeholders, was formed by the Chautauqua County Legislature in 2005 to help oversee practices to improve the condition of Chautauqua Lake and its watershed; and

WHEREAS, the CLMC developed strategies in fiscal years 2007 – 2010, and capital projects funding in 2008 and 2009 in the combined amount of \$602,500 was utilized to implement these strategies; and

WHEREAS, many of the recommended strategies were implemented and/or resulted in agency allocations to several watershed-related entities to provide services related to these recommended strategies via the 2% Occupancy Tax fund; and

WHEREAS, the CLMC stakeholders worked to transition the CLMC into the Chautauqua Lake & Watershed Management Alliance (Alliance), an official not-for-profit corporation formed in 2014 whose purpose is to procure funding and prioritize projects recommended in the Chautauqua Lake & Watershed Management Plan, the Macrophyte Management Strategy, and the Chautauqua Lake LWRP to benefit the water quality of Chautauqua Lake; and

WHEREAS, one of the primary purposes of the CLMC capital projects funding is to provide matching funds to secure grants to undertake projects to help Chautauqua Lake and its watershed; and

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WHEREAS, the Alliance desires to allocate \$225,000 of the unexpended CLMC capital project program dollars to provide matching funding for grants to undertake Alliance member capital projects to help Chautauqua Lake and its watershed; and

WHEREAS, a balance of \$253,604.05 remains in this capital projects account (H.8020.674); therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$225,000 of the unexpended CLMC capital projects funding to be utilized by the Alliance to provide matching funding for grants to undertake Alliance member capital projects to help Chautauqua Lake and its watershed; and be it further

RESOLVED, That these allocations to the Alliance shall constitute no more than 50% of the local match for any given grant and the allocations shall not exceed \$50,000 for any given capital project; and be it further

RESOLVED, That the Alliance will recommend and seek endorsement to provide matching funding for grants to undertake Alliance member capital projects to help Chautauqua Lake and its watershed via resolutions from the County Legislature; and be it further

RESOLVED, That the Alliance shall report back to the legislature on an annual basis regarding its activities related to the expenditure of these funds; and therefore be it

RESOLVED, That the remaining funds in this capital projects account be dedicated to the completion of the few remaining CLMC projects.

Signed: Borrello, Niebel, Ahlstrom, Chagnon, Nazzaro, Heenan (A.C. Runkle voting "no")

Adopted w. Legstrs. Gould and Runkle voting "no" – June 24, 2015

RES. NO. 132-15
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the

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failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

SCHEDULE 1

Offer Number	Municipality	S/B/L	Purchaser	Offer Amt.	Taxes Owning
QC-2-2015	C/Dnk	060300-79.11-2-29	Robert Brewer	2433.17	2433.17
QC-5-2015	C/Dnk	060300-79.11-5-64	Estate of Rosetta Thomas	5821.71	5821.71
QC-8-2015	C/Dnk	060300-79.11-6-35	Iris Agosto	496.02	496.02
QC-11-2015	C/Dnk	060300-79.14-2-35	Candy Paredes	311.74	311.74
QC-12-2015	C/Dnk	060300-79.14-2-5	Jose A. Sanchez	313.19	313.19
QC-18-2015	C/Dnk	060300-79.18-3-57	Daniel J. Hall	693.58	693.58
QC-19-2015	C/Dnk	060300-79.18-5-55	Carl & Linda Bailey	3558.74	3558.74
QC-20-2015	C/Dnk	060300-79.19-1-11	Willie & Annie Neallard	2733.80	2733.80
QC-25-2015	C/Dnk	060300-79.20-1-57	Rodolfo Caltenco	189.82	189.82
QC-26-2015	C/Dnk	060300-79.20-1-69	Nilsa Nazario Corraliza	714.43	714.43
QC-27-2015	C/Dnk	060300-79.20-8-51	David C. Hess	4101.95	4101.95
QC-34-2015	C/Jmst.	060800-370.16-5-18	Lester & Maria Curry	10583.42	10583.42
QC-37-2015	C/Jmst.	060800-370.18-3-85	Jonathan S. Mease	3405.47	3405.47
QC-46-2015	C/Jmst.	060800-386.12-9-65	Beatrice Marotto-Vitanza	12297.84	12297.84
QC-47-2015	C/Jmst.	060800-386.16-7-67	William D. Signer	31313.54	31313.54
QC-51-2015	C/Jmst.	060800-387.08-4-19	Faith DiBlasi	2753.62	2753.62
QC-53-2015	C/Jmst.	060800-387.08-7-25	David Cass	4797.16	4797.16
QC-56-2015	C/Jmst.	060800-387.08-9-54	Nicole M. Spontaneo	3535.60	3535.60
QC-57-2015	C/Jmst.	060800-387.08-9-63	Mahendra Basdeo	8171.37	8171.37
QC-65-2015	C/Jmst.	060800-387.13-6-31	Mark Larson	1942.40	1942.40
QC-68-2015	C/Jmst.	060800-387.14-5-4	Scott A. Graham	3766.49	3766.49
QC-75-2015	C/Jmst.	060800-387.16-6-61	Christopher S. Allenson	205.56	205.56
QC-78-2015	C/Jmst.	060800-387.19-10-41	Darrel C. Carlson, as Trustee	9434.52	9434.52
QC-81-2015	C/Jmst.	060800-387.20-1-48	Wells Fargo Bank NA as Trustee for Carrington Mortgage Loan Trust	1396.07	1396.07
QC-82-2015	C/Jmst.	060800-387.20-1-50	David A. Sena	7994.64	7994.64
QC-85-2015	C/Jmst.	060800-387.26-1-12	Thomas & Lynn M Langworthy	3320.23	3320.23
QC-100-2015	C/Jmst.	060800-387.42-2-6	Thomas L. Oldro	1996.58	1996.57

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QC-103-2015	C/Jmst.	060800-388.09-4-10	Lisa C. Gibbons	5323.21	5323.21
QC-104-2015	C/Jmst.	060800-388.09-4-20	Lisa C. Gibbons	271.67	271.67
QC-107-2015	C/Jmst.	060800-404.08-6-3	Michael J. Thrine	976.49	976.49
QC-108-2015	Arkwright	062000-149.00-1-54	Kathleen A. Krtanjek	2132.15	2132.15
QC-109-2015	Arkwright	062000-166.00-1-18.1	Bernard T. & Jane A. Lindquist	4433.26	4433.26
QC-110-2015	Arkwright	062000-166.00-1-20.1	Bernard T. & Jane A. Lindquist	1672.24	1672.24
QC-111-2015	Arkwright	062000-182.00-3-17	Brian Ellis	501.01	501.01
QC-116-2015	Busti	062289-367.20-1-71	Carole Stone	6465.87	6465.87
QC-119-2015	Busti	062289-437.06-1-16	Ted A. McCandless	9333.92	9333.92
QC-120-2015	Busti	062289-453.00-1-26	David A. Sena	3474.30	3474.30
QC-121-2015	Carroll	062400-423.00-2-15	Albert & Barbara Martin	2531.14	2531.14
QC-122-2015	Carroll	062400-424.00-1-57.2	GOH III, LLC	22938.68	22938.68
QC-125-2015	V/Sinclairville	062601-251.03-1-24	Sally Ann Johnson	3185.33	3185.33
QC-126-2015	Charlotte	062689-217.00-1-51	Anne T. Mosier	2916.15	2916.15
QC-127-2015	Charlotte	062689-218.00-1-4	Peter A. Snyder Jr & Nicole D. Snyder	7373.40	7373.40
QC-128-2015	Charlotte	062689-235.00-1-38	Joseph & John Bolibrzuch & Emelia Schmitt	5637.30	5637.30
QC-129-2015	Charlotte	062689-235.00-1-44	Joseph & John Bolibrzuch & Emelia Schmitt	7025.62	7025.62
QC-133-2015	Chaut.	062889-246.09-1-23	Charles & Karen Heilman	304.66	304.66
QC-134-2015	V/Cherry Creek	063001-237.08-1-23	David G. & Linda Stalker	198.44	198.44
QC-137-2015	V/Cherry Creek	063001-237.11-1-57	Bernard & Yolanda McGonagle	4527.99	4527.99
QC-138-2015	V/Cherry Creek	063001-237.12-1-17.1	David G. & Linda Stalker	1852.13	1852.13
QC-148-2015	T/Dunkirk	063400-96.04-1-11	Pamela J. Halicki	7142.48	7142.48
QC-149-2015	T/Dunkirk	063400-96.04-1-43.1	Gold Seal Equity Partners	18148.20	18148.20
QC-153-2015	Ellery	063689-352.00-1-30	Martin A. Heglund	4488.99	4488.99

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QC-166-2015	Ellicott	063889-369.00-2-3	Darlene K. Turnquist	6930.83	6930.83
QC-176-2015	V/Sinclairville	064401-251.03-2-25	Alazyia Lockwood	451.48	451.48
QC-177-2015	V/Sinclairville	064401-267.08-1-21	Roy E. & Kathleen A. Bower	4913.63	4913.63
QC-178-2015	Gerry	064489-267.08-2-10	Roy E. & Kathleen A. Bower	590.30	590.30
QC-179-2015	V/Forestville	064601-99.12-2-23	Joseph Walczak	3505.52	3505.52
QC-181-2015	V/Silver Creek	064603-32.17-5-10	James A. Hiam	16857.54	16857.54
QC-185-2015	V/Silver Creek	064603-32.18-1-31.2	Michael J. Moranski & Barbara Miles Moranski	11124.69	11124.69
QC-186-2015	Hanover	064689-119.00-1-3	Kristopher A. & Amy L. Drozdziel	2270.65	2270.65
QC-187-2015	Hanover	064689-32.08-5-52	John A. & Julie Wilcox	9846.09	9846.09
QC-188-2015	Hanover	064689-32.08-5-53	John A. & Julie Wilcox	466.91	466.91
QC-192-2015	Hanover	064689-33.05-1-3	William K. & Linda Grieff	5526.44	5526.44
QC-193-2015	Hanover	064689-67.00-3-35	Scott Piccolo	1839.05	1839.05
QC-195-2015	Kiantone	065000-422.00-2-35	Alan L. & Bonita K. Mackie	1224.75	1224.75
QC-197-2015	Kiantone	065000-440.00-1-3	James D. & Christine L. Gage	11364.23	11364.23
QC-198-2015	Mina	065200-342.00-1-30	Caliber Home Loans, Inc.	3011.16	2984.78
QC-202-2015	North Harmony	065400-384.00-1-47	Cheryl Dracup	1731.69	1731.69
QC-203-2015	Poland	065600-356.00-1-32	Russell & Michelle L. Brunco	2453.10	2453.10
QC-205-2015	V/Fredonia	065801-113.07-1-5	Wells Fargo Bank, NA	284.61	284.61
QC-207-2015	V/Fredonia	065801-113.15-5-20	Sharon Barnes	12984.30	12984.30
QC-208-2015	V/Fredonia	065801-113.65-2-44	Lake Shore Savings Bank	5128.52	5128.52
QC-211-2015	Pomfret	065889-114.09-1-13	Debra Mancuso	19801.03	19801.03
QC-212-2015	Pomfret	065889-130.00-3-41	Audrey Clemens	2907.78	2907.78
QC-214-2015	V/Brocton	066001-144.16-1-14	Michael J. Bellando	468.88	468.88
QC-215-2015	V/Brocton	066001-144.16-1-15	Michael J. Bellando	468.88	468.88

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QC-216-2015	V/Brocton	066001-144.16-1-17	Michael J. Bellando	7838.76	7838.76
QC-217-2015	V/Brocton	066001-144.16-2-2	Julie L. Fortner	11876.95	11876.95
QC-222-2015	V/Brocton	066001-145.17-2-37	Michael J. Bellando	2403.43	2403.43
QC-223-2015	V/Brocton	066001-145.17-2-38	Michael J. Bellando	1236.49	1236.49
QC-224-2015	V/Brocton	066001-145.17-2-39	Michael J. Bellando	8360.89	8360.89
QC-226-2015	V/Brocton	066001-161.08-2-10	Jonathan R. & Wendy A. Palmer	22681.12	22681.12
QC-235-2015	Ripley	066200-239.00-1-21	Diana M. Collins	7410.64	7410.64
QC-238-2015	Ripley	066200-240.12-3-12	John R. Rowicki, III	9048.54	9048.54
QC-239-2015	Ripley	066200-240.12-3-43	Elizabeth A. Rotunda	9733.98	9733.98
QC-244-2015	Ripley	066200-258.00-2-37	Estate of Gene C. Garrity	3026.03	3026.03
QC-245-2015	Sheridan	066400-65.00-2-19	Tricia G. Rice	6294.17	6294.17
QC-246-2015	V/Sherman	066601-328.06-2-40	Kevin E. Biehls	7951.27	7951.27
QC-247-2015	V/Cassadaga	066801-182.17-1-1	Sandra A. Kuhn	1229.92	1229.92
QC-249-2015	Stockton	066889-215.00-3-68	Daniel W. Poeller	2091.01	2091.01
QC-252-2015	V/Westfield	067201-192.20-2-12	Lance T. Vicary	9151.99	9151.99
QC-252-2015	V/Westfield	067201-192.20-2-12	Home Loan Investment Bank	9151.99	9151.99
QC-254-2015	V/Westfield	067201-193.10-1-38	Duane A. & Katherine E. Blattenberger	354.39	354.39
QC-255-2015	V/Westfield	067201-193.13-3-39	Duane A. Blattenberger	8363.40	8363.40
QC-256-2015	V/Westfield	067201-193.14-1-4	Duane A. & Katherine E. Blattenberger	13156.41	13156.41
QC-259-2015	Westfield	067289-208.00-2-5.2.C75	The Board of Managers of the Edgewater Condominium	6154.72	6154.72
QC-262-2015	Westfield	067289-209.00-1-33	Theodore B. Gruber	3829.37	3829.37
QC-263-2015	Westfield	067289-293.00-2-1.2.1	Duane A. & Katherine E. Blattenberger	3546.93	3546.93
QC-264-2015	Westfield	067289-293.00-2-2	Duane A. & Katherine E. Blattenberger	1902.61	1902.61

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QC-265-2015	Westfield	067289-293.00-2-27.1	Duane A. & Katherine E. Blattenberger	2485.15	2485.15
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Signed: Scudder, Wendel, Vanstrom, Whitford, Himelein (A.S. - Amended to strike QC 252-2015 Home Loan Investment Bank)

Unanimously Adopted - R/C Vote 19 Yes; – June 24, 2015

2nd Privilege of the Floor

My name is Willie Rosas, I am the Council President or Councilman at Large in the City of Dunkirk. I am here on behalf of the Common Council. I am here to thank the County Legislature as well as the County Executive for your assistance provided to our City in our recent emergency project at our seal wall behind our water treatment plant. That was a very important project that we needed to have completed and the funds that you folks have provided for us is certainly going to help us. I would also like to thank the Planning & Economic Development Committee and Legislator George Borrello for your assistance. I would actually like to personally and publically thank our County Legislators who represent the residents in the City of Dunkirk, Legislator Keith Ahlstrom and Legislator Shaun Heenan. They took time out of their schedule to meet with me personally and I felt that that gave me a better understanding of how to request these funds and it warranted me to be here this evening personally to thank the Legislature and to be specific these two gentlemen. The positive outcome is, in my opinion, what happens when politicians decide to work together for the betterment of the people they represent. Thank you.

Chairman Gould: Anyone else to speak to the 2nd privilege of the floor? Seeing no one, I will close the privilege of the floor.

MOVED by Legislator Lemon, SECONDED by Legislator Heenan and duly carried the meeting was adjourned. (7:20 p.m.)

REGULAR SESSION

Regular Meeting
 Chautauqua County Legislature
 Wednesday, July 22, 2015, 6:30 p.m.
 Mayville, N.Y. 14757

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

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

Legislator Lemon delivered the prayer and pledge of allegiance.

MOVED by Legislator Niebel, SECONDED by Legislator Borrello the minutes were approved. (6/24/15)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
 NO VETOES FROM 6/24/15

COMMENDATION:

EMERGENCY RESPONDERS FOR
 ROCK CREEK RESCUE DURING
 JULY FLOOD
 BY
 COUNTY EXECUTIVE HARRIGAN
 AND
 CHAIRMAN JAY GOULD

COMMUNICATIONS:

1. Report – Fn. Dir. Marsh – June/2015 Investment Report
2. Minutes – Chaut. County Soil & Water Conservation District – June/2015
3. Conewango Crk. Watershed Assoc. – Invite to Conewango Creek Sojourn
4. Letter – Cornell Co-op. 4-H – Invite to Chaut. County Fair Youth Projects
5. Letter – Senator Young – Ack. Receipt of Motions 2-15 and 3-15
6. Letter – NYS Dept. of State – Re: Change in Filing of Local Laws
7. Letter – NYS Dept of Taxation & Finance – Re: Equalization Rates – 2015
8. Letter – Dept. of Public Service – Re: State Telecommunications Study
9. Letter – Drescher & Malecki LLP, CPA – Chaut. County Financial Audit

RES. NO. 133-15

Authorize Renewal of Lease of Part of Airport Facilities to U.S. Department of Transportation Federal Aviation Administration (FAA)

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

JOURNAL OF PROCEEDINGS

WHEREAS, the United States Department of Transportation Federal Aviation Administration (FAA) desires to renew its lease for space at the Airport Terminal Building at the Greater Chautauqua-Jamestown Airport; and

WHEREAS, the Chautauqua County Airport Commission has recommended approval of the lease; and

WHEREAS, it is desirable and appropriate for the Greater Chautauqua-Jamestown Airport to lease facilities to the United States Department of Transportation (FAA) and such portion of the premises is not needed for other public use; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law has been held; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease with the United States Department of Transportation (FAA) on substantially the following terms and conditions:

1. Premises: Lease approximately 588 square feet of office space in the main Airport Terminal Building at the Greater Chautauqua-Jamestown Airport.
2. Rent: Monthly payments of \$416.67, which includes service agreement for water, HVAC, electricity, use of sanitary facilities, snow and ice removal, and janitorial service.
3. Term: October 1, 2015 – September 30, 2025
4. Other: As negotiated by the County Executive.

Signed: Wilfong, Nazzaro, Scudder, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

RES. NO. 134-15

Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5759.84

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

WHEREAS, the Project for the Replacement of County Bridge 1077 on Harrison Street over Chadakoin River, BIN 2258370, in the City of Jamestown, Chautauqua County, PIN 5759.84 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be \$245,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, of which 100% is anticipated to be funded by the State of NY; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Right of Way Incidentals phases of the project PIN 5759.84; now therefore be it

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

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

REGULAR SESSION

the cost of the Preliminary Engineering and Right of Way Incidental phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering and Right of Way Incidental phases exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

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

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – County Bridge Program	\$245,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program	\$196,000
D.5112.390.R358.9003	NYS Aid – Marchiselli Funds	\$49,000

Signed: Wilfong, Nazzaro, Scudder, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

RES. NO. 135-15

Increase Capital Account for Fuel Station Improvement at the Sheridan Maintenance Facility

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

WHEREAS, the Chautauqua County Department of Public Facilities serves several departments and other municipal and not for profit organizations with fueling needs; and

WHEREAS, the current capital budget includes \$165,000 for the Sheridan Maintenance Facility Fuel Improvement Project; and

WHEREAS, the bid price exceeded preliminary estimates; therefore additional funds in the amount of \$55,000 are needed to complete the project; therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County, in connection with this funding; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000 Fund Balance, Reserved Fund Bal. – Reserve for Capital \$55,000;

and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital \$55,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.695.4 Contractual – Fuel Storage Del – Sheridan \$55,000

INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.695.R503.1000 Interfund Transfers \$55,000

Signed: Wilfong, Nazzaro, Scudder, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

RES. NO. 136-15

Authorizing Standardization of Moyno Pumps at the Chautauqua County Landfill Leachate-Pipeline-Transfer System

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

WHEREAS, the Landfill uses a pumping system to transfer collected leachate to the Jamestown BPU sewer network; and

WHEREAS, the pump used in that system must be operational at all times to avoid exceeding the available leachate storage capacity; and

WHEREAS, for the past ten years the Landfill has used a Moyno brand pump-system, and kept a backup secondary Moyno pump-system on-hand for parts or substitution in the event of the failure of the Moyno primary pump-system that is in use; and

WHEREAS, Landfill staff are familiar with the design and operation of the Moyno pump, and with its connection to and interaction with the pumping system; and

WHEREAS, the Landfill is now in need of a second pumping facility, which will also require a pumping system with a backup pump; and

WHEREAS, using a Moyno brand pump for the second pumping system will be

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efficient for the County since County personnel are already familiar with the pump, and will be most cost effective because a single Moyno back-up pump can serve both pumping stations; and

WHEREAS, there is no substantial equivalent to a Moyno pump, and a different brand of pump could not be readily used within the existing pumping system; now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua finds that for reasons of efficiency and economy, standardization of the pumps used at the Landfill to transfer collected leachate to the Jamestown BPU sewer network system, is in the best interests of the County; and be it further

RESOLVED, That Moyno pumps, manufactured by Shrier-Martin Process Equipment, Inc., 1895 W. Jefferson Street, Springfield, OH 45506, or its successor, be the standardized pump for Chautauqua County Landfill to transfer collected leachate to the Jamestown BPU sewer network system.

Signed: Wilfong, Nazzaro, Scudder, Himelein

Unanimously Adopted – July 22, 2015

RES. NO. 137-15

Authorizing Contract for 2016 Administration of Chautauqua County Self-Insurance Plan

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

BE IT HEREBY RESOLVED, That the Administrative Services Committee of the Chautauqua County Legislature be authorized and empowered to contract with the County of Chautauqua for the administration of the Self-Insurance Plan to be accomplished by the Chautauqua County Department of Finance during the year 2016, and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Forty-six Thousand Six Hundred Twenty Nine Dollars (\$146,629) for the 2016 year, and to include personnel services and office expenses, and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

RES. NO. 138-15

Participant's Share of 2016 Chautauqua County Self-Insurance Plan Costs

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

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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 2016 to each participant based on forty percent (40%) of the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and sixty percent (60%) on the loss percentile experience of the participants as provided in said plan and by the Workers' Compensation Law; and be it further

RESOLVED, That the amount set forth against the county be levied in the next tax levy and that the Self-Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2016.

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Towns			
Arkwright	\$38,437.49	Harmony	\$43,468.60
Busti	\$62,770.27	Kiantone	\$16,982.59
Carroll	\$24,956.61	Mina	\$31,185.00
Charlotte	\$16,437.71	N Harmony	\$71,038.31
Chautauqua	\$152,427.53	Poland	\$69,754.23
Cherry Creek	\$12,396.50	Pomfret	\$71,855.86
Clymer	\$11,518.25	Portland	\$47,220.61
Dunkirk	\$22,361.61	Ripley	\$22,573.78
Ellery	\$89,182.14	Sheridan	\$68,527.82
Ellicott	\$148,801.70	Sherman	\$8,209.44
Ellington	\$9,675.00	Stockton	\$19,931.08
French Creek	\$17,173.60	Villanova	\$17,897.96
Gerry	\$11,159.95	Westfield	\$37,905.45
Hanover	\$70,924.91		
Villages / Cities			
Bemus Point	\$10,137.21	Mayville	\$15,847.57
Brocton	\$8,903.42	Panama	\$2,122.51
Cassadaga	\$6,328.72	Sherman	\$2,734.21
Celoron	\$6,634.64	Silver Creek	\$48,160.43
Cherry Creek	\$1,790.88	Sinclairville	\$2,506.71
Falconer	\$15,521.16	Westfield	\$78,177.69
Forestville	\$3,207.53		
Fredonia	\$188,892.04	Dunkirk (City)	\$304,704.83
Lakewood	\$37,259.36	Jamestown (City)	\$902,994.27
Chautauqua County	\$2,349,302.81		

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

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Unanimously Adopted – July 22, 2015

RES. NO. 139-15

Fiscal Year 2014 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

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

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$24,981.00 under the FY 2014 Hazardous Material Emergency Preparedness (HMEP) Grant Program. Funding is provided by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) administer by NYS Division of Homeland Security and Emergency Services (DHSES); and

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

WHEREAS, the grant period runs from September 1, 2014 through January 31, 2016, and as may be extended; and

WHEREAS, most grant funding will be expended in the 2015 budget year, now therefore be it

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

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

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual – Hazmat	\$24,981
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INCREASE REVENUE ACCOUNT:

A.3640.R430.5004	Federal Aid – Homeland Security	\$24,981
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Signed: Niebel, Keefe, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

RES. NO. 140-15

Fiscal Year 2015 HazMat Grant Program

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

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$94,000 from the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) to be administered by NYS Division of Homeland Security and Emergency Services (DHSES) for the FY 2015 HazMat Grant Program; and

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

WHEREAS, the grant period runs from September 1, 2015 through August 31, 2018, and as may be extended; and

WHEREAS, upon acceptance of application and execution of contract, funds will be allocated to the proper accounts in subsequent resolutions once the County is ready to expend them; now therefore be it

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

Signed: Niebel, Keefe, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

RES. NO. 141-15

Modify Appropriation Accounts for the New York State Office of Homeland Security Funding Grant – Bomb Detection

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

WHEREAS, the County Sheriff's Office was awarded grant funding from the State of New York Office of Homeland Security for the further implementation of bomb detection; and

WHEREAS, grant awards #C174721 for \$78,750 (FY12) and #C174731 (FY13) for \$112,500 have not been fully expended during the original and/or amended contract period of May 14, 2014 to August 31, 2015; and

WHEREAS, since the passage of Resolution No. 111-15 the specific equipment to be purchased has changed from depreciable to non-depreciable; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3110.---2	Equipment—Sheriff	\$14,450
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DECREASE APPROPRIATION ACCOUNT:

A.3110.---3	Depreciable Equipment—Sheriff	\$14,450
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Signed: Niebel, Keefe, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

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RES. NO. 142-15

Amend Chautauqua County Mental Hygiene 2015 Budget for Court Ordered Expenses

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

WHEREAS, New York State Criminal Procedure Law Article 730 authorizes courts to order psychiatric examinations, observations, and commitments, and New York State Family Court Act Section 351.1 authorizes courts to order diagnostic assessments of respondents who have committed specified acts; and

WHEREAS, some of the expenses resulting from such orders are required to be borne by the County; and

WHEREAS, the County has budgeted local share dollars for these charges; and

WHEREAS, the 2015 expenditures are now projected to be in excess of the budgeted amount and the 2015 budget should be amended based upon current projections; now, therefore, be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----909.0000	Fund Balance, Unreserved Fund Balance – Fund Balance	\$175,000;
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and be it further

RESOLVED, That the Director of Finance is authorized and directed to amend the 2015 budget as follows:

INCREASE APPROPRIATION ACCOUNT:

A.4322.----.4	Contractual – Mental Hygiene Law	\$175,000
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Signed: Tarbrake, Keefe, Rankin, Wilfong, Runkle, Nazzaro, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

RES. NO. 143-15

Authorize Execution of Attestation for 2% Funding Increase to Support Salary and Salary-Related Fringe Benefit Costs of Direct Care Workers at Not-For-Profit Providers Through the Office of the Aging

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

WHEREAS, Part I of Chapter 60 of the Laws of 2014 provides funding to support an increase in annual salary and salary-related fringe benefit costs for direct care workers at not-for-profit providers as defined by the Director of the New York State Office for the Aging (NYSOFA); and

WHEREAS, the statute provides for a 2% increase for direct care staff and direct support professionals effective January 1, 2015, and a 2% increase for clinical staff effective April 1, 2015; and

REGULAR SESSION

WHEREAS, the County is required to submit an attestation confirming that the funding provided to the Office for the Aging (OFA) under this statute will be used solely to support salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the NYSOFA Director; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized and directed to execute an attestation certifying that the funding provided to Chautauqua County pursuant to Part I of Chapter 60 of the Laws of 2014 will be used solely to support salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the Director of the New York State Office for the Aging (NYSOFA).

Signed: Tarbrake, Keefe, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

RES. NO. 144-15

Allocating 3% Occupancy Tax Funding from the 2015 Off-Cycle Contingency Account

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

WHEREAS, a portion of the annual allocation for development of attractions and events is held in a contingency account to be utilized for unanticipated project requests occurring outside the annual application review process; and

WHEREAS, the Tourism Review Panel has met to consider and has made recommendations for the off-cycle requests received; therefore be it

RESOLVED, That the following additional projects are approved for 3% Occupancy Tax funding from the 2015 budget:

Lucy Town Half Marathon and 5K	\$8,060.00
Chautauqua Gran Fondo Cycling Tour	\$6,680.00
Chadwick Bay Bike Run	\$3,600.00
National Bigfoot Center	\$5,480.00 (contingent upon proof of project viability in 2015)

Signed: Borrello, Niebel, Chagnon, Runkle, Nazzaro, Heenan (**Amended in A.C. as indicated by strikethrough**)

Unanimously Adopted – July 22, 2015

RES. NO. 145-15

Approving Additional Funding for Dredging of Recreational Channels in Dunkirk Harbor and Cattaraugus Creek

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

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WHEREAS, Dunkirk Harbor's recreational channel and Cattaraugus Creek's recreational channel require dredging to maintain their usability to the public; however, efforts to dredge them during 2014 in conjunction with the successful dredging of Barcelona Harbor were thwarted due to unforeseen complications; and

WHEREAS, Resolution 58-14 pledged \$150,000 from the 2% Occupancy Tax Lakes and Waterways Reserve Fund and dedicated \$60,000 from the Lake Erie Management Commission (LEMC) to be distributed equally to the City of Dunkirk, Town of Hanover and the Town of Westfield to assist with funding their dredging projects; and

WHEREAS, NYS Environmental Conservation funding in the amount of \$300,000 was pledged to the City of Dunkirk, Town of Hanover and the Town of Westfield to assist with funding their dredging projects, thereby providing a total of \$170,000 for each dredging project; and

WHEREAS, the Dunkirk Harbor's recreational channel and Cattaraugus Creek's recreational channel dredging projects were publicly bid on June 30, 2015, resulting in a total project cost of \$355,000, and thereby creating a shortfall of \$15,000; and

WHEREAS, the fund balance in the 2% Lakes and Waterways Reserve is approximately \$478,000, and this project meets the criteria for use of these funds; therefore be it

RESOLVED, That Chautauqua County, through the 2% Occupancy Tax Lakes and Waterways Reserve Fund, pledges an additional \$15,000 in support of recreational channel dredging activities in Dunkirk Harbor and Cattaraugus Creek in an effort to undertake the projects in 2015 and 2016; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.889.WATR	MISC RES – Lakes & Waterways	\$15,000
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;and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual – Watershed Administration	\$15,000
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Signed: Borrello, Nazzaro, Niebel, Chagnon, Runkle, Heenan

Unanimously Adopted – July 22, 2015

RES. NO. 146-15

Commitment of Matching Funds for a Grant Application to the New York State Consolidated Funding Application Program for Six Streambank Stabilization Projects

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

REGULAR SESSION

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened by severely eroded sections of several Chautauqua Lake tributaries; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development, the Chautauqua Lake and Watershed Management Alliance (Alliance), the Chautauqua County Soil and Water Conservation District, and the Chautauqua Watershed Conservancy have partnered to provide grant writing and grant administration services, technical services and construction oversight in an effort to efficiently deliver beneficial water quality projects that have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, New York State Consolidated Funding Application (CFA) offers state-wide grant funding programs that provide an opportunity to significantly leverage local resources; however, these grant programs are fiercely competitive and require a local match in cash and/or in-kind services; and

WHEREAS, the 2015 CFAs include Round 12 of the New York State Department of Environmental Conservation's Water Quality Improvement Program (WQIP) grants, which provide funding for beneficial water quality improvement projects; and

WHEREAS, the County has selected six problematic tributary streams within the Chautauqua Lake watershed for application to the WQIP grant program, which provides reimbursement for up to 75% of the cost of water quality improvement projects, with applicants providing the remaining local match contribution of at least 25 % of the total project costs; and

NYSDEC Water Quality Improvement Program Grant Applications				
Tributary Name	Total Project Cost	NYSDEC-WQIP Funding Requested	Commitment of Local Matching Funds	Other Sources of Local Match
Dutch Hollow WDH 04	\$642,905.00	\$482,179.00	\$125,614.00	\$35,112.00 1
Dutch Hollow WDH 05	\$367,850.00	\$275,888.00	\$56,850.00	\$35,112.00 1
Goose Creek	\$52,920.00	\$39,690.00	\$13,230.00	
Ball Creek	\$88,231.00	\$66,174.00	\$22,058.00	
Bemus creek	\$201,600.00	\$151,200.00	\$50,400.00	
Prendergast Creek	\$77,386.00	\$58,039.00	\$19,346.00	
Totals	\$1,430,892.00	\$1,073,170.00	\$287,498.00	\$70,224.00

1. The 2013 Barton & Loguidice Report provided a detailed stream assessment and preliminary engineering for Dutch Hollow WDH 04 and WDH 05 at a total cost of \$140,448. The report was funded in part (50%) through the NYSDOS Ellicott Grant and \$70,224 from

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CLMC capital project funding. The intent is to evenly divide this investment of \$70,224 of County funds between the two Dutch Hollow grants as an additional source of local matching funds.

WHEREAS, the 2% Reserve fund has a balance of \$462,500; and

WHEREAS, by Resolution 131-15 the County reallocated \$225,000 of the unexpended Chautauqua Lake Management Commission (CLMC) capital project program dollars to provide matching funding for grants to undertake Alliance member capital projects to help Chautauqua Lake and its watershed; and

WHEREAS, if all six WQIP grant application are successful, County match funds will be provided by contributing \$143,749 from the 2% Reserve (A.-----889.WATR Fund Bal, Resvd Fund Bal - MISC RES – Lakes & Waterways) and \$143,740 from reallocated CLMC capital projects program funds (H.8020.674), with the remaining match of \$70,224 being provided through the County's investment in the Erosion Diagnosis and Mitigation Study of Goose Creek and Dutch Hollow Creek (Barton & Loguidice study); 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, in the public interest, and 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; now therefore be it

RESOLVED, By the Chautauqua County Legislature as follows:

1. The County Executive is hereby authorized to act on behalf of the County in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions, and is authorized to make the WQIP grant program applications, execute the State Assistance Contract, submit Project documentation, and act for the County in all matters related to the Project and to State assistance.
2. The County shall fund its match 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. One (1) certified copy of this Resolution shall be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
4. This Resolution shall take effect immediately.

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

Unanimously Adopted – July 22, 2015

RES. NO. 147-15
Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:

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

REGULAR SESSION

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution a comprehensive financial management policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, the first Financial Management Policy was adopted pursuant to Resolution 168-04, and was further amended by Resolutions 64-05, 147-07, and 144-14; and

WHEREAS, the Director of Finance has recommended several amendments and updates to the current policy; therefore be it

RESOLVED, That the County's Financial Management Policy is hereby amended by substitution to read as follows:

I. **INTRODUCTION**

Section 2.05(c) of the Chautauqua County Charter requires the County Legislature to adopt a comprehensive financial management policy for County government on at least an annual basis. The primary objective of this policy is to establish financial guidelines for the maintenance of County operating and capital funds, fund balances, operating and capital revenues, and the use of reserve funds. With a focus on long-term planning, these guidelines are intended to provide sound financial management in order to provide appropriate and responsible budgets for Chautauqua County taxpayers. These policies are for general use, and allow for exceptions as appropriate and necessary on a case-by-case basis.

II. **PURPOSE**

The County of Chautauqua recognizes the importance of adherence to sound financial management practices. By enacting financial management policies, the County of Chautauqua intends to achieve the following goals and objectives:

A. Credit Rating

The most global indicators of a county's overall financial health are the credit ratings issued by the various rating agencies in the financial community. These ratings assess a county's immediate and future financial needs and its means to fund them. It is the intent of this financial management policy to provide the financial community with the assurance that the County of Chautauqua follows structurally sound budgeting practices, maintains an appropriate level of funds in reserve, and embarks upon vigorous long-range planning for both operating and capital needs.

B. Stable Tax Structure

Government spending relies heavily upon the current economic environment. With New York State counties required to pay 25% or more for most public assistance programs, a majority of county spending is obligated to these mandated programs. During robust economic times, the demand upon social services is lower and there is very little pressure on the tax structure. During periods of slow economic growth or recessions, the demand for government services increases greatly and taxes generally rise to meet these demands. In order to stabilize the peaks and valleys in the tax rate, financial management policies should be implemented to mitigate large changes in the taxation structure.

C. Fund Balances

The New York State Comptroller recommends that each local government assess what is a "reasonable amount" for its particular situation and adopt a fund balance policy. The purpose of this

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policy is to establish a fund balance policy to address the needs of Chautauqua County ("County") and establish adequate reserves to ensure that unanticipated events will not adversely affect the financial condition of the County nor jeopardize the continuation of necessary public services. This policy will ensure the County maintains adequate fund balance and reserves in the County's Governmental Funds to provide the capacity to:

1. Provide sufficient cash flow for daily financial needs.
2. Secure and maintain investment grade bond ratings.
3. To provide adequate reserves to offset significant economic downturns or revenue shortfalls, and
4. Provide adequate reserves for unforeseen expenditures related to emergencies.

D. Structurally Balanced Budgets

The County of Chautauqua's definition of a structurally balanced budget is a budget that finances recurring appropriations with recurring revenues. A key component to maintaining stable taxation and fund balances is to limit the use of one-time revenues in the funding of recurring operations. It is the intent of this policy to attain structurally balanced budgets.

E. Long Range Planning

The County of Chautauqua recognizes the importance of long range planning for both operations and capital expenditures to ensure fiscal stability by providing the capability to plan for future expenditures and to weather unforeseen circumstances.

III. POLICIES

A. General Unobligated Fund Balance

1. This policy shall apply to the County's General Fund, only.
2. Fund Balance for the County's Governmental Funds will be comprised of the following categories:
3.
 - a) Nonspendable- amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.
 - b) Restricted- amounts externally imposed by creditors (debt covenants), grantors, contributors, laws, or regulations of other governments.
 - c) Committed- amounts used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority.
 - 1) Amounts set aside based on self-imposed limitations established and set in place prior to year-end and can be calculated after year-end.
 - 2) Limitation imposed at highest level and requires same action to remove or modify.
 - 3) Resolutions that lapse at year end.
 - d) Assigned- amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed.
 - e) Unassigned- amounts that are not reported in any other classification.
4. When resources are available from multiple classifications, the County spends funds in the following order: restricted, committed, assigned, unassigned.
5. The Chautauqua County Legislature is the decision-making authority that can, by resolution, commit fund balance. The commitment may only be modified by a new

resolution authorized by the Chautauqua County Legislature.

6. General Unobligated Fund Balance:
 - a) For the purpose of this policy, general unobligated fund balance shall consist of the Unassigned Fund Balance less any designations as footnoted in the Basic Financial Statements.
 - b) The County shall strive to maintain unobligated fund balance of not less than 5% and not more than 15% of General Fund gross revenues.
 - c) The Director of Finance shall report the amount and percentage of general unobligated fund balance to the Audit and Control Committee upon completion of the annual audit each year.
 - d) In the event that unobligated fund balance exceeds 15% of adopted budget gross revenues, the excess may be utilized for any lawful purpose approved by the County Legislature. In order to minimize the long term effect of such use, the excess should be appropriated to fund one-time expenditures which do not result in recurring operating costs, and/or be used to establish or increase reserves.
 - e) In the event that general unobligated fund balance falls below 5% of adopted budgeted gross revenues, the Budget Officer shall make a recommendation to the Audit and Control Committee to restore the balance to the minimum level in the next budget year or other appropriate period of time.

B. General Fund Five-Year Plan

Beginning in the 2006 budget year, a five-year general fund budget projection shall be completed on an annual basis that projects both expenditures and revenues. A narrative shall be attached identifying all assumptions used in calculating the projection. Additionally, this narrative shall include measures to be taken to close any budget gap that may exist.

C. Capital Projects Six-Year Plan

1. Assessment - A comprehensive capital assessment of Chautauqua County's physical infrastructure shall be completed at least every five years. This assessment shall include an evaluation of the current state and future maintenance needs and or replacement expense of all buildings, roads, bridges, airports, parks, and dams.
2. Capital Requests - Pursuant to guidelines set forth in Article 7 of the Chautauqua County Administrative Code, department heads shall present all proposed infrastructure projects (buildings, roads, bridges, airports, parks, and dams), all equipment purchases (including all vehicles) over \$10,000 and over one year life expectancy, and all computer software and hardware over \$10,000 and over one year life expectancy. All light duty vehicles rated less than 1.25 ton and valued less than \$50,000 shall be submitted as a capital project utilizing the Chautauqua County Capital Vehicle Request form. These vehicles will be separately purchased and tracked in a separate capital project account. Departments will be responsible for budgeting the operating expenses (gasoline, insurance, maintenance) and the annual depreciation of the vehicle as determined by the Department of Finance and the Department of Public Facilities.
3. Funding - In order to provide a consistent source of funding for the County's infrastructure, investment earnings accrued from the County's general fund shall be dedicated to the Capital Project Reserve. This shall provide an estimated \$500,000 to \$1,500,000 a year to fund capital projects. Additionally, revenue

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from the Motor Vehicle Registration fee shall fund County road and bridge projects.

4. Account closeout – No later than February 28th of every year, all open capital project accounts shall be assessed and reviewed by the Audit and Control committee. Any projects that are complete and have excess funds shall be closed out and any balances transferred to the Capital Project Reserve.
5. Planning Process – As set forth in Article 7 of the Chautauqua County Administrative Code, a Capital Projects Six-Year Plan shall be recommended by the County Planning Board, Capital Projects Committee, and County Executive on an annual basis, and shall be confirmed by the County Legislature.

D. Tax Stabilization Fund

Tax stabilization fund balance may be utilized in the tentative budget process, pursuant to New York State General Municipal Law § 6-e, in an amount not to exceed 50% of the projected current year fund balance. When the balance reaches \$250,000 or less, the entire balance may be utilized.

E. Non-Property Taxes

Non-property taxes (sales, occupancy, mortgage, motor vehicle fee) are very elastic and are dependent upon variable economic trends. It is imperative to budget these revenues with a degree of conservatism to prevent shortages due to changing economic climates. As a general guideline, these revenues shall be budgeted as the actual receipts received two years prior – e.g., the 2005 tentative budget amounts will be the actual level of receipts received in 2003. Deviations from the "two years prior" policy shall only occur based upon known factors that may considerably impact the proposed budget such as a change in tax rates, change in taxable entities, or a rapidly changing economic environment. Any deviation from policy shall be appropriately documented. Occupancy tax shall have the following minimum reserves:

- | | | |
|----|--|----------|
| 1. | 3% Occupancy Tax -Tourism | \$50,000 |
| 2. | 2% Occupancy Tax - Lakes and Waterways | \$50,000 |

F. Purposes and Use of Debt

1. Capital Financing: The County will rely on internally generated funds and/or grants and contributions from other governments (i.e. federal, state and local) to finance its capital needs whenever available. Debt will be issued for a capital project when it is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries.
2. Asset Life: The County will consider long-term financing for the acquisition, maintenance, replacement, or expansion of physical assets (including land) only if they have a useful life of at least five years. As a general rule, debt will not be issued for the road and bridge program, because of the recurring nature of road and bridge construction and maintenance. Debt will be used only to finance capital projects and equipment, except in the case of an emergency. County debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed, as prescribed in Local Finance Law.
3. Debt Authorization: No County debt issued for the purpose of funding capital projects shall be authorized by the Legislature unless it has been included in the Six-Year Capital Projects Plan or until the Legislature has modified the Plan.

G. Financial Tracking System

To provide a quantitative analysis of the fiscal condition of county finances, the New York State Comptroller's Office has developed a series of fiscal indicators. The following indicators shall be computed and tracked on an annual basis upon completion of the audit of

the County's basic financial statements. The final results shall be reported to the Audit and Control committee no later than September 30th.

Indicator 1: Year-End Fund Balance

1. Assigned and Unassigned Fund Balance – To identify the amount of fund balance that is available in the general, special revenue, and/or enterprise funds to provide a cushion for revenue shortfalls or expenditure overruns.
2. Total Fund Balance – To identify the amount of fund balance that is available to be used to fund operations, provide a cushion for revenue shortfalls or expenditure overruns, and/or is reserved for specific future purposes.

Indicator 2: Operating deficits

3. Operating Deficit – To identify local governments that are incurring operating deficits

Indicator 3: Cash Position

4. Cash Ratio – To identify the ability of the local government to liquidate current liabilities.
5. Cash % of Monthly Expenditures – To identify the ability of the local government to fund the ensuing fiscal year's operations from available cash.

Indicator 4: Use of Short-Term Debt

6. Short-Term Debt Issuance – To identify the amount of short-term debt that is issued to meet obligations (cash flow).
7. Short –Term Debt Issuance Trend – To identify the trend in the issuance of short-term debt.

Indicator 5: Fixed Costs

8. Personal Services and Employee Benefits % Revenues – To identify the amount that revenues are restricted to be used for salaries and benefits.
9. Debt service % Revenues – To identify the amount that revenues are restricted to be used for debt service expenditures.

IV. MISCELLANEOUS

A. Adoption

The County of Chautauqua Financial Management Policy shall be presented to and adopted by the Chautauqua County Legislature as official County policy by formal legislative resolution.

B. Modification and Review

These policies, along with the Chautauqua County Investment policy, shall be reviewed annually by the Finance Department, Budget Department, Legislative Financial Analyst and Legal Counsel, and the Audit and Control Committee for formal approval in June of every year.

Signed: Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – July 22, 2015

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RES. NO. 148-15

Authorize Transfer of Tax Foreclosure Properties to Chautauqua County Land Bank Corporation
(CCLBC)

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

WHEREAS, pursuant to Resolution 65-12, Chautauqua County created one of the first five (5) authorized land bank corporations in New York State that was incorporated as the Chautauqua County Land Bank Corporation ("CCLBC"); and

WHEREAS, the mission of CCLBC is to "control and manage strategically selected dilapidated and abandoned residential and commercial properties acquired through the County tax foreclosure process, bank foreclosures and/or donations, and facilitate solutions aimed at stabilizing neighborhoods, encouraging private investment, and improving the quality of life throughout Chautauqua County;" and

WHEREAS, in 2014 and 2015, CCLBC secured \$2.8 million in grant funding through the NYS Office of Attorney General, primarily designated for demolition activities, side lot disposition, and the purchase of bank foreclosed properties; and

WHEREAS, to date CCLBC has successfully returned 12 vacant lots and 23 residential structures to productive use, has leveraged approximately \$950,000 in private investment related to renovation activities, has generated approximately \$90,000 in annual taxes, and has worked with the municipalities to demolish almost 30 residential properties county-wide at a cost of over \$600,000; and

WHEREAS, the County Legislature has transferred distressed tax foreclosure properties to CCLBC at no cost, but CCLBC expends between \$2,000 and \$6,000 for each acquired property as it pays the first year's taxes, cleans the interior and exterior of the properties, secures the properties, and lists the properties through the Multiple Listing Service so that they can be made available to the public for negotiated sale; and

WHEREAS, CCLBC has all properties appraised as-is and lists them for sale at 60% of the appraised value in order to incentivize and maximize investment by the purchasers for renovation work; and

WHEREAS, based on historical sales, CCLBC has sold properties for approximately \$10,000 per property on average, and any "profits" realized by CCLBC are being reinvested directly back into improving the County's housing stock, through a range of activities including renovation and demolition projects; and

WHEREAS, CCLBC aspires to become self-sustaining as it builds its capacity over time; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties containing distressed or at risk structures to the Chautauqua County Land Bank Corporation at no cost, and upon such other terms and conditions negotiated by the County Executive:

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Auction Number	City/Town	Village	Parcel Identification	Property Location	Property Type
PA-13-2015	City of Dunkirk		060300-79.14-2-83	106 Robin St	Single Family Residence
PA-16-2015	City of Dunkirk		060300-79.16-2-9	76 Kosciuszko Ave	Two Family Residence
PA-17-2015	City of Dunkirk		060300-79.16-3-11	62 Mc Donough St	Single Family Residence
PA-33-2015	City of Jamestown		060800-370.15-6-15	146-148 Buffalo St	Two Family Residence
PA-40-2015	City of Jamestown		060800-370.19-8-9	222 Price St	Two Family Residence
PA-41-2015	City of Jamestown		060800-370.20-2-25	121 Stowe St	Single Family Residence
PA-76-2015	City of Jamestown		060800-387.17-6-9	1229 Newland Ave	Single Family Residence
PA-77-2015	City of Jamestown		060800-387.18-8-28	119 Hazeltine Ave	Single Family Residence
PA-266-2015	City of Jamestown		060800-387.19-2-35	242 Cole Ave	Single Family Residence
PA-83-2015	City of Jamestown		060800-387.20-4-30	67 Allendale Ave	Single Family Residence
PA-163-2015	Ellicott		063889-354.19-1-7	1913 E Main St Ext	Single Family Residence
PA-164-2015	Ellicott		063889-354.19-1-8	E Main St Ext	Residential Vac Land
PA-165-2015	Ellicott		063889-354.19-1-9	E Main St Ext	Residential Vac Land
PA-170-2015	Ellicott		063889-386.11-3-14	627 Fairmount Ave	Single Family Residence
PA-219-2015	Portland	Village of Brocton	066001-144.20-3-18	10 Fay St	Single Family Residence
PA-267-2015	Westfield	Village of Westfield	067201-209.08-1-12	20 Oak St	Two Family Residence

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Please Note: Parcel No. 067201-209.08-1-12 has been removed at this time by court order in pending legal proceedings.

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - July 22, 2015

RES. NO. 149-15
Quit Claim Deeds

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

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 below under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

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Offer Number	Munic.	S/B/L	Purchaser	Offer Amt.	Taxes Owing
PA-85-2014	Jmst.	060800-387.05-5-10	Anderson Precision	\$750.00	\$241.14
PA-86-2014	Jmst.	060800-387.05-5-11	Anderson Precision	\$750.00	\$ 2,775.68
PA-121-2014	Jmst.	060800-387.08-9-74	Christopher & Tabitha Mascelli	\$155.00	\$ 214.06
TOTALS:				\$1,655.00	\$ 3,230.88

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - July 22, 2015

RES. NO. 150-15
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

RESOLVED, That with regard to the reacquisition parcel listed in Schedule 1 (Tax Identification No. 060800-387.32-1-27), the County Executive is authorized and empowered to enter into an agreement with the offeror on an installment payment basis for a term of not more than five (5) years, with such installment payments to include payment of all applicable interest and penalties during the term of the agreement; and be it further

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

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owing
PA-3-2015	C/Dnk.	060300-79.11-2-87	Alex David & Tina M LaFalce	\$10,000.00	\$ 1,296.00
PA-4-2015	C/Dnk.	060300-79.11-3-40	Richard J Christopher	\$27,000.00	\$ 5,199.11
PA-9-2015	C/Dnk.	060300-79.11-6-69	Ryan L Nelson	\$10,000.00	\$ 3,505.01

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PA-10-2015	C/Dnk.	060300-79.12-2-39	Joseph & Jana Reynolds	\$ 8,000.00	\$ 7,922.59
PA-14-2015	C/Dnk.	060300-79.14-6-2	Anthony Dloniak	\$ 8,500.00	\$ 2,080.23
PA-21-2015	C/Dnk.	060300-79.19-3-34	David M Civilette	\$ 100.00	\$ 372.49
PA-22-2015	C/Dnk.	060300-79.19-3-35	David M Civilette	\$ 100.00	\$ 1,787.82
PA-24-2015	C/Dnk.	060300-79.19-7-90	Jacob Esau Sam	\$22,500.00	\$ 7,540.13
PA-29-2015	C/Dnk.	060300-96.05-1-7	Robert Garigal	\$ 250.00	\$ 230.86
PA-30-2015	C/Dnk.	060300-96.05-1-8	Robert Garigal	\$ 250.00	\$ 224.14
PA-45-2014	C/Dnk.	060300-96.14-1-32	Christopher Krzyzanowicz	\$ 20.00	\$ 216.13
PA-32-2015	C/Jmst.	060800-370.14-2-21	Laverne Johnson	\$15,000.00	\$ 3,996.25
PA-38-2015	C/Jmst.	060800-370.19-3-44	C.O.D.E. INC	\$ 50.00	\$ 566.95
PA-39-2015	C/Jmst.	060800-370.19-7-13	Juan Pacheco Jr	\$19,000.00	\$ 7,296.08
PA-43-2015	C/Jmst.	060800-370.20-3-50	Gioachino Vincenzo Donisi	\$ 7,000.00	\$ 6,386.95
PA-74-2014	C/Jmst.	060800-370.20-7-3	Buffalo Street Complex LLC	\$ 500.00	\$ 292.41
PA-48-2015	C/Jmst.	060800-387.05-4-36	Kimberley Irene Walsh	\$ 8,500.00	\$11,740.96
PA-49-2015	C/Jmst.	060800-387.06-3-23	Bradley A Mason	\$25,000.00	\$162,715.48
PA-52-2015	C/Jmst.	060800-387.08-4-34	Brock Thorn Jones	\$ 375.00	\$ 291.98
PA-54-2015	C/Jmst.	060800-387.08-7-55	Carol Severn	\$13,500.00	\$ 4,098.28
PA-60-2015	C/Jmst.	060800-387.12-1-23	Angelo Donisi	\$ 400.00	\$ 2,002.50
PA-64-2015	C/Jmst.	060800-387.12-4-64	Enrique Melendez	\$ 4,000.00	\$ 2,322.50
PA-66-2015	C/Jmst.	060800-387.14-4-15	Brenda Strasser	\$14,000.00	\$ 8,880.77
PA-71-2015	C/Jmst.	060800-387.14-6-30	Sydney Pellerito	\$ 7,500.00	\$ 3,168.20
PA-117-2009	C/Jmst.	060800-387.14-6-83	Eric W Anderson	\$ 10.00	\$ 1,959.53
PA-79-2015	C/Jmst.	060800-387.19-4-6	Juan Pacheco Jr	\$ 8,000.00	\$ 3,289.61
PA-80-2015	C/Jmst.	060800-387.19-5-5	Gilberto Peguero	\$ 6,000.00	\$ 2,463.84
PA-87-2015	C/Jmst.	060800-387.26-3-18	Leonard B Carroll	\$ 10.00	\$ 223.02
PA-92-2015	C/Jmst.	060800-387.31-1-42	Clevon Wofford	\$ 6,000.00	\$ 3,238.17
PA-93-2015	C/Jmst.	060800-387.31-2-6	Heather Fields	\$ 6,500.00	\$ 2,457.10
PA-95-2015	C/Jmst.	060800-387.33-1-15	Enrique Melendez	\$18,000.00	\$ 6,318.81
PA-97-2015	C/Jmst.	060800-387.41-1-25	WCA SERVICES CORP	\$ 3,400.00	\$ 31,131.05
PA-98-2015	C/Jmst.	060800-387.41-1-26	WCA SERVICES CORP	\$16,600.00	\$120,453.13
PA-101-2015	C/Jmst.	060800-387.49-1-16	Angelo Donisi	\$ 450.00	\$ 3,194.17
PA-117-2015	Busti	062289-384.08-3-64	Foxpiper, LLC	\$ 3,000.00	\$ 4,648.55
PA-118-2015	Busti	062289-437.00-1-25	Angelo Donisi	\$ 3,000.00	\$ 4,625.90
PA-123-2015	Carroll	062400-424.00-2-18	Keith Klingler	\$31,500.00	\$ 5,581.83
PA-124-2015	Carroll	062400-425.00-1-66	Daniel Johnson	\$ 2,000.00	\$ 2,672.56
PA-139-2012	Charlotte	062689-217.04-1-30	Tina M Richir	\$ 100.00	\$ 3,132.27

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PA-130-2015	V/Mayville	062801-245.19-1-1	Gary E Say	\$30,000.00	\$ 14,116.80
PA-131-2015	V/Mayville	062801-262.12-1-47	Kelly J Finch	\$ 7,600.00	\$ 5,200.99
PA-135-2015	V/Cherry Crk.	063001-237.08-1-24	David J Greene	\$15,000.00	\$ 8,273.36
PA-136-2015	V/Cherry Crk.	063001-237.08-1-25	David J Greene	\$ 1,100.00	\$ 212.56
PA-139-2015	V/Cherry Crk.	063001-237.12-2-5	Linton IRA LLC	\$ 3,200.00	\$ 8,405.11
PA-140-2015	Cherry Creek	063089-204.00-1- 28.2	Cindy L Brainard	\$ 550.00	\$ 354.71
PA-142-2015	Cherry Creek	063089-221.00-1-8	Shawn W Williamson	\$13,000.00	\$ 4,510.65
PA-143-2015	Cherry Creek	063089-238.00-1-13	Jeffery Steward	\$ 8,500.00	\$ 2,411.59
PA-144-2015	Clymer	063200-414.00-1-20	Daniel Johnson	\$ 750.00	\$ 590.92
PA-150-2015	Ellery	063689-316.00-1-6	Timothy P & Kevin M Gustafson	\$ 2,200.00	\$ 552.25
PA-151-2015	Ellery	063689-317.00-1-8.1	Eric W Anderson	\$ 3,600.00	\$ 2,950.17
PA-152-2015	Ellery	063689-334.00-1-3.3	Stephen & Karen LaTone	\$ 1,100.00	\$ 337.69
PA-154-2015	Ellery	063689-369.09-2-13	Daniel Bjork Fellows & Linda A Fellows	\$ 3,500.00	\$ 236.91
PA-155-2015	V/Celoron	063801-369.15-3-30	Larry N Muntz	\$ 150.00	\$ 272.02
PA-156-2015	V/Celoron	063801-369.15-3-31	Larry N Muntz	\$ 150.00	\$ 272.02
PA-157-2015	V/Falconer	063803-371.07-2-39	Jason Youngberg	\$26,000.00	\$ 18,040.84
PA-159-2015	V/Falconer	063803-371.10-5-28	Kelly J Finch	\$16,000.00	\$ 6,782.91
PA-160-2015	V/Falconer	063803-371.11-2-16	James A Marucci	\$55,000.00	\$ 9,691.11
PA-161-2015	Ellicott	063889-337.00-1-24	Todd D Winton	\$25,000.00	\$ 3,620.11
PA-162-2015	Ellicott	063889-337.00-1-39	Laverne Johnson	\$ 900.00	\$ 864.97
PA-238-2014	Ellicott	063889-353.00-2-63	Bernard & Patricia Woolschlager	\$ 1,140.00	
PA-239-2014	Ellicott	063889-353.00-2-64	Bernard & Patricia Woolschlager	\$54,720.00	\$ 4,662.12
PA-240-2014	Ellicott	063889-353.00-2-65	Bernard & Patricia Woolschlager	\$ 1,140.00	\$123,779.33
PA-167-2015	Ellicott	063889-386.06-1-39	Kristie Zavala	\$13,000.00	\$ 3,821.97
PA-168-2015	Ellicott	063889-386.06-1-58	Kimberly Fairbanks	\$ 20.00	\$ 215.86
PA-169-2015	Ellicott	063889-386.06-1-59	Kimberly Fairbanks	\$ 20.00	\$ 215.86
PA-232-2013	Ellicott	063889-386.10-2-28	Dominic Joseph Trippe	\$ 10.00	\$ 192.46
PA-172-2015	Ellington	064000-270.00-1-22	Scott & Danielle Green	\$16,000.00	\$ 7,316.89
PA-173-2015	Ellington	064000-272.04-1-45	Angelo J Rivera	\$ 7,300.00	\$ 4,750.89
PA-174-2015	Ellington	064000-288.19-1-30	Jenna M Spencer & Kevin Wise	\$ 3,300.00	\$ 42,356.64
PA-175-2015	French Creek	064200-377.00-1-14	Susan I & David K Jones	\$16,000.00	\$ 2,955.69

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PA-180-2015	V/Silver Crk.	064603-32.17-2-19	Alex David & Tina M LaFalce	\$ 500.00	\$ 1,781.29
PA-182-2015	V/Silver Crk.	064603-32.18-1-15	Brian P Hanner	\$ 7,000.00	\$ 12,856.33
PA-183-2015	V/Silver Crk.	064603-32.18-1-3	Gary F Payne	\$ 5,500.00	\$ 6,572.24
PA-184-2015	V/Silver Crk.	064603-32.18-1-31.1	Richard Wilkins	\$12,000.00	\$ 5,496.86
PA-263-2013	V/Silver Crk.	064603-32.18-7-17	Foxpiper, LLC	\$ 2,500.00	\$17,630.21
PA-189-2015	Hanover	064689-32.12-3-36	Carl John Kogler III	\$ 328.00	\$ 3,332.67
PA-190-2015	Hanover	064689-32.12-3-37	Carl John Kogler III	\$ 72.00	\$ 703.60
PA-191-2015	Hanover	064689-32.14-1-3	Storm Creek George	\$ 120.00	\$ 809.12
PA-194-2015	V/Panama	064801-398.08-1-6	Kara Morris	\$ 100.00	\$ 760.02
PA-290-2014	Harmony	064889-433.00-1-57	David S Edwards	\$ 1,100.00	\$ 348.80
PA-196-2015	Kiantone	065000-422.00-2-36	Eric W Anderson	\$ 500.00	\$ 754.21
PA-199-2015	Mina	065200-342.00-1-49	Daniel Johnson	\$ 1,200.00	\$ 404.03
PA-200-2015	Mina	065200-343.00-1-15	Richard C Walker	\$40,000.00	\$ 2,599.02
PA-201-2015	N. Harmony	065400-332.00-1-27	Gregory T & Frances M Michalak	\$37,000.00	\$ 2,174.75
PA-204-2015	Poland	065600-372.00-1-62	Eric W Anderson	\$14,000.00	\$ 3,707.56
PA-206-2015	V/Fredonia	065801-113.07-2-47	John J Zmuda	\$37,000.00	\$ 17,500.16
PA-213-2015	Pomfret	065889-180.00-1-43	Jeffrey & Sheri L Shealy	\$14,000.00	\$ 8,912.10
PA-218-2015	V/Brocton	066001-144.16-2-7	Taylor James Appel	\$24,000.00	\$ 11,960.51
PA-220-2015	V/Brocton	066001-144.20-3-33	Jason T & Kelly Jo DeJoe	\$10,500.00	\$ 9,967.34
PA-221-2015	V/Brocton	066001-145.17-2-31	Hector L Rivera	\$ 6,000.00	\$ 8,238.39
PA-325-2014	V/Brocton	066001-145.17-2-60	James George & Jonathan D Ribbing	\$ 100.00	\$ 177.92
PA-227-2015	Portland	066089-128.13-1-11	David & Rosemary Banach	\$79,000.00	\$151,684.64
PA-228-2015	Portland	066089-143.16-1-48	Nathan Terrill	\$ 9,000.00	\$ 8,883.86
PA-229-2015	Portland	066089-161.10-1-9	Curtis Merle	\$13,500.00	\$10,004.06
PA-230-2015	Portland	066089-161.10-2-18	Ryan L Nelson	\$ 8,500.00	\$ 9,794.62
PA-231-2015	Portland	066089-178.00-1-35	Warren C Rammacher	\$ 3,250.00	\$ 5,816.29
PA-232-2015	Portland	066089-211.00-3-43	Robin & Tim Furlow	\$12,000.00	\$ 3,647.43
PA-233-2015	Portland	066089-211.00-3-46	Robin & Tim Furlow	\$ 1,000.00	\$ 1,084.69
PA-234-2015	Ripley	066200-224.00-1-5	George P Laporte Jr	\$27,500.00	\$ 8,534.18
PA-236-2015	Ripley	066200-240.11-1-12	Dan F Demarco	\$ 5,000.00	\$ 8,621.22
PA-237-2015	Ripley	066200-240.11-1-14	James George, Eric Houser & Jonathan D Ribbing	\$ 8,000.00	\$ 6,219.39
PA-240-2015	Ripley	066200-240.15-2-8	Billy Kuhn	\$ 10.00	\$ 199.57
PA-241-2015	Ripley	066200-240.16-2-24	William T McGraw Jr	\$ 6,000.00	\$ 8,181.83
PA-243-2015	Ripley	066200-241.13-1-32	William T McGraw Jr	\$ 3,700.00	\$ 3,664.59

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PA-248-2015	Stockton	066889-214.00-1-43	Ervin Yoder	\$15,000.00	\$ 3,824.70
PA-250-2015	Villanova	067000-169.00-2-54	Kyle R Bradigan	\$36,000.00	\$ 8,912.55
PA-251-2015	V/Westfield	067201-192.20-1-28	Darrell W & Yvonne Dehaven	\$20,500.00	\$ 4,859.41
PA-253-2015	V/Westfield	067201-192.20-4-50	Michael A Wissman	\$20,000.00	\$ 7,971.35
PA-258-2015	V/Westfield	067201-209.08-1-29	Daniel Scriven	\$ 110.00	\$ 515.46
PA-260-2015	Westfield	067289-208.10-5-41	Storm Creek George	\$ 150.00	\$ 512.44
PA-261-2015	Westfield	067289-208.10-5-42	Storm Creek George	\$ 150.00	\$ 929.45
PA-267-2015	Chautauqua	062889-278.17-1-22	Thomas M Walsh	\$11,155.00	\$ 1,550.28
PA-268-2015	Chautauqua	062889-278.17-1-23	Thomas M Walsh	\$ 345.00	\$ 285.34
TOTALS				\$1,125,655.00	\$1,089,873.24
				\$1,105,155.00	\$1,085,013.83
Reacquisition	C/Jmst.	060800-387.32-1-27	S & K Repositioned Inc.	\$44,263.62	\$ 44,263.62

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Please note: PA-251-2015 has been removed at this time by court order in pending legal proceedings.

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - July 22, 2015

2nd Privilege of the Floor

My name is Emily Reynolds, I am here on behalf of Cornell Cooperative Extension. I live at 2246 Wait Corners Road, in Sherman, N.Y. I just want to remind everybody that Monday is the opening day of the 134th Annual Chautauqua County Fair. So, I would like to remind you that you have an invitation to join the Chautauqua County 4-H with opening ceremonies starting at 10:00 a.m. and a tour to follow. So, I hope that you can join us.

Chairman Gould: Anyone else to the second privilege of the floor? Seeing no one else, I will close the privilege of the floor.

MOVED by Legislator Heenan, SECONDED by Legislator Lemon and duly carried the meeting was adjourned. (7:57 p.m.)

REGULAR SESSION

Regular Meeting
 Chautauqua County Legislature
 Wednesday, August 26, 2015, 6:30 p.m.
 Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present.

Legislator Nazzaro delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Himelein the minutes were approved. (7/22/15)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
 NO VETOES FROM 7/22/15

COMMUNICATIONS:

1. Letters (4) – County Exec. Herrigan – Appts. to Various Boards
2. Letter – County Executive – Promulgation of Admin. Code
3. Report – Fn. Director Marsh – July 2015 Investment Report
4. Letter – County Exec. to Gov. Cuomo – Re: Chaut. Co. Storm Event 7/13/15
5. Quarterly Report – Small Business Development Center – 4/1-6/30/15
6. Statement – Personal Care Products Council – Re: Microbeads
7. Status Report – Total Maximum Daily Load for Phosphorus in Chaut. Lake
8. Letter – Water Quality Task Force – Re: Mandatory Septic Inspections
9. Minutes – Chaut. Co. Soil & Water Conservation District – July 2015
10. Letter – NYS Dept. of State – Ack. Receipt of LL 1-15
11. Letter – NYS Senator Young – Re: Secured funding for dredging for Sunset Bay, Chadwick Bay, Barcelona Harbor, & Chaut. Lake Watershed
12. Letter – NYS Senator Young to Soil & Water Conservation District – Re: Secure funding for Bear Lake and Cassadaga Lake
13. NYS Dept. of Taxation and Finance (2) – Equalization Rates
14. Letter – Town of Pomfret – Re: Erosion & Flooding Damage

Motion: (On file w/ 8/26/15 Legislature Data)

4-15 Declaring September 18, 2015 as National POW/MIA Recognition Day

RES. NO. 151-15

Confirm Appointment & Re-Appointments - Chautauqua County Traffic Safety Board

By Public Safety Committee:

At the Request of County Executive Vincent W. Herrigan:

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WHEREAS, County Executive Vincent W. Horrigan, 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 Traffic Safety Board.

Appointment:

<p>Fred Croscut 7804 Freeman Rd. Sherman, N.Y. 14781 Term Expires: 7/31/16</p>	<p>Filling Term of Marvin Shellhouse</p>
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Re-Appointments:

<p>Breeanne Agett 1847 Winch Rd. Lakewood, N.Y. 14750 Term Expires: 5/31/18</p>	<p>Dennis Barmore 2644 28 Mile Creek Rd. Gerry, N.Y. 14740 Term Expires: 5/31/18</p>	<p>Drew Rodgers P.O. Box 416 Bemus Point, N.Y. 14712 Term Expires: 5/31/18</p>
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Bradley Van Riper
2709 28 Mile Creek Rd.
Gerry, N.Y. 14740
Term Expires: 5/31/18

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – August 26, 2015

RES. NO. 152-15

Confirm Re-Appointments - Chautauqua County Fire Advisory Board

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

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

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

Re-Appointments:

<p>James Bostaph 649 Bentley Hill Rd. Gerry, N.Y. 14740 Term Expires: 1/31/16</p>	<p>Thomas Fairbanks 4722 Rt. 60 Gerry, N.Y. 14740 Term Expires: 1/31/16</p>
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Mark Smith
9473 Rt. 20
Ripley, N.Y. 14775
Term Expires: 1/31/16

REGULAR SESSION

Signed: Wendell, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – August 26, 2015

RES. NO. 153-15

Confirm Appointment - Chautauqua County Land Bank Board of Directors

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

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Land Bank Board of Directors.

Aaron Resnick
6828 Sherman-Westfield Rd.
Westfield, N.Y. 14787
Term Expires: 3/31/16

Filling term of William Morrill

Signed: Borrello, Niebel, Ahlstrom

Unanimously Adopted – August 26, 2015

RES. NO. 154-15

Confirm Appointment - Chautauqua County Sports Fishery Advisory Board

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

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

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

New Appointment:

Mike Sperry
5295 Route 474
Ashville, N.Y. 14710
Term Expires: 12/31/16

Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – August 26, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 155-15

Joint Funding Agreement with U.S. Department of Interior – Geological Survey

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

WHEREAS, Chautauqua County, through its support of the County Sewer Agency, has caused to have constructed a gage station on Chautauqua Lake and gage instrumentation on the Dow Street Bridge in the Village of Falconer (Res.537-73); and

WHEREAS, the operation and maintenance of these stations is recognized by Chautauqua County as an integral part of not only a flood prevention program on the shores of Chautauqua Lake and within the Village of Falconer, but also as an integral part of a low flow program concerning the maintenance of the Chadakoin River system; and

WHEREAS, the United States Department of Interior periodically offers a Joint Funding Agreement between the U.S. Geological Survey and the County of Chautauqua requiring a local share for the operation and maintenance of the lake gage; and

WHEREAS, the County annually budgets to pay the local share portion of the Joint Funding Agreement; therefore be it

RESOLVED, That the County Executive be authorized to enter into annual Joint Funding Agreements with the U.S. Geological Survey within annual budget appropriations.

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong

Unanimously Adopted – August 26, 2015

RES. NO. 156-15

Authorize Agreement with NYSDOT for Performance of Federal-Aid Project
PIN 5761.26

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

WHEREAS, the Chautauqua County Bridge Painting Project, PIN 5761.26 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be \$250,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the project PIN 5761.26; now therefore be it

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

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

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

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

RESOLVED, That D Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

D.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$ 50,000
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RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – County Bridge Program	\$250,000
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program	\$200,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Runkle, Heenan, Borrello, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 157-15

Authorize Agreement with NYSDOT for Performance of Federal-Aid Project
PIN 5761.27

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

WHEREAS, Chautauqua County Bridge deck sealing Project, PIN 5761.27 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be \$50,000 to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the project PIN 5761.27; now therefore be it

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

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

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

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

RESOLVED, That D Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

D.-----909 Fund Balance, Unreserved Fund Balance – Fund Balance \$10,000

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – County Bridge Program \$50,000

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002 Federal Aid - Surface Transp Program \$40,000

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong, Runkle, Himelein, Borrello, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 158-15

Increase Capital Account Funding for the Chautauqua County Airport at Jamestown

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

WHEREAS, pursuant to Resolution 48-14, the County Legislature accepted the Airport Improvement and Revitalization Grant from New York State Department of Transportation (NYSDOT)

REGULAR SESSION

Commissioner to fund the installation of a generator at the Chautauqua County Airport at Jamestown (Project), and

WHEREAS, Chautauqua County has agreed to a hangar capital improvement project estimated at \$15,000 as part of the new agreement with FBO, and

WHEREAS, the current capital appropriations of \$144,000 for the Project is insufficient to cover the bid price of \$168,450 plus \$13,000 in miscellaneous and engineering costs; and

WHEREAS, the NYSDOT Air Improvement and Revitalization Grant will not fund additional costs, therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County in connection with this funding; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Bal. – Reserve for Capital \$52,450

;and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital \$52,450

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.154.4 Contractual – Install Generator – Jmst \$52,450

INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.154.R503.1000 Interfund Transfers – Interfund Transfer \$52,450

Signed: Hemmer, Scudder, Himelein, Wilfong, Borrello (P.F. – Nazzaro voting "no")
(A.C. – Failed w/ Runkle, Nazzaro, Heenan, Chagnon voting "no")

Adopted w/ Legstrs. Ahlstrom, Chagnon, Niebel, Scudder voting "no" – August 26, 2015

RES. NO. 159-15

Increase Capital Account Funding for the Chautauqua County Airport at Jamestown

At the Request of County Legislator John Runkle, County Legislator Shaun Heenan, County Legislator Charles Nazzaro, and County Legislator Pierre Chagnon:

WHEREAS, Chautauqua County has agreed to a hangar capital improvement project estimated at \$15,000 as part of the new agreement with the FBO, and

WHEREAS, funds have not been appropriated for the project; therefore be it

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RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Bal. – Reserve for Capital \$15,000
and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----9 Interfund Transfers – Transfer to Capital \$15,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.154.4 Contractual – Install Generator/Misc. Repairs -- Jms t \$15,000

INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.154.R503.1000 Interfund Transfers – Interfund Transfer \$15,000

Signed: Runkle, Chagnon, Heenan, Nazzaro

RULED OUT OF ORDER – August 26, 2015

RES. NO. 160-15

Authorize Lease of the Busti Salt Shed to Oak View Dairy

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

WHEREAS, the County owns and maintains a coverall type structure at the Busti shop that has been rendered redundant by the construction of the new facility in Falconer; and

WHEREAS, a local agricultural business has a need for temporary storage space to store oats for approximately six months, and would like to use the coverall building for that purpose; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute a lease agreement with Oak View Dairy for leasing the Busti salt shed, on substantially the following terms and conditions:

1. Premises: Approximately 6,300 square feet of storage space at the Busti shop location.
2. Term: August 27, 2015 to August 31, 2016, with options to renew.
3. Rent: \$500 per month for half of the building or \$1,000 per month for the entire building, for such months as it is actually used for storage.
4. Utilities: Oak View Dairy will be charged for electricity usage.
5. Other: As negotiated by the County Executive.

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

Unanimously Adopted – August 26, 2015

REGULAR SESSION

RES. NO. 161-15
Amend Chautauqua County Purchasing Policy

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

WHEREAS, pursuant to Section 104-b of New York State General Municipal Law (GML), the County Legislature adopted a purchasing policy in Resolution 182-92, as amended by Resolutions 268-93, 171-94, 124-09, 142-13, and 68-14; and

WHEREAS, there have been changes to the list of individuals who have County purchasing authority, making it appropriate to update the names listed in this Purchasing Policy resolution, and

WHEREAS the County desires to clarify and otherwise update purchasing requirements, now, therefore, be it

RESOLVED, That the County Purchasing policy established by Resolution 182-92, as amended by Resolutions 268-93, 171-94, 124-09, 142-13, and 68-14, is hereby amended by substitution to read as follows:

1. Purchasing Procedures.

a. State Requirements. Every purchase of goods and/or services shall be reviewed by the officer or employee that initially approves the requisition to ensure compliance with State competitive bidding / offering requirements and preferred source requirements, under the general supervision of the Purchasing Manager. Any procurement that is not subject to competitive bidding shall be accompanied by documentation of the basis for the determination that competitive bidding is not required by law. The Purchasing Manager should be consulted when an acquisition is believed to be a professional service and therefore not subject to State competitive bidding requirements. Contracts involving the receipt by County of revenues are not required to be bid; however quotes or proposals should be solicited.

b. Alternative Proposals and Quotes. Except as otherwise provided by New York State law, alternative proposals or quotations for goods and services shall be:

- i. secured by use of written requests for proposals (RFPs) and written, faxed, or e-mailed quotations from at least three vendors for procurements of services expected to exceed \$20,000 in value;
- ii. secured by written, faxed, or e-mailed quotations from at least three vendors for procurements of goods and services expected to be between \$5,000 and \$20,000; and
- iii. within the discretion of the Department Head, subject to the advice of the Purchasing Manager, for procurements of goods and services under \$5,000.

Adequate documentation of actions taken in connection with each such method of procurement shall accompany the purchase order or the Agreement or Agreement of Services request submitted to the Purchasing Manager, and the credit card purchase information submitted to the Department of Finance. Such documentation must include a statement of the reason that three quotes were not able to be secured, when applicable.

c. Exceptions. In the event that the procurement is from: a State contract bid; General Services Administration schedule seventy, information technology; General Services Administration's "1122 Program Equipment and Supplies Catalog" and consolidated schedule contracts; involves surplus or second hand supplies, materials or equipment to be acquired from

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other governmental units; reflects unique or specialized goods or services that are needed by the County; is part of a program to standardize goods or equipment; arises from a bona fide emergency, accident or other unforeseen occurrence or condition that requires prompt action; involves a sole source situation; relates to the purchase of perishable food; is from a State-designated Preferred Source; or involves other situations where the above procedures for the solicitation of alternative proposals or quotations are not practical or will not be in the best interest of the County, a written explanation of why adherence to the procedures set forth in this Policy would not be practical or would not be in the best interest of the County shall accompany the Purchase Order, Agreement or Agreement of Services request submitted to the Purchasing Manager, or the Procurement Card statement submitted to the Department of Finance, which determination shall be subject to review by the Purchasing Manager, Department of Finance, and/or the Law Department.

d. Lowest Responsible Offer. In the event a contract is awarded to other than the lowest responsible dollar offerer, the Purchase Order or Agreement / Agreement of Services request shall be accompanied by written documentation and justification specifying why such award is in the best interest of the County. When a contract is awarded utilizing "best value" procedures pursuant to Section 103 of New York State General Municipal Law, the award shall be based to the extent possible on objective and quantifiable analysis, and best value RFPs shall include a description of the manner in which the evaluation of the offers and award of the contract will be conducted, and as appropriate, identify the relative importance of price and non-price factors.

e. Miscellaneous Provisions.

i. Whenever practical, economical, and permitted by State law, the County shall acquire goods and services from Chautauqua County businesses and select goods and services which provide the least possible negative impact on the environment, including products made from recycled materials.

ii. The requirements of this Purchasing Policy apply to procurements in which the County expends funds or receives revenues.

iii. Notwithstanding anything to the contrary in this Purchasing Policy, all County procurements shall be made in conformance with Federal and State requirements, including but not limited to applicable laws and Federal and State grant/funding requirements.

2. Credit Card Usage. Procurement Credit Cards, hereinafter referred to as credit cards, obtained through the Finance Department, can be used to make payments for purchases of goods not exceeding \$1,000 in value when pre-approved by the Department Head and consistent with the direction provided by the Purchasing Manager. Upon request by the Department Head to the Director of Finance, credit cards will be issued to individual employees, hereinafter referred to as Cardholders. Such cards are not re-assignable for use by other employees.

The credit cards have a monthly limit of \$5,000, unless the Department Head requests that a Cardholder's monthly credit limit be increased to accommodate the department's purchasing requirements. There is a non-adjustable \$1,000 limit per transaction. Under no circumstances will a Cardholder authorize a transaction exceeding this \$1,000 limit without the advance written approval of the Purchasing Manager.

Procurements paid for with credit cards remain subject to all requirements of this Policy. The Cardholder to whom the credit card is assigned shall reimburse the County for costs incurred with respect to any illegal or unauthorized expenditure or improper usage of the credit card, to the extent such costs were within the Cardholder's control. The credit card is expressly not authorized to be used to pay for the procurement of services unless specifically authorized in writing by the Purchasing Manager.

Cardholders must obtain packing slips for all purchases paid for by credit card, reconcile the slips with the Cardholder's monthly credit statement, and attest by signature on the credit card

REGULAR SESSION

statement that all goods recorded have been received in good condition and are for the use of conducting County business. Department Heads must sign the monthly credit statements of their cardholders as an indication that all purchases were authorized by the Department Head.

Credit shall be immediately requested from the vendor for any unauthorized purchases or billing errors. In the event the vendor does not cooperate in issuing a credit when due, the Cardholder should contact the Department of Finance and request that a Dispute Form be submitted to the financing agency. The County is not responsible for any unauthorized purchases or purchases made for personal use.

Cardholders must perform an initial audit and reconciliation of their monthly statements and must promptly submit their statements, along with the appropriate G/L Account number to be charged, so that the bill can be paid prior to the time of imposition of late fees or penalties, and prior to the monthly closing of the County's financial statements.

The Purchasing Manager will review the periodic audit reports submitted by the auditors and take appropriate action to enforce the credit card policy. Each Cardholder must have on file with the County Executive's Office a current Financial Disclosure Form and must complete the Purchasing Training Manual available on the Chautauqua County intranet.

3. Individuals with Purchasing Authority. Pursuant to the requirements of Section 104-b(2)(f) of the General Municipal Law, the following individuals are identified as having purchasing authority:

Alphabetical List of Employees with Purchasing Authority

Key-

C= Authorization to Approve Contracts/Agreement of Service

CC=

Authorization to use Credit Card

PO= Authorization to Approve Purchase Orders

V= Authorization to Approve

Vouchers/Grids

A

Abbey, Matthew	Wastewater Maintenance Mechanic	South & Center Chaut. Lake Sewer Dist.	CC
Abdella, Stephen	County Attorney	Co. Attorney & CTASC	CC, C, V, PO
Abram, Brian	Commissioner of Elections	BOE	CC, C, V, PO
Abram, Paul	Project Coordinator	Public Facilities CARTS	V, PO
Anderson, Rebecca	Purchasing Agent	Public Facilities	CC, V, PO
Atwell, Sharon	Researcher Typist	Co. Attorney	CC

Babcock, Misty	Senior Account Clerk – Typist	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Barmore, Dennis	Deputy Co. Fire Coordinator	Emergency Svs.	CC
Barmore, Larry	County Clerk	Co. Clerk	CC, C, V, PO
Barone, Nathaniel II	Public Defender	Public Defender	CC, C, V, PO
Barron, JoAnn	Dir. of Administrative Services	Health & Human Svs.	C, V, PO
Becker, Robert	Wastewater Mechanic	South & Center Chaut. Lake Sewer	CC

		Dist.	
Becker, Sue	Principal Account Clerk	Health & Human Svs.	V
Berg, Irene	Storekeeper II	Public Facilities	CC
Blanchard, Robert	Carpenter	Public Facilities Buildings & Grounds	CC
Blitz, Judith	Health Education Aide	Office for the Aging	CC
Blum, Rebecca	Coordinator of Aging Services	Office for the Aging	CC, C, V, PO
Bohall, John	General Maintenance Mechanic	Public Facilities Building & Grounds	CC
Braley, Darryl	Deputy Sheriff Captain	Sheriff	CC, C, V, PO
Brant, Nance	Secretary to the Dir. of Finance	Finance	CC
Breakey, Carol,	Sr. Project Coordinator (Fiscal)	Health & Human Svs	V, PO
Brigham, Cassandra	Coroner	Co. Leg Coroner	V
Brinkman, Patricia	Dir. of Community MH Services	Mental Hygiene	CC, C, V, PO
Brooks, Dennis	Insurance Administrator	Finance- Insurance	V
Brumagin, Alexey	Engineer III	Public Facilities	C
Button, Todd	First Deputy Director of Finance	Finance	C, V, PO

B

C

Caflich, James	Dir. of Real Property Tax	Finance Real Property Tax	CC, C, V, PO,
Carlberg, Nikki	Senior Caseworker	Mental Hygiene	CC
Carlson, Thomas	Dir. of North Chaut. Lake Sewer District	North Chaut. Lake Sewer Dist	CC, C, V, PO
Carrow, Allison	Assistant County Attorney	Law	C, V, PO
Catanese, Carmella	Secretary to County Executive	Co. Exec.	CC, V
Cheronis, Christine	Aging Services Specialist	Office for the Aging	CC,C,V, PO

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Chilcott, Gary	Director of Veterans Services	Veterans Service Agency	C, V, PO
Christodoulou, Chris	Building Maint Mechanic II	Public Facilities Buildings and Grounds	CC
Christodoulou, Katina	Senior Account Clerk	Public Facilities	PO
Clawson, Susan	Exam Monitor	Health & Human Svs.	V
Cobb Johnson, Brenda	Administrative Aide-Typist	Finance Insurance	V
Colf, Donald	Administrative Aide (19-A Prg)	C Public Facilities CARTS	CC
Cook, Patricia	Principal Account Clerk	Emergency Svs.	CC, V, PO
Corwin, Dana	Reg Prof Nurse II (PH)	Office for the Aging	CC, V, PO
Crow, Kitty	Budget Director	Finance Budget	CC, C, V, PO
Cummings, Norma	Project Coordinator	Emergency Svs.	CC
Cummings, Scott	Wastewater Maintenance Mech II	North Chaut. Lake Sewer Dist.	CC
Cusimano, Leslie	Caseworker	Mental Hygiene	CC

D

Dankert, Dan	Storekeeper III	Public Facilities	CC
Darling, Judy	Account Clerk-Typist	Public Facilities	V
Davis, Stanley Jr.	Wastewater Trt At/Ast Mech	South & Center Chaut. Lake Sewer Dist.	CC
DeAngelo, Jonathan	Chief Information Officer	Info. Technology Svs.	CC, C, V, PO
Dennison, Kathleen	Accounting Supervisor	Sheriff	CC, V, PO
DePonceau, Lorraine	Senior Account Clerk-Typist	Health & Human Svs.	V

E

Ellman, Jennifer	Aging Services Aide	Office for the Aging	CC
Emley, Francine	Personnel Technician	Human Resources	CC, C, V, PO
Evans, Philip	Probation Supervisor	Probation	CC, V

F

Fairbanks, Dolores	Senior Account Clerk	Office for the Aging	CC, V, PO
Fardink, Pamela	Senior Account Clerk	Public Facilities	CC, V, PO
Felsman, Michael	Accounting Supervisor	Public Facilities Landfill	CC, V,

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			PO
Finnerty, Carrie	Account Clerk	Veterans Service Agency	V, PO
Foley, David	District Attorney	District Attorney	CC, C, V, PO
Foster, Lori	Secretary to Legislature	Co. Leg.	CC, C, V, PO
France, Tracy	Purchasing Manager	Public Facilities	C, PO
Frank, Robert	Deputy Co. Fire Coordinator	Emergency Svs.	CC
Freligh, Mark	Wastewater Mech.Supervisor	South & Center Chaut. Lake Sewer Dist	CC, C, V, PO

G

Geise, Mark	Deputy Dir of Plng And Eco Dev	Planning & Economic Dev.	CC, C, V, PO
Gerace, Joseph	Sheriff	Sheriff	CC, C, V, PO
Gillies, Eric	Wastewater Trt At/Ast Mech	South & Center Chaut. Lake Sewer Dist	CC
Gloss, George	Superv Wastewater Trtmnt PI Op	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Green, Norman	Commissioner of Elections	BOE	CC, C, V, PO
Gustafson, Cheryl	Senior Project Coord (Transp)	Public Facilities CARTS	V, PO
Gustafson, Kurt	First Assistant County Attorney	Co. Attorney	C, V, PO

H

Hardenberg, Ryan	Wastewater Treatment Plant Op	North Chaut. Lake Sewer Dist.	CC
Haskin, Tracie	Deputy County Clerk	Co. Clerk	C,V, PO
Henry, Michelle	Records Mang. Coordinator	Co. Clerk	CC, C, V,PO
Hilliard, William-	Building Maint Mechanic II	Public Facilities- Buildings & Grounds	CC
Hlosta, Carmen	Director of Certification	Health & Human Svs.	CC
Holder, Charles	Undersheriff	Sheriff	CC, C, V, PO
Hooks, Patricia	Accounting Supervisor	Health & Human Svs.	V, PO
Horrigan, Vincent	County Executive	County Executive	CC, C, V, PO
Humphrey, Christine	Laboratory Tech-Admin (WstWtr)	South & Center Chaut. Lake Sewer Dist.	CC, V, PO

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Hutchinson, Glen	Mechanic II	Public Facilities- CARTS	CC
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I

Imfeld, Daniel	Deputy Co. Fire Coordinator	Emergency Svs.	CC
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J

Jackson, James	Coroner	Co. Leg Coroner	V
Johnson, Cindy	Senior Account Clerk	Mental Hygiene	CC
Johnson, Holly	Resource Assistant (CARTS)	Public Facilities CARTS	CC, V
Johnson-Basile, Margaret	Director of Certification	Health & Human Svs.	CC
Jones, Kolnae	Sr Caseworker	Mental Hygiene	CC
Joslyn, Sherryl	Account Clerk-Typist	Health & Human Svs.	CC

K

Kent, Linda	Senior Account Clerk	Health & Human Svs.	V
Kirst, Patti Anne	Deputy Commissioner	Health & Human Svs.	CC, C, V, PO
Kuehn, Jill	Typist II	Mental Hygiene	CC

L

Langebartel, Maureen	Accounting Supervisor	Public Facilities	V, PO
Lawrie, Kimberly	Personal Computer Spec	Info. Technology Svs.	PO
*RETIRING JULY 31, 2015 LeBaron, Beverly	Administrative Assistant	District Attorney	CC, C, V, PO
Leighton, Elizabeth	Health Aide	Mental Hygiene	CC
Leone, Julius Jr.	Dir. of Emergency Services	Emergency Svs.	CC, C, V, PO
Levandowski, Kathy	Senior Account Clerk-Typist	Public Facilities Airport & Parks	CC, PO
Liliededt, Deborah	Senior Typist	Planning & Economic Dev.	CC, PO
Lillie, Lisa	Administrative Aide-Typist	Health & Human Svs.	CC, V
Lis, Valerie	Deputy Director of Finance	Finance	C, V, PO
Loomis, Carol	Sr Caseworker	Mental Hygiene	CC
Loveless, Debbra	Senior Account Clerk-Typist	Health & Human Svs.	V
Lucariello, Barbara	Motor Vehicle Office Sup.	Co. Clerk	CC, C, V, PO
Ludemann, Sheryl	Administrative Aide-Typist	Health & Human Svs.	CC
Ludwig-Mesmer, Rachel	MH Prog Coord (SPOA-Child)	Mental Hygiene	CC

M

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Marsh, Susan	Director of Finance	Finance & CTASC	CC, C, V, PO
McCord, Donald	Deputy Dir of Plng And Eco Dev	Planning & Economic Dev	C, V, PO
McCoy, David	Special Projects Coordinator	Planning & Economic Dev.	V, PO
Merritt, Michelle	Sr Caseworker	Mental Hygiene	CC
Milks, Jennifer	Sr Caseworker	Mental Hygiene	CC
Minor, Marshall	Wastewater Trt At/Ast Mech	South & Center Chaut. Lake Sewer Dist.	CC

N

Naraway, Thomas	Probation Supervisor	Probation	CC, C, V, PO
Nichols, Susan	Account Clerk-Typist	Health & Human Svs.	CC

O

O'Connor, Belinda	Sr Caseworker	Mental Hygiene	CC
O'Connor, Ryan	Wastewater Trt At/Ast Mech	South & Center Chaut. Lake Sewer Dist.	CC
Oehlbeck, Mathew	Wastewater Maint Mechanic	North Chaut. Lake Sewer Dist.	CC
Oquist, Cheryl	Sr Caseworker	Mental Hygiene	CC

P

Panteli, Pantelis	Dep Dir Publ Facil (Engineer)	Public Facilities Landfill	C, V, PO
Paoletta, Bridgette	Aging Services Aide	Office for the Aging	CC
Papalia, Nancy	Community Service Aide	Office for the Aging	CC
Parker, Clinton	Mechanic II	Public Facilities CARTS	CC
Parment, Doris	Elections Dep. Office Mgr.	BOE	CC, C, V, PO
Pelletier, James	First Assistant Public Defendr	Public Defender	C, V, PO
Peterson, Lou Ann	Principal Account Clerk	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Popielarz, Anthony	Elections Trainer Coordinator	BOE	CC
Porpiglia, Joseph	Director Human Resources	Human Resources	CC, C, V, PO
Potter, John	Transfer Station Supervisor	Public Facilities Landfill	CC
Price, Diana Sue	Account Clerk-Typist	Sheriff	CC
Propheter, Jennifer	Sr Caseworker (MH-Child)	Mental Hygiene	CC
Purol, Brian	Chairman, North Ind W/S	North Co. Industrial Water	C, V, PO

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	Dist 1	District	
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R

Reese, Christopher	Wastewater Maint. Mech II	South & Center Chaut. Lake Sewer Dist.	CC, V, PO
Rexford, Stephen	Airport and Parks Supervisor	Public Facilities Airport & Parks	CC
Rhinehart, Kelly	Sanitation Supervisor	Public Facilities Landfill	CC, V, PO
Ribbing, Matthew	Wastewater Trt At/Ast Mech	South & Center Chaut. Lake Sewer Dist.	CC
Riles, Warren	Coroner	Co. Leg Coroner	V
Rivera, Stacey	Sr Caseworker (MH-Child)	Mental Hygiene	CC
Rodgers, Drew	Engineer III	Public Facilities Buildings & Grounds	C, V, PO

S

Sanderson, Donnalee	Elections Administrator	BOE	C, V, PO
Sanvidge, Kevin	Dir. of Planning & Econ Dev	Planning & Economic Dev.	C, V, PO
Schultze, Donald	Senior Systems Analyst	Info. Technology Svs.	C, V, PO
Schuyler, Christine	Dir. of Hth and Human Svs	Health & Human Svs.	CC, C, V, PO
Slavey, Sherry	Sr Caseworker	Mental Hygiene	CC
Smith, Nichole	Sr Caseworker (MH-Child)	Mental Hygiene	CC
Spanos, George	Director Public Facilities	Public Facilities	CC, C, V, PO
Spanos, Mary Ann	Director Office for the Aging	Office for the Aging	CC, C, V, PO
Spaulding, Linda	Aging Services Aide	Office for the Aging	CC, V, PO
Spell, Jaimee	Sr Caseworker	Mental Hygiene	CC
Spicer, Lance	Board Member	South & Center Chaut. Lake Sewer Dist.	C, V, PO
Studley, Lori	Legal Secretary (Dist Atty)	District Attorney	CC, V, PO, C
Swanson, Kathleen	Accounting Supervisor	Mental Hygiene	CC, C, V, PO
Swartzman, Angela	Deputy Public Health Director	Health & Human Svs.	CC, C, V, PO
Sweeney, Kathleen	Senior Audit Clerk	Co. Clerk	CC, C, V, PO

I

Tampio, Katherine	Clerk of Legislature	Co. Leg.	C, V, PO
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Taylor, Brian	Senior Investigator	Public Defender	CC
Taylor, Gilbert	Probation Supervisor	Probation	V
Taylor, Kimberlee	Administrative Assistant	Public Defender	CC, C, V, PO
Thomson, Pamela	Real Prop Systems Coord/Asst Dir	Finance Real Property Tax	CC, C, V, PO
Tofil, Joanne	Principal Account Clerk	Health & Human Svs.	V, PO
Toy, Tami	Operations Assistant	Office for the Aging	CC
Travis, Marcia	Senior Account Clerk	Finance	CC, V, PO
Trimmer, Barbara	Senior Caseworker	Public Defender	CC
Tucker, William	Manager of Airports	Public Facilities Airport & Parks	CC

Y

Vahl, Muchell	Senior Account Clerk-Typist	Finance Insurance	V
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W

Walsh, Thomas	Dir. South/Center Lake Sew	South & Center Chaut. Lake Sewer Dist.	CC, C, V, PO
Watson, David	Graphics Technician	Info. Technology Svs.	CC, C, V, PO
Westphal, Kenneth	Sr Pers Techncn/Dep Dir HR	Human Resources	CC, C, V, PO
Westphal, Michele	Resource Assistant (CARTS)	Public Facilities - CARTS	CC, V
Wilcox, Lawrence	Coroner	Leg Co .Coroner	V
Wilson, Bryan	Engineer I (Wastewater)	South & Center Chaut. Lake Sewer Dist.	CC, C, V, PO
Wright, Carol	Clinic Director	Mental Hygiene	CC
Wright, Kristen	Second Assistant Co. Attorn.	Co. Attorney	C, V, PO

Y

Yerico, Jennifer	Health Aide	Mental Hygiene	CC
Yokom, Patricia	Program Coord, Youth Bureau	Health & Human Svs.	V

Z

Zafuto, Samuel III	Account Clerk-Typist	Health & Human Svs.	CC
Zuroski, John	First Assis. District Attny	District Attorney	CC, C, V, PO

and it is further

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RESOLVED, That the County Legislature shall annually review these purchasing policies and procedures, with input from the county employees involved in procurement; and it is further

RESOLVED, That the unintentional failure to comply with the provisions of this resolution shall not be grounds to void action taken or give rise to a cause of action against the County or any officer or employee thereof.

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 162-15

Authorize Agreements with Governmental Entities for Emergency Assistance, Facilities, and Training

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, General Municipal Law §119-o authorizes municipalities to cooperate in the performance of their activities; and

WHEREAS, pursuant to Article 2-B of the Executive Law, upon the threat or occurrence of a disaster, the chief executive of any political subdivision is authorized and empowered to provide or accept assistance and share the use of facilities upon such terms and conditions as may be mutually agreed by the chief executives of the requesting and assisting political subdivisions; and

WHEREAS, it is in the best interest of the County where possible to enter into emergency response agreements with municipalities and other governmental entities in advance so that in the event of the threat or occurrence of a disaster, Chautauqua County will be in a position to render and receive aid under prearranged terms and conditions; and

WHEREAS, it is in the best interest of the County to participate in emergency practice drill and training activities, to enhance the County's ability to respond to the threat or occurrence of a disaster; and

WHEREAS, grant funds and State emergency response reimbursement may be available for activities engaged in pursuant to prearranged agreements between aid-rendering and aid-receiving governmental entities; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized to enter into agreements with municipalities and other governmental entities, as an ongoing emergency preparation measure, for the rendering and receipt of emergency aid upon the threat or occurrence of a disaster, including, but not limited to, addressing an imminent public health threat as declared or approved by the Commissioner of the New York State Department of Health; and be it further

RESOLVED, That the County Executive be and hereby is authorized to enter into agreements with municipalities and other governmental entities for the conduct of emergency training and practice activities, as the same may be warranted from time to time.

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – August 26, 2015

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RES. NO. 163-15

Authorize Amendment of Lease Agreement w/ ATC Sequoia LLC (formerly NY RSA No. 3 Cellular Partnership d/b/a Verizon Wireless) at Hardscrabble Road Cell Tower

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

WHEREAS, NY RSA No. 3 Cellular Partnership ("Verizon") and Chautauqua County ("County") entered into a certain Lease Agreement dated October 12, 1999, (the "Lease"), for the County to lease space on the Verizon-owned tower located at Hardscrabble Road in the Town of Westfield (Tax Parcel No. 226.00-1-26) (the "Property"); and

WHEREAS, County and Verizon's successor in interest ATC Sequoia LLC, d/b/a American Tower Corporation ("American Tower") desire to amend the Lease to allow County to add three (3) antennas to the Hardscrabble Road tower for additional monthly rent of \$1,000.00 beginning as early as September 1, 2015, and continuing until the end of the lease termination date of February 28, 2021; and

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

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

1. Term. Lease to expire February 28, 2021
2. Rent. \$660.84 per month until August 31, 2015; \$1,660.84 per month from September 1, 2015 through February 29, 2016 with a three percent (3%) annual increase between February 29, 2016 through February 28, 2021
3. Other. As negotiated by the County Executive and the Sheriff's Office.

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

Unanimously Adopted – August 26, 2015

RES. NO. 164-15

Authorize Amendment of Lease Agreement with DCS Tower Sub, LLC (formerly Sygnet Communications, Inc. d/b/a CellularONE) at Cherry Creek Cell Tower

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

WHEREAS, Sygnet Communications, Inc. ("Sygnet") and Chautauqua County ("County") entered into a certain Lease Agreement dated March 31, 1998, (the "Lease"), for the County to lease space on the Sygnet-owned tower located at Sanborn Road in the Village of Cherry Creek (Tax Parcel No. 236.00-1-7) (the "Property"); and

WHEREAS, County and Sygnet's successor in interest DCS Tower Sub, LLC ("DCS") desire to amend the Lease to allow County to add three (3) antennas and an equipment shelter to the Cherry Creek tower and site for monthly rent of \$1,250.00 beginning August 30, 2015, and to extend the term of the Lease from March 30, 2018 to March 30, 2025; and

REGULAR SESSION

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

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

1. Term. Seven (7) year extension term beginning March 31, 2018 and expiring March 30, 2025.
2. Rent. \$1,250 monthly.
3. Other. As negotiated by the County Executive and the Sheriff's Office.

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

Unanimously Adopted – August 26, 2015

RES. NO. 165-15

Authorize Appropriation of Funds in 2015 Budget for Public Defender Salary

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution No. 268-14, the County Legislature accepted a grant awarded to the Chautauqua County Office of the Public Defender from the New York State Office of Indigent Legal Services ("OILS") with a funding level of \$269,919.00 for the operational period from January 1, 2014 through December 31, 2016; and

WHEREAS, such grant award specifies \$30,000.00 is to be used to supplement the salary of the Public Defender for three (3) consecutive years; and

WHEREAS, Local Law 1-15 authorized the supplementing of the Public Defender's salary for the remainder of 2015 to the extent of available grant funds to cover the first two years of the OILS grant for this purpose; and

WHEREAS, funds appropriated in the 2015 Budget for the Office of the Public Defender must be changed; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1170.—1	Personal Services – Public Defender	\$44,838
A.1170.—8	Employee Benefits – Public Defender	\$15,162

INCREASE REVENUE ACCOUNT:

R.1170.R302.5000	NYS Aid: Indigent Legal Services Fund	\$60,000
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 26, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 166-15

Authorize Appropriation of Funds in 2015 Budget for Purchase of Equipment for Chautauqua County Office of the Public Defender

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

WHEREAS, pursuant to Resolution No. 116-14, the County Legislature accepted a grant awarded to the Chautauqua County Office of the Public Defender from the New York State Office of Indigent Legal Service with a funding level of \$269,919.00 for the operational period from June 1, 2013 through May 31, 2016; and

WHEREAS, such grant award specifies a detailed line item expenditure for technology; and

WHEREAS, the Chautauqua County Office of the Public Defender is in need of replacing a copier/scanner; and

WHEREAS, the current copier/scanner has produced more than 469,000 copies and is soon to expire its usage; and

WHEREAS, funds appropriated in the 2015 Budget for the Office of the Public Defender must be changed; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1170.---2	Equipment – Public Defender	\$9,784
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DECREASE APPROPRIATION ACCOUNT:

R.1170.R302.5000	NYS Aid: Indigent Legal Services Fund	\$9,784
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 167-15

Authorize Acceptance of Aid to Prosecution Funds 2015-2016

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

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$38,900.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from April 1, 2015 through September 30, 2016; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the 2015 Budget includes appropriations and funding for this grant; now therefore be it

REGULAR SESSION

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to prosecute serious felony cases; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State program will not be continued if said program is abolished.

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

Unanimously Adopted – August 26, 2015

RES. NO. 168-15
Mental Health SAMHSA Grant/Tapestry

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

WHEREAS, the Chautauqua County Department of Mental Hygiene has been awarded a Substance Abuse and Mental Health Services Administration (SAMHSA) Child Mental Health Initiative (CMHI) grant to continue a System of Care for the children with SED and their families; and

WHEREAS, the grant covers the period of October 1, 2015 through September 30, 2019 and the maximum amount of funding over the term of the grant is \$4,000,000, distributed at \$1,000,000 per year for each year of the grant; and

WHEREAS, the Chautauqua County Department of Mental Hygiene will continue the transformation of the system of care serving children/adolescents and their families that was initiated in 2008 by expanding the quality and scope of available services, partnering with NYS Success and NYS OMH, OASAS and OCFS to bring systems of care to scale statewide, and using evaluation data to drive community priorities and funding decisions; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement and other necessary documents for the acceptance of such grant funds, and is further authorized to enter into agreements with various government and municipal entities, including but not limited to local school districts, towns, cities and villages, in furtherance of grant activities; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0001	Federal Aid – Mental Hygiene-SAMHSA	\$150,000
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual – Mental Hygiene	\$150,000
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Signed: Tarbrake Keefe, Lemon, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 26, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 169-15
 Authorize Lease of Office Space at 333 E 5th Street, Jamestown

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

WHEREAS, the County's Health Homes program has expanded considerably, and the County's Department of Mental Hygiene staff is unable to efficiently provide services in the existing space while maintaining adequate client privacy; and

WHEREAS, a Jamestown location has been identified that will provide additional space to meet the needs of the outpatient program, including adjacent free parking for customers and employees, therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute a lease agreement with Jamestown's Rental Properties, LLC for office space on substantially the following terms and conditions:

1. Premises: Approximately 4080 square feet of office space at 333 E. Fifth Street, Jamestown, N.Y.
2. Term: September 1, 2015 to August 31, 2025, with options to renew.
3. Rent: \$12.50 per square foot, totaling \$51,000.00, for the first year, with a 4% increase every year thereafter.
4. Utilities, Parking, Weekly Cleaning, and Maintenance: Included in rental rate.
5. Other: As negotiated by the County Executive.

Signed: Tarbrake Keefe, Lemon, Rankin, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 170-15
 Approving Funding for Erosion Control in the Town of Pomfret

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

WHEREAS, due to the recent extraordinary rainfall event in July of this year, various streambed areas in the Town of Pomfret that feed the reservoir of the Village of Fredonia and the west branch of the Canadaway Creek experienced severe erosion damage and sedimentation, including an area previously reconstructed for a 2009 2% Occupancy Tax Lakes & Waterways Grant Program project; and

WHEREAS, the 2% occupancy tax revenues may be used for reduction of watershed erosion and sedimentation in order to enhance and protect the lakes and tributary streams of Chautauqua County; therefore be it

RESOLVED, That Chautauqua County, through the 2015 2% Occupancy Tax Lakes and Waterways monies, pledges up to \$25,000 in support of the Town of Pomfret's efforts to reduce watershed erosion and sedimentation affecting the Village of Fredonia reservoir and the west branch of the Canadaway Creek; and be it further

REGULAR SESSION

RESOLVED, That the County Executive is authorized and empowered to enter into all necessary agreements with the Town of Pomfret for the above-described purposes.

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

Unanimously Adopted – August 26, 2015

RES. NO. 171-15

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "A" Within the Town of Gerry

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "A", which is a reroute of existing trail C1D and is proposed to begin at Bloomer Road in the Town of Gerry and run south across agricultural fields crossing Sinclair Drive Extension a proposed junction with a bridge that crosses Mill Creek where C1D continues parallel to Mill Creek heading northeast towards Route 80; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "A", which is a reroute of existing trail C1D and is proposed to begin at Bloomer Road in the Town of Gerry and run south across agricultural fields crossing Sinclair Drive Extension to a proposed junction with a bridge that crosses Mill Creek where C1D continues parallel to Mill Creek heading northeast towards Route 80, will not have a significant adverse environmental impact and a draft impact statement will not be prepared.

Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 172-15

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "D" Within the Town of Ellery

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "D", which is a reroute of existing trail C4A and is proposed to begin at Thumb Road in the Town of Ellery and run east across agricultural fields and forest crossing Bayview Drive where the trail meets with existing C4E in an agricultural field; and

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WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "D", which is a reroute of existing trail C4A and is proposed to begin at Thumb Road in the Town of Ellery and run east across agricultural fields and forest crossing Bayview Drive where the trail meets with existing trail C4E in an agricultural field, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 173-15

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "F" Within the Town of Ellery

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "F", which is a reroute of existing trail C4A from the center of a forested parcel to the eastern edge where the trail runs toward Lewis Road, and just before crossing Lewis Road heads south towards and crosses Maple-Springs Ellery Road onto a forested parcel before heading east and crossing over Lewis Road; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "F", which is a reroute of existing trail C4A from the center of a forested parcel to the eastern edge where the trail runs towards Lewis Road, and just before crossing Lewis Road heads south towards and crosses Maple-Springs Ellery Road onto a forested parcel before heading east and crossing over Lewis Road, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 174-15

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "H" Within the Town of Gerry

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

REGULAR SESSION

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 snowmobile trail "H", which is a reroute of existing trail C1D from the north side to south side of Mill Creek in Gerry, New York until it crosses Mill Creek via a bridge south of Sinclair Drive Extension; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "H", which is a reroute of existing trail C1D from the north side to south side of Mill Creek in Gerry, New York until it crosses Mill Creek via a bridge south of Sinclair Drive Extension, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 175-15

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "I" Within the Town of Chautauqua

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "I", which is a reroute of existing trail C4D from an agricultural field to the Chautauqua Rails-to-Trails route along an abandoned rail bed where it continues to Nettle Hill Road and turns east across an agricultural field until it crosses route 430; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "I", which is a reroute of existing trail C4D from an agricultural field to the Chautauqua Rails-to-Trails route along an abandoned rail bed where it continues to Nettle Hill Road and turns east across an agricultural field until it crosses route 430, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – August 26, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 176-15

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "J" Within the
Town of Ellery

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the proposed establishment of snowmobile trail "J", which is a reroute of existing trail C4E which runs from Centralia-Hartfield Road and Wright Road in a forested area to Meadows Road where it continues across agricultural fields back to Meadows Road; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact is very low; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of snowmobile trail "J", which is a reroute of existing trail C4E which runs from Centralia-Hartfield Road and Wright Road in a forested area to Meadows Road where it continues across agricultural fields back to Meadows Road, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared

Signed: Borrello, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 177-15

Amend Budget for County Home Transition Costs

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

WHEREAS, the sale of the Chautauqua County Home was effective December 31st, 2014,
and

WHEREAS, the Finance Department has incurred costs in 2015 to complete the transition and pay all outstanding invoices, and

WHEREAS, these costs should be applied against the net proceeds from the sale of the County Home, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$112,473.91
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and be it further

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

REGULAR SESSION

INCREASE APPROPRIATION ACCOUNTS:

A.1310.----.1	Personal Services – Finance	\$ 1,433.48
A.1310.----.8	Employee Benefits – Finance	\$ 112.54
A.1310.----.4	Contractual – Finance	<u>\$110,927.89</u>
		\$112,473.91

Signed: Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – August 26, 2015

RES. NO. 178-15

Authorizing the Sale of Uneconomic Remainder Property

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

WHEREAS, the New York State Department of Transportation (DOT) and Chautauqua County have collaborated on the "Millennium Parkway" project, PIN 5757.55, to provide a direct route to the Chadwick Bay Industrial Park; and

WHEREAS, the County needed to acquire certain interests in real property in the performance of the project; and

WHEREAS, some of the needed real property consisted of only a portion of a tax parcel, which would have left property owners with "uneconomic remainder" property; and

WHEREAS, as required by New York State DOT and as provided for in Chautauqua County Resolution No. 169-10, as amended, the County also purchased the "uneconomic remainder" portions of the properties if requested by the owners of such properties, including an uneconomic remainder contained within SBL 79.19-4-79; and

WHEREAS, this "uneconomic remainder," as shown on the map on file with the County Legislature, is of no use to the County and is not generating real property tax revenue for the County; and

WHEREAS the maintenance and upkeep of such property is a burden to the Chautauqua County Department of Public Facilities; now therefore be it

RESOLVED, That pursuant to Section 215 of New York State County Law and Local Law 7-75 of the County of Chautauqua, the Chautauqua County Legislature does hereby find that due to the lack of a viable use for the above-described uneconomic remainder portion of SBL 79.19-4-79, and the burden of maintaining the property, it is not in the best interest of the County to own and maintain this property, and the property is surplus and no longer necessary for public use; and be it further

RESOLVED, That Chautauqua County sell this "uneconomic remainder" parcel to Donald Crockett, 47 West Talcott Street, Dunkirk, New York, a neighboring landowner, for the sum of One Dollar (\$1.00).

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

Unanimously Adopted – R/C Vote: 19 Yes - August 26, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 179-15

Authorize Transfer of Tax Foreclosed Property Located at 62 N. Martin Street in Dunkirk to
Chautauqua County Land Bank Corporation (CCLBC)

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

WHEREAS, a property located at 62 North Martin Street (PID 060300-79.08-1-53.1) in Dunkirk was pulled from the tax foreclosure auction in 2015 for the purposes of the land bank facilitating the demolition of the residential structure at the site using a combination of NYS Office of Attorney General grant funding and City of Dunkirk Community Development Block Grant Funding; and

WHEREAS, interest has been expressed by several parties regarding the purchase and rehabilitation of the property, and the Code Enforcement Officer in Dunkirk has agreed that the property can be rehabilitated which will allow the property to be placed back on the tax rolls at a higher value in the future; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the property located at 62 N. Martin Street in Dunkirk to the Chautauqua County Land Bank Corporation at no cost, and upon such other terms and conditions negotiated by the County Executive.

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Adopted – R/C Vote: 18 Yes; 1 No; (Runkle voting “no”) - August 26, 2015

RES. NO. 180-15

Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed below under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

REGULAR SESSION

	Munic.	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-4-2015	C/Dnk.	060300-79.11-3-40	Chautauqua Rentals LLC	26,000.00	2,548.55
PA-15-2015	C/Dnk.	060300-79.14-6-32	Darlene A Evan	19,000.00	7,022.34
Totals				45,000.00	9,570.89

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Unanimously Adopted – R/C Vote: 19 Yes - August 26, 2015

EMERG. RES. NO. 181-15

Acceptance of NYS Funds for Drainage Improvement at the Chautauqua County Dunkirk Airport

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County has received a grant from the Federal Aviation Administration (FAA) to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County Dunkirk Airport: Drainage Improvements FAA AIP Project No. 3-36-0022-050-2015 (Project); and

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

WHEREAS, Chautauqua County approved the Project under the Airport Improvement Plan (AIP). Funding shares for the Project were as follows:

Federal	\$	286,200
State	\$	15,900
Local	\$	15,900
Total Project Cost	\$	318,000

; and

WHEREAS, the Airport Commission has considered and recommended that the County accepts this funding as the Project is crucial for the operation of the airport; 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 Dunkirk Airport; and be it further

RESOLVED, That the County Executive be authorized to execute all necessary documents on behalf of Chautauqua County with New York State in connection with the project, and be it further

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

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RESOLVED, That this Resolution shall take effect immediately and that A Fund Balance is appropriated as follows:

INCREASE USE OF APPROPRIATED FUND BALANCE:

A.-----878	Fund Balance, Reserved Fund Balance – Reserve for Capital	\$15,900
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers – Transfer to Capital	\$ 15,900
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25978.4	Contractual – Drainage Improvements-Dunkirk Airport	\$318,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25978.R459.2000	Federal Aid – Airport Federal Capital Grants	\$286,200
H.5610.25978.R359.7001	New York State Aid – Airport Capital Grants	\$ 15,900
H.5610.25978.R503.1000	Interfund Transfers – Interfund Transfers	\$ 15,900

Signed: Hemmer

Unanimously Adopted – August 26, 2015

2nd Privilege of the Floor

My name is Matt Albert. I'm an animal and civil rights attorney based out of Buffalo, N.Y. Through my work, I've come to find a disturbing dynamic in terms of the police work in Chautauqua County which I need to bring before this Legislature with the hopes that we could bring meaningful reform together. What I would first do is provide a quote from Mahatma Gandhi who says, "that the greatness of the nature can be gaged by how its animals are treated". Well, if one were to accept that as being true then Chautauqua County (*inaudible*) nation is a fail in this instance. Beside me stands Joe Donisi. A gentleman who's 10 year old great boxer that has never hurt a fly, that has come up to meet strangers, playfully, nicely, calmly, time after time, day after day, day after day, was shot down in cold blood by a Deputy Holcomb who has shot other dogs before, multiple dogs it would appear. And already, Sheriff Gerace investigation, he's already based – all he's done is say everything that Deputy Holcomb has told him and recite that as facts. Oh this dog was vicious, oh this dog was coming at me which flies in the face of all credible evidence. Now, while not trying this case right now in a court of law, I would say that there is a parallel case which should come before this Legislative session attention as well. I have a client, Kelly Schumacher who last year contacted the Chautauqua County Sheriff's office about an emaciated horse that was abandoned. Living in a dilapidated barn. She took video. The horse's ribs were protruding, it was the middle of August, there was no food, there was no water. She called the Sheriff's. They didn't respond. She called the Human Society, they were closed down. She took it upon herself to merely go to this dilapidated and save this horses life by providing that horse food and water. Now for that, she ultimately ends up getting charged with trespass while the owner of that horse – who was 300 lbs. underweight. The horse weighed 650 and should have been 300 pounds – and that is from her own veterinarian that said that, the owners. But my client was charged with trespass for saving a life of a horse. Deputy Holcomb shoots down a dog in cold blood and he's not going to get charged. And also, when Chautauqua County Sheriffs are given information about an animal abuse, they don't do anything about it. So, I think what you have

here now and it's obviously not all Chautauqua County Sheriffs are going around shooting dogs but you have a policing system that is so bent upon raising revenue that they forget to protect and serve the citizens that they have sworn to and I think that allows people like Deputy Holcomb to do whatever he wants to do. He shoots because he wants to and it allows him to get cleared because it's a cover up culture and it's emblematic of the complete distrust which is going on nationwide now between the citizens and the police who were sworn to protect and serve them. What I want to do is, obviously, there is going to be a legal equation but we are more than willing, my client and I, to work with the Legislature. To work with anyone and there is already retired Sheriffs who are outraged about what happened and they are going to be stepping up to try and play a part in changing the culture of the police department that they took pride in. I am not going to give their names right now but that's what I am here to ask for from a general sense. Is, we want to work with the Legislature to create meaningful reform so that the police can go back to doing what they are supposed to be doing, protecting and serving the citizens, respecting their right to privacy, respecting their animals and not covering up every time a police officer does something wrong but treating Deputy Holcomb the same way a citizen, a Joe Schmo(?) would be if he just gun down a dog in cold blood.

Chairman Gould: Wind it up sir, your three minutes are way up.

Mr. Albert: I am finishing up sir. I am finishing up right now. My ideas of meaningful reform would be citizen review boards and cameras. Officers should have cameras. It instills trust in the public and accountability and I think this case should be – it needs to be a turning point in the culture that's going on in Chautauqua County right now so that this police department could get back to doing what they are supposed to be doing, protecting. Protecting and serving its citizens. I would introduce my client Joe Donisi who is going to fill you in upon the damage he sustained by a trigger happy cop that shot Rocky because he wanted to. Mr. Donisi.

Chairman Gould: Name and address please sir.

Hello everyone. My name is Nathan Joe Donisi and I live at 191 Newton Avenue in Jamestown, New York. I am speaking on behalf of my family dog Rocky and the group Justice for Rocky which has over 2,200 members. We've had Rocky for 10 years now and he always stands by my side. He frequently will walk up to meet strangers and welcome them. He loves people. He was a calm, loving, very important member of our family. For Deputy Holcomb to say that Rocky would try and attack him after 10 years of peacefulness and calmness, is a flat out lie. On Friday, August 21st, I was working at my home inside of an enclosed porch and my dog Rocky was laying in the driveway 10 feet away from me. I had just looked at saw that he was there. Suddenly I heard a man in a calm friendly voice say, lay down boy and that made me look at where Rocky was laying and he was gone. Suddenly I heard a gunshot. So I ran to the driveway about 4 feet away from where I was and saw Rocky running towards me, yelping and losing a lot of blood. I then looked up and saw Deputy Robert Holcomb standing on the grass by the sidewalk on the other side of the street. His gun was already re-holstered. Seeing the Sheriff Deputy standing there shocked me again and I stopped right there. I yelled to Deputy Holcomb, "what in the ___ did you shoot my dog for?" And he replied, "because I thought that he was going to attack me." I then said, "why would you think that? He didn't bark or growl" And he replied, "well, I wasn't going to give him a chance to." I then turned to look for Rocky and I didn't see him. Just a trail of blood going into the enclosed porch area where I was working. I ran in there and Rocky was laying on the ground dead and dripping blood fast. I yelled to Deputy Holcomb, "he's dead." And he didn't say anything. He then said my Lieutenant is on my way. The Lieutenant and asked my neighbor upstairs if she had seen the actual shooting and she told him no. She says he wrote a couple of words maybe in his notepad. Gave her some papers that the Deputy was there to serve and left. She also says he was very rude to her. The Lieutenant walked to a couple of neighboring houses. They came back to me and said, "o.k., there is no witnesses, nobody actually saw the shooting so we're going to go now. What are you going to do with your dog?" I told the Lieutenant, "don't you mean, what are you going to do about my dog? I am not the one who shot

JOURNAL OF PROCEEDINGS

and killed him." He abruptly walked away from me and they all left. I since then have called his office and told him my upstairs neighbor wants to give her statement stating what she did see and hear and he told me that he had already interviewed her and he had no need for it. That he took notes. He refused to let her write a statement. I am not trying to be critical of law enforcement but this incident was handled very poorly and was uncalled for and had impacted not only my family but the lives of many others around the world. I would like the Legislature to review the current policy on how Sheriff's Department deals with pet encounters. I would also like to request that they make some changes to the policy so that instances like this can be avoided. I would like to request the Legislature support, State legislation that calls for better training of officers so that they can better deal with a loose dog rather than just shooting it. I would like to request that the Legislature consider a separate unbiased investigation of the officer responsible for shooting and killing our dog, Rocky, Deputy Robert Holcomb. And considering there that there is an obvious conflict of interest in the Sheriff's Department investigating one of its own.

Chairman Gould: Wind it up please sir.

Mr. Donisi: I do not feel Deputy Holcomb should be allowed to carry a gun for the safety of all animals and people. Lastly, just like if a civilian shot a dog under these circumstances, he or she would be charged with a crime and so should Deputy Holcomb. Police officers are not above the law. Thank you.

Chairman Gould: Anyone else to speak to the 2nd privilege of the floor? Anybody else who would like to speak to the 2nd privilege of the floor? I will now close the 2nd privilege of the floor. I will ask for a motion for adjournment.

MOVED by Legislator Lemon, SECONDED by Legislator Runkle and duly carried the meeting was adjourned. (7:08 p.m.)

REGULAR SESSION

Regular Meeting
Chautauqua County Legislature
Wednesday, September 23, 2015, 6:30 p.m.
Mayville, N.Y. 14757

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

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

Legislator Niebel delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Heenan the minutes were approved. (8/26/15)

1st Privilege of the Floor

My name is Nate Drag, I live on ?15 Ashland Drive in Buffalo, New York. I am here to address Local Law Intro. 2-15. I am here as a representative of the Alliance of the Great Lakes, a regional environmental organization that works with citizens, (*inaudible*), and businesses in all 8 Great Lake states, including volunteers here in Chautauqua County. I'm also here as someone who grew up in Dunkirk, New York and life guarded on the beaches of Point Gratiot and Lake Park in high school and college. Strangely, that led me down a career path in environmental work and speak with you today about this important issue. Prohibiting the sale of personal cosmetic products that contain plastic microbeads as Local Law Intro. 2-15 proposes, is an example of a policy that will help protect the great lakes for future generations. We know that certain personal care products contain plastic microbeads. As many as 350,000 per bottle. We know that these microbeads escape into our water way through wastewater treatment plants that are not equipped to filter them out. They estimate 19 tons of plastic microbeads enter New York State waters (*inaudible*). We know that these microbeads contribute to a staggering amount of micro-plastics in Lake Erie. It's estimated that 460,000 micro-plastic per square kilometer. We know that these plastics (*inaudible*) in water can attract hydro photo toxins like PCB's and DET's. We know that species have been found in the Great Lakes can consume these micro plastics. Studies have shown that at least one specimen of each species, for example, 25 different species had plastic in their digestive track. We also know that these toxins can bio accumulate in the food chain, (*inaudible*), predators. And we know that the best solution to this problem is to stop it at the source and no longer (*inaudible*) on sale, personal care products that contain (*inaudible*) plastic microbeads. We should only allow the sale of personal care products that use natural exfoliate that are proven biodegrade by (*inaudible*) sign and the American Society of (*inaudible*) materials which know for a fact that plastic can be shown to do.

I've outlined these facts in more detail in a letter of support for this bill that I sent to each Legislator and the County Executive that was signed by County, State, and National organizations. The variety of groups on this letter from local groups just as League of Women Conservation (*inaudible*) of Chautauqua County, regional groups such as the Western New York Environmental Alliance, and national group like the (*inaudible*) Institute that effect the impact and importance of this legislation. We also highlight the need for additional action by other counties, states, and the Federal government.

Local Law Intro. 2-15 allows for a feasible time line for the phase out of these products and creates a realistic enforcement plan that relies on the partnership of County agencies, concerned citizens and response of retailers. Through public outreach and education and support of community organization and the efforts of the County's Weights and Measures Department, we can all work together to stop this unnecessary harm to our waterways.

I also know that this is the beginning of the conversation on plastic pollution in the Great Lakes and other waterways. I applaud the Chautauqua County Legislature for being leaders in New

JOURNAL OF PROCEEDINGS

York State and the nation by taking these important step and (*inaudible*) strong ban on personal care products that contain plastic microbeads. Plastic microbeads, as I said, are part of a larger plastic pollution problem. Each year our (*inaudible*) volunteers collect over 50,000 pounds of trash from the Great Lake shorelines with 75% of that trash being comprised partially of (*inaudible*) plastic. This past Saturday for example, a group of SUNY Fredonia students collected over 300 pounds of debris at Point Gratiot beach including over 200,000 individual plastic fragments that are smaller than 2 centimeters in size. With the size and scale of this plastic pollution problem, ending the needless dumping of 19 tons of some of the smallest plastic pieces, these plastic microbeads, and therefore some of the most easily injected by (*inaudible*).

I would like to thank Legislator Borrello for his leadership on this issue and other important legislation to protect and preserve our precious lakes. We're pleased to partner with you to help Chautauqua County pass a strong local ban that would take out these microbeads to protect the great lakes for our children and grandchildren. Thank you.

My name is Dr. Sherri Mason, I'm a Professor of Chemistry at SUNY Fredonia. I live 33 Middlesex Drive in Fredonia, New York. I want to thank you all. Many of you saw me here. I was here a couple of weeks ago presenting on my research that lead to the legislation, Local Law Intro. 2-15 and I appreciate the invitation to come back and remind you and talk to a larger group about my research and my thoughts.

The legislation that you have before you is largely a result of research that was conducted by my research grant for the last few years. Since this summer I (*inaudible*) efforts. In 2012 we conducted the first ever survey of plastic pollution in the open waters of the Great Lakes. In analyzing our results, we were especially surprised by two points. One; is a large number of very small bits of plastics that comprised 75% of all the plastics that were floating on the water. These things are less than one millimeter in size and we literally count hundreds of thousands of them coming out of the Great Lakes. For the record, I don't get paid by the number of pieces of plastic I find. So there is absolutely no incentive for me to find more and more plastic in our water. I would prefer there not to be any and in fact, I don't get paid at all. In total, our research (*inaudible*) has received over the last three years, \$50,000 in research funding. All of that has been paid to students or to the chemicals that we use to do our work. I have not received a single dime as of yet.

In addition to the size of the particles that we have been finding, we were really surprised by the number of perfectly round colorful spheres of plastics that we found. And this led us to hypothesize that they were coming from personal care products like these you see in front of you. To validate our hypothesis, we started doing wastewater treatment plant analysis where we looked at dozens facilities both within New York State and outside of New York State. We looked at different size facilities from small localities to quite large using different treatment techniques and we found that more than 75% of these facilities, we could readily identify these perfectly sphere microbeads as being released into the effluent water.

Looking at the other end of the spectrum, we looked at (*inaudible*) assessment because we were all concerned about these microbeads in the fact that they may make their way into food (*inaudible*). We surveyed 25 species of fish as well as a double crested cormorant and found microbeads among the plastics within all 25 fish species as well as the double crested cormorant. So, what we know is the plastic is making its way from these products into the food we eat. But you don't have to just take my word for it because just last week this article came out, and I only made 10 copies. I'm sorry, I didn't realize how big the Legislature was but I'll leave these up here just in case you all want to grab one. This came out in Environmental Science and Technology.

We scientist estimated that 8 trillion microbeads are admitted every day into water ways of our nation and that is enough to cover more than 300 tennis courts. I think that number is so staggering that I want to say it again. Eight trillion every single day. So add that up over the course of the year. Industry and lobbyist will tend to recount these microbeads have not been shown to have a detrimental impact upon fish or humans. That is true. But the real question is, have them been shown not to have an impact upon fish and other wild life include humans. Basically, they haven't been proven to be a detriment but they also haven't been proven to be safe and this is simply because no

REGULAR SESSION

one has looked so it's really easy to say, well, they are not a detriment but if no evidence, if no experiments have been done, then you don't know if they are safe either. So, what you have before you is a decision. Do we wait to see if these microbeads are having an impact before we act or do you take a precautionary approach. Do we ban them unless they've been proven to be safe? Our Great Lakes and all of us who live around the, who rely on them, who are amazed by their beauty every single day, are reeling still from the industrial legacy left to us by those who did not know and thus did not act. I think we need to pave a new path. We did not need these microbeads. There are alternatives, there are products on the market place right now that don't use microbeads and I urge you to support this ban on the sale of products that contain microbeads within Chautauqua County. Thank you very much.

My name is Rick Winters, my address is 26 Radcliff Drive, Getzville, New York. I'm here as a representative for the Personal Care Products Council out of Washington, D.C. They represent the cosmetics industry and I want to stress a point. We are in full agreement with what she said. The cosmetic industry is in full agreement to remove these microbeads products. But, I am going to make a suggestion that you don't just target the cosmetic industry. Go get them all. Go to the industrial uses where microbeads exist on way larger quantities than this. That should be the mission going forward to really make a meaningful change because we believe that these products with these plastic beads have to be removed. We support the Statewide initiative. I've had conversations with some of the folks here. I want to emphasize that we're not in opposition. We're looking for a different roll out where you can have a Statewide enforcement policy, not patch work but I also want to emphasize and would suggest that you pursue the industrial industry and has microbeads as well. Thank you.

John Jablonski, representing the Chautauqua Watershed Conservancy Board of Director, 413 North Main Street, Jamestown, New York. Board of the Chautauqua Watershed Conservancy has passed a motion supporting the adoption of this microbeads legislation by the Legislature. We commend the work of Legislator Borrello and the committees in preparation of this legislation and hope you move forward with it. Thank you.

Chairman Gould: Is there anyone else to speak to the first privilege of the floor? Seeing, no one, I will close the first privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 8/26/15

PRESENTATION:

2016 TENTATIVE BUDGET
BY
COUNTY EXECUTIVE VINCENT W. HARRIGAN



2016 TENTATIVE BUDGET

**“Beyond the tipping point”
Chautauque County is on the Move!!!**

Presented by:
Chautauque County Executive
Vincent W. Horrigan

September 23, 2015

Chairman Gould, County Legislators, and my fellow Chautauque County Citizens, good evening and thank you for attending my second budget presentation as your County Executive.

Twelve months ago, I stood before you with an opening slide which said, “Approaching the tipping point. Moving from surviving to thriving.”

As I present my budget to you this evening, one year later, I am pleased to report that we have achieved our goal of moving beyond the tipping point and it is now clear Chautauque County is on the move!

Last Year We Outlined: Our Work Ahead

- Fixing our structural deficit,
- Closing our budget gap: \$5,196,479 in 2016, and
- Building a healthy multi-year financial plan.

As you may recall our work over the last year required three focus areas:

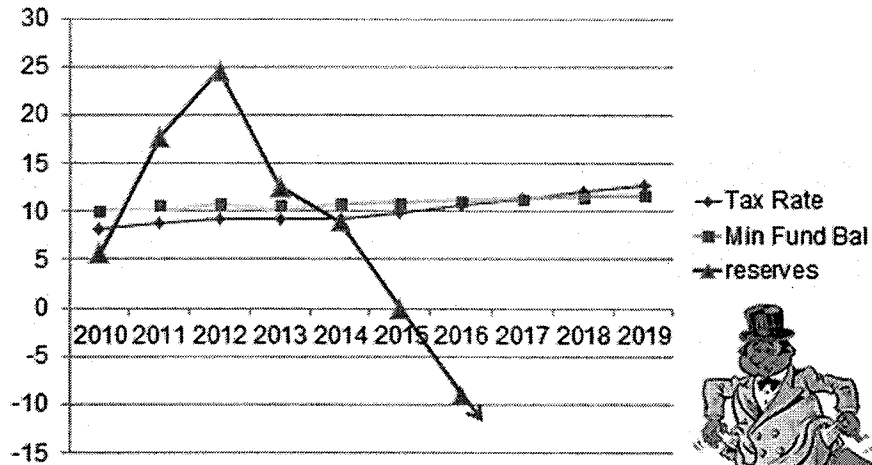
First, we needed to move to the point where our reoccurring expenses were funded by our reoccurring revenues.

Second, we needed to close our over \$5 million budget gap to enable us to enact a structurally balanced budget.

Third, we needed to build a multi-year plan, which maintained a satisfactory emergency fund balance. This required us to address our dwindling reserves and then stop using our unobligated fund balance to plug our annual budget deficits, which would drive us into financial distress.

So let's briefly recap how we got to work and addressed our problem.

2014: With the County Home & 7.5% Sales tax
(\$8 Million Structural Deficit)

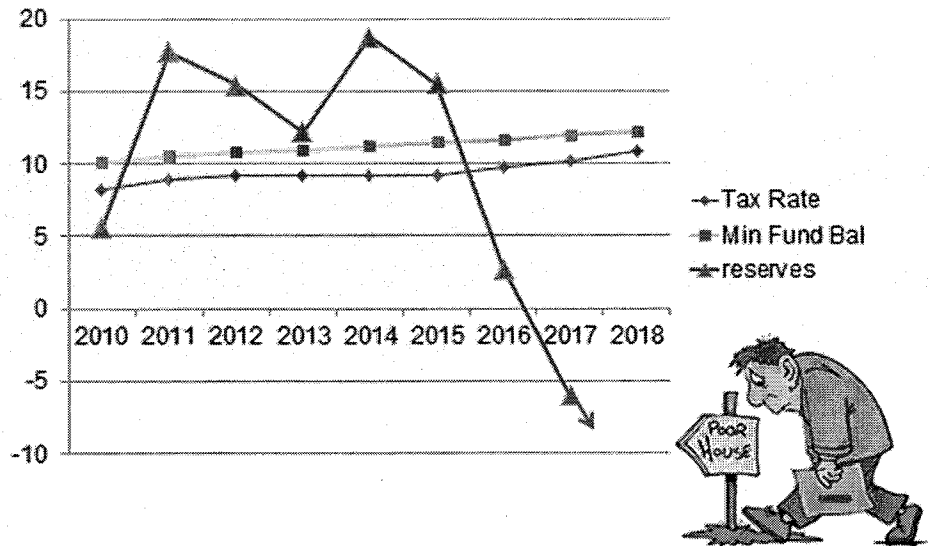


Last year at this time we were faced with two very bad choices.

The first was to hold the line on property tax increases and continue to spend down our reserves to the point where we would be bankrupt in 2016.

The second option was to maintain a minimum level of reserves and enact double digit increases in property taxes to keep us from going bankrupt. By 2018, this would have ballooned our property tax rate to \$11.50 per thousand with no relief in sight. This choice would have also started a mass exodus of businesses and homeowners, which would further damage our financial position.

2015: Sold County Home & 7.5% Sales Tax
(\$6 Million Structural Deficit)

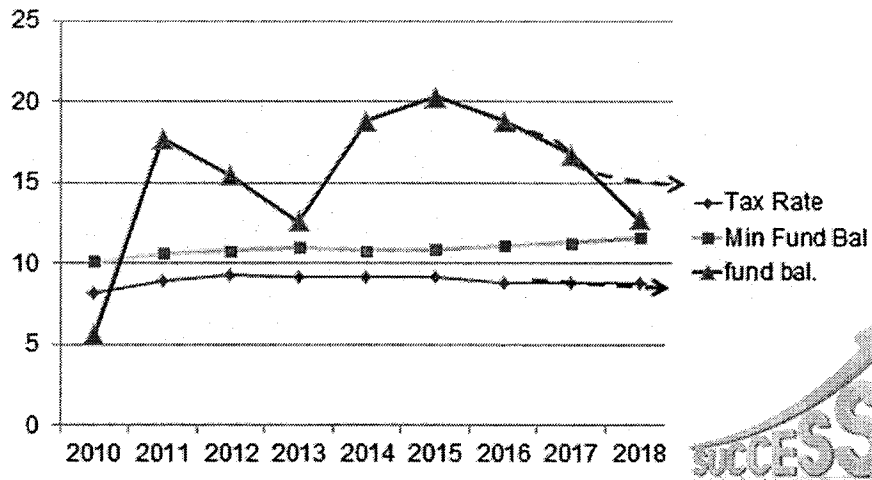


So the first step in our road to financial health was to privatize the former Chautauqua County Home, which we did on December 31, 2014 at 2:47 p.m.

This action replenished our fund balance to give us time to work on the structural deficit, which was now less than prior years but still at a challenging level of \$6 million.

Going forward the \$6 million structural deficit would eat away our newly replenished fund balance causing it to fall to an unacceptable level in 2016 and beyond. The only counter to protect our minimum fund balance beyond 2016 while keeping a 7.5% sales tax rate was to once again increase our property tax rate to double digit increases at a rate of 6% per year.

2016: No County Home & 8% Sales Tax
(No 2016 Structural Deficit)



The second step in our road to financial strength was clearly identified by the Deficit Reduction Commission. With the sale of our County Home now complete, it was time to bump our sales tax rate from 7.5% to 8%.

With the 8% sales tax rate we now have much better choices moving forward. First of all we have preserved our satisfactory fund balance while achieving a structurally balance budget for 2016.

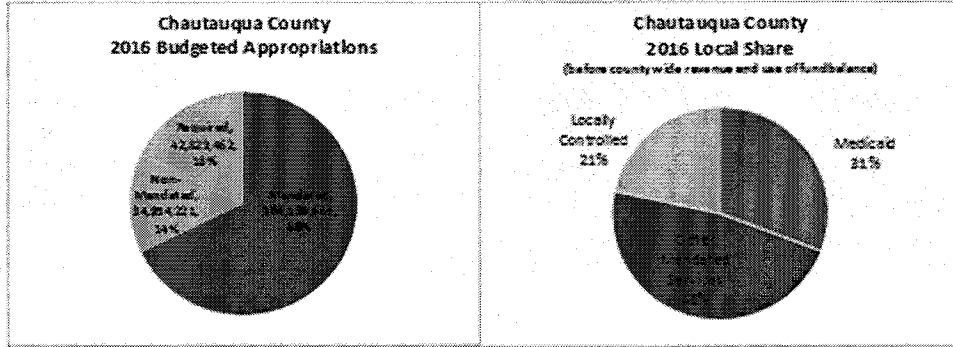
Second, and most important, we are now on a path of lower property taxes with major reductions in 2016 and more on the way for 2017.

This new era of lower property taxes in Chautauqua County will supercharge our growth strategy by attracting new businesses and home owners while retaining our existing property owners. Our future success hinges on growth and will bend our future deficit projections to acceptable levels.

This will give us time to grow our tax base in future years through lower property taxes and a stronger economy.

So now let's turn to our 2016 budget.

NYS Mandated vs. Local Discretionary Spending



The pie chart on the left reminds us that our property tax levy is consumed by 86% mandated and required services. This leaves only 14 cents on the tax dollar available for our quality of life services such as road maintenance, economic development, public safety, and services for our seniors and veterans.

The chart on the right shows 79% of our local share consumed by Medicaid and mandated services. So our ability to cut deeper into our budget will require that we eliminate many of our basic quality of life services our taxpayers have come to expect.

2016 Budget Highlights

- Tips the scale in the right direction by:
 - Meeting mandated service requirements,
 - Maintaining essential local services,
 - Increasing funding for our roads and bridges,
 - Reducing criminal justice costs by investing in probation and contracting for assigned counsel,
 - Reducing overall spending,
 - Implementing the largest property tax cut in 3 decades (maintains flat levy in 2017 which should further reduce property tax rate),

- *And.....*

My 2016 budget continues to deliver nearly the same level of mandated services.

Chautauqua County residents will continue to receive the same level of essential services, although we will be shifting some programs to other providers.

We will increase our investment in roads and bridges by \$500,000 as investing in our infrastructure is a key component of our growth strategy.

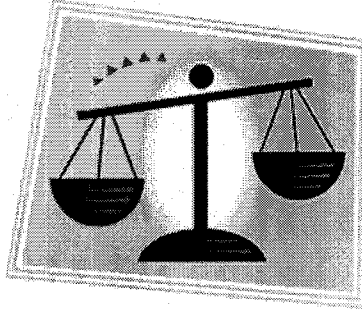
We will address the rising costs of our criminal justice system through an assigned council initiative with Cattaraugus County and by investing in two additional probation officers. These additional probation officers will allow us to boost supervision and better identify Release Under Supervision candidates.

For the second year in a row, we will cut Chautauqua County Government spending.

Most significantly, the 2016 budget will enact the largest year over year property tax cut in 30 years.

And....

Finally: Creating A Structural Balanced Budget that Eliminates Use of Unobligated Fund Balance!



Our Challenge: Preserving it Beyond 2016!

We will not use any of our unobligated fund balance to get the job done.

While this budget is truly significant in setting us on a positive path to growth, we must continue to be ever vigilant to keep us on track.

Summary of Expense by Account Classification (Governmental Funds)

Expense Classification	2016		Amount Inc / (Dec)	Percent Inc / (Dec)
	2015 Adopted Budget	Tentative Budget		
Personal Services	\$52,943,688	\$53,776,781	\$833,093	1.6%
Employee Benefits	<u>\$31,772,561</u>	<u>\$31,890,999</u>	<u>\$118,438</u>	<u>0.4%</u>
Subtotal Personal and Benefits	\$84,716,249	\$85,667,780	\$951,531	1.1%
Equipment	\$123,420	\$159,798	\$36,378	29.5%
Contractual - Pass Thru Sales Tax	\$25,000,000	\$25,630,000	\$630,000	2.5%
Contractual - All Other	\$110,175,822	\$105,619,256	-\$4,556,566	-4.1%
Fixed Contractual	\$6,323,217	\$6,196,566	-\$126,651	-2.0%
Principal and Interest	<u>\$32,950,746</u>	<u>\$33,019,467</u>	<u>\$68,721</u>	<u>0.2%</u>
Subtotal Other Appropriations			-\$3,948,118	
Total Expenditures (excluding transfers)	\$259,289,454	\$256,292,867	-\$2,996,587	-1.2%

Cut Programs (WIC & Family Planning); Medicaid;
other reductions in HHS based on current trends.

Here is the breakdown of our \$256 million budget, which is almost \$3 million less than our current budget.

The bulk of the reductions are in contractual appropriations, which includes the transfer of WIC and Family Planning to other providers and reductions in Health and Human Services.

2016 Proposed Positions

# of FTEs	2015 Restated Budget (1)	2016 Tentative Budget	Change
Governmental Funds	1,137.8	1,138.2	.4
Enterprise Funds	63.7	65.0	1.4
Total All Funds	1,201.4	1,203.2	1.8

(1) 2015 FTE - Full Time Equivalents were increased by 14.4 FTE for change in reporting of part time Jail substitute employees for comparison purposes. Additionally the 2015 budget overstated the FTE figure of several part time attorneys in the Public Defenders department. The Public Defender's 2015 FTE count is adjusted for this reason.

Compared with 2015 this proposed budget keeps our Full Time Equivalent (FTE) positions nearly flat.

The anticipated expansion of the landfill will require an additional seasonal position over the summer of 2016 which is shown in the enterprise fund.

The note on this slide explains the accounting details comparing 2015 with 2016.

Summary of Staffing Changes

- Some departments added staff while others reduced staff.
- Additions of particular note:
 - Nursing staff at the jail to comply with new requirement,
 - Environmental health staff to comply with 2 new mandates,
 - Temporary staff in the Board of Elections for additional elections in 2016,
 - A full-time emergency medical services coordinator
 - Probation officers, and staff in the Public Defender's Office, and District Attorney's Office.
- Grant funded positions were added to the Sheriff's Office and Department of Mental Hygiene.

While the majority of staff additions were offset by staff reductions, listed here are the additions of significance.

Nursing staff at the jail are both needed and mandated by the New York State Department of Correctional Services.

Environment Health has to handle increased septic inspections as well as cooling tower inspections mandated by local and state law.

2016 will be the Presidential election year requiring added polling station support.

Due to the complexity of new state Emergency Medical Services (EMS) requirements, the rollout of our county run EMS course curriculum, and the results of our county-wide EMS study, a full-time EMS Coordinator is both appropriate and necessary.

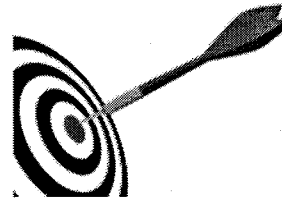
As previously mentioned, the Probation Department, Public Defender's Office, and the District Attorney's Office received some added staffing to address the rising costs of our criminal justice system.

Some additional FTE positions were 100% grant funded.

2016 Property Tax Levy and Rate

	2015 Adopted	2016 Tentative	Amt/ % Change from Prior yr
Property Tax Levy	\$62,790,611	\$60,906,892	-1,883,719 (-3%)
Full Valuation	\$6,863,040,586	\$6,979,724,447	1.7%
Property Tax Rate	\$9.15	\$8.73	-4.6%

42 cents/1000 property tax cut



So here is the slide that everyone has been waiting for.

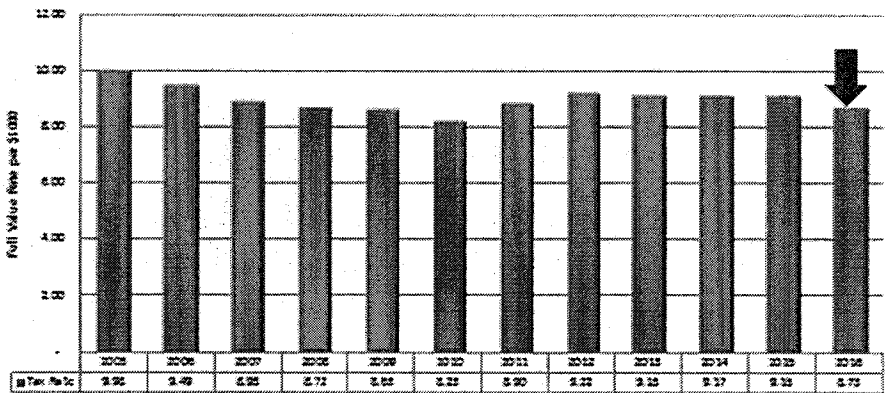
You will notice the 3% cut to the tax levy, which when coupled with a 1.7% increase in property valuations, enables us to cut the property tax rate per thousand by 4.6% or 42 cents per thousand.

This is truly historic for our county and is very good news to support retention and growth of businesses and homeowners.

I am thrilled to announce that we hit the mark with this budget.



Real Property Tax Rate



WNY Average Property Tax Rate = 8.33

We do have more work to do to get to our goal of parity with the average Western New York property tax rate of \$8.33.

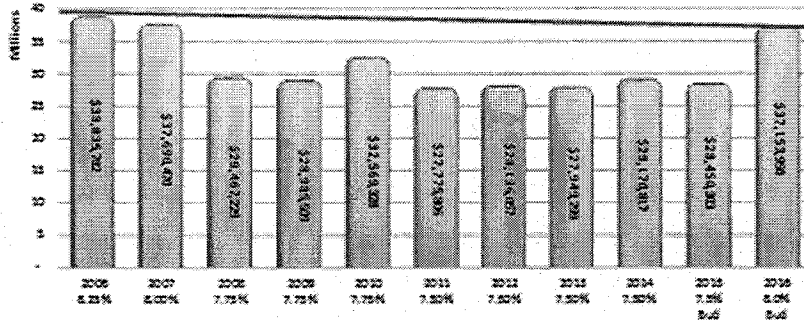
But this budget moves us more than halfway there.

Stay tuned as the flat tax levy for 2017 should further move us there with anticipated growth in our tax base.

Chautauqua County Sales Tax History

8.25% (2006) to 7.5% to 8.0% (2016)

Eliminated Tax on Residential Energy 12/1/07



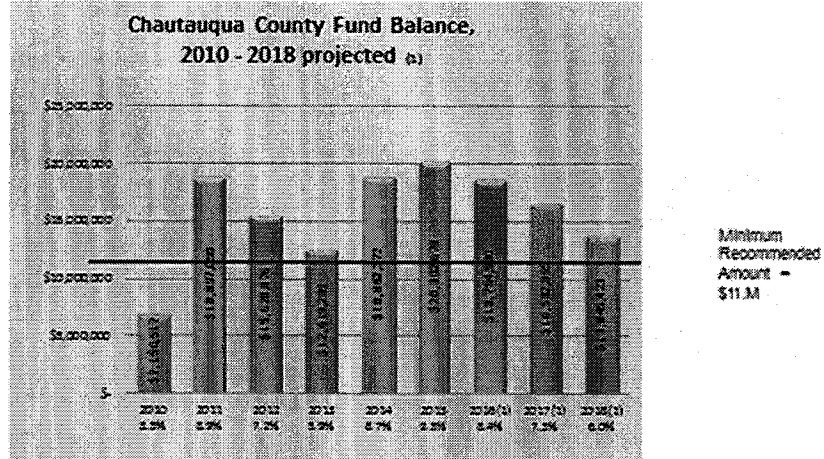
WNY Average Sales Tax Rate = 8%

Returning to an 8% sales tax rate will put us equal to the average of our Western New York neighboring counties and significantly below neighboring Erie County, NY.

Maintaining the clothing exemption, home energy exemption, and sharing the cost of our services with the visitors to Chautauqua County holds our property taxes down and puts us on the road to growth in our tax base, which is fundamental in our strategy for success.



Projected Fund Balance



Note 1, Actual Fund Balance 2010 - 2014, Projected 2015 - 2018

Our recently adopted financial management policy calls on us to maintain 5 to 15% of our reserves. This slide depicts the blue 5% level which we will remain above for at least the next 3 years.

Clearly--a much better picture than what we were facing last year.

Yet caution is clear as the projected level of reserves begins to decline over time.

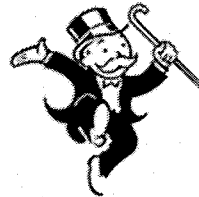
It is only through growth in our tax base and sales tax revenues that we will stay on this path to maintaining a satisfactory fund balance and healthy financial outlook which is required to maintain our "A" Credit Rating.

Threats to Our Financial Plan

- NRG: Entergy lawsuit creating uncertainty
- Economy: Our recovery depends on future growth

- Unbridled Exuberance:

- We delivered a major property tax reduction that we were all striving for.
- This required a sales tax bump, very intense scrub, and more painful reductions.
- Future property tax reductions should be done cautiously and incrementally guarding against the ever present danger of looming structural deficits.



I believe it is important for all of us to understand that there are challenges ahead.

It is my belief that the Governor, NRG Corporate, and New York State Public Service Commission are committed to moving the repowering project forward. However, there is a level of uncertainty we must acknowledge.

We saw the damage the great recession of 2008 did to our Nation, our Region, and our County. Let us hope that the economic recovery underway remains intact.

I call the last point unbridled exuberance. We have delivered a major property tax reduction in excess of the mandated 3%. Departments have made more tough cuts to both programs and personnel. The sales tax bump required a major effort to work with our state elected leaders to achieve the political support to get it done. I believe this sales tax request is a one-time shot that will not become available again.

In your packets is a five year projection of the financials that formed the basis for this budget in the context of a five year plan. I urge the legislature to proceed cautiously and look forward with clear eyes understanding the possible threats that could detour us on our road to success.

Our Work Ahead: Keeping the Scale Balanced!

- Adopt the 8% sales tax rate,
- Have a 2016 budget approved and signed by Nov. 1 to implement the 8% sales tax rate starting on Dec. 1,
- Market Chautauqua County to retain and attract new businesses and homeowners,
- Grow tax base via lower property taxes,
- Grow sales tax revenues via out-of-county visitors,
- Continue to explore efficiencies in service delivery, and
- **Grow! Grow! Grow!**

So in a nutshell, here is a seven point list of our work ahead to maintain our financial health:

- The Chautauqua County Legislature must adopt the Home Rule Request for an 8% sales tax rate, which has now been approved by the New York State Legislature and is on the Governor's desk for signature.
- The Chautauqua County Legislature must have a 2016 budget, with a 3% property tax levy decrease, approved and signed by November 1st as New York State requires us to pass our 2016 budget by then in order to implement the 8% sales tax rate effective December 1, 2015.
- We must also work together to:
 - Market our county to those who know us and to those who have not yet met us,
 - Use a strategy of lower property taxes to retain and attract businesses and property owners in order to grow our tax base,
 - Grow sales tax revenues via tourism and hospitality,
 - Continue to look for more privatization opportunities and efficiencies such as those identified in the Deficit Reduction Commission's report, and
 - In the meantime GROW; GROW; GROW!!

Is this realistic? You bet it is!

We are on the Move

Industry:

- Cummins Plant Investment (\$90M Engine Block line)
- ConAgra in Dunkirk (Talcott LLC private label food manufacturing)
- Major Business for Ripley (\$54M Dairy processing plant)
- Empire Cheese; Rem-tronics; Coronado Stone; and other small businesses.

Tourism:

- PGA Web.com Tour (LECOM Health Challenge 2016-2019)
- National Comedy Center (Jamestown); Waterfront Development (Dunkirk)
- New Hotels (Jamestown; Ellicott; Celoron; Dunkirk; Mayville)
- New Destination Events – Gran Fondo; Get Into Summer Challenge

ENERGY:

- Repowering; Multiple Wind and Solar Power Projects

Infrastructure Development:

- North Chautauqua County Water District
- Chautauqua Lake Sewer Integration Project

Wages are increasing; Job growth is returning!

Not only is growth possible but it is happening.

The ConAgra departure is now being replaced by new private label food processing with 250 plus new jobs and local ownership.

A new major business investment in Ripley is projected to bring 40 plus new jobs in the dairy processing industry.

New start-ups and small businesses are growing.

Our tourism industry is gaining national attention. From the PGA returning to the Peek'n Peak, to the National Comedy Center, waterfront development, five new hotels, and best in class destination events—we are moving and growing.

We all remain committed to repowering NRG. Two major wind power projects and 2 new solar power projects will bring jobs and grow our tax base.

We must continue to invest in our infrastructure, regional projects, our lakes and trails to keep Chautauqua County the premier tourist destination it has become.

For the first time in a long time, we see wages growing as more profitable businesses compete for high quality employees. There is no doubt that job growth is rebounding in Chautauqua County.

Finally...

- I want to close by acknowledging our top notch County Workforce:
 - 101 Ways Chautauqua County Serves Our Residents and Strengthens Our Local Communities
- I also want to acknowledge the great work of our Deficit Reduction Commission

Finally, as we drill down on a budget of \$256 million, it is worthwhile to be able to answer this question: What do we taxpayers get for all that money?

So thanks to the great work of Dan Heitzenrater and Sherri Rater we have put together "101 Ways Chautauqua County Serves Our Residents and Strengthens Our Local Communities." It is pretty amazing to see this top level summary of Chautauqua County Services.

Pictured throughout this document are some of the faces of the dedicated men and women that deliver these high quality services. We are all proud of them and the work they do. Please pass on a handshake with words of thanks when you see them.

I do want to acknowledge the great work of the Deficit Reduction Commission that helped me right the ship on our path to financial health.

This is an exciting time for Chautauqua County. We are clearly on the move!

I want to acknowledge the hard work of our department heads, Budget Director Kitty Crow, and legislators for the work that they will undertake in the budget review process.

I especially want to acknowledge our graduating legislators: Janet Keefe and John Runkle for their years of service. Also, retiring after 18 years of service is Legislator Keith Ahlstrom who over the years has worked with three county executives and served as Chairman of the Legislature, Majority Leader, Minority Leader, and a member of Legislative committees and county boards. These three legislators are dedicated public servants that clearly did their best to make Chautauqua County a better place to work, live and play.

I thank you.

Please be advised this Tentative Budget Presentation and the Chautauqua County 2016 Tentative Budget will be available online on September 25 at the county's website: www.co.chautauqua.ny.us.

REGULAR SESSION

COMMUNICATIONS:

1. Email – From Brent Sheldon – Re: Plastic Microbeads Ban
2. Report – Fn. Director – August 2015 Investment Report
3. Letter – Chaut. County Ag. & Farmland Protection Bd. – Re: Extension & Consolidation of Agriculture Districts
4. Letter of Resignation from S&CCLSD Board – Dale Robbins
5. Letter – JCC – Re: Invite to President's Round.
6. Minutes – Chaut. County Soil & Water Conservation District – August 2015
7. Letter – Jody Hoch, Part Time Probation Officer – Conflict of Interest
8. Letter – Lake Erie Watershed Protection Alliance – Re: Supports Ban on Microbeads
9. NYS Dept. of Taxation and Finance – Equalization Rates
10. Letter of Necessity from County Executive Horrigan – RE: LL Intro. 2-15 (Print 2) (*Late Communication*)

RES. NO. 182-15

Establish Budget for the Chautauqua County Sewer Agency

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan and Legislator Pierre Chagnon:

WHEREAS, Chautauqua Lake experiences nuisance algal blooms and excessive weed growth as a direct result of excessive phosphorus inputs; and

WHEREAS, in 2004, Chautauqua Lake was officially designated as an impaired water body by the NYS DEC pursuant to Section 303(d) of the federal Clean Water Act due to phosphorus loadings; and

WHEREAS, a Total Maximum Daily Load (TMDL) phosphorus allocation for Chautauqua Lake was completed in 2012, which provides an official regulatory plan for reducing phosphorus inputs and restoring the impaired water body, and requires substantial reductions in phosphorus inputs to Chautauqua Lake by 2018; and

WHEREAS, approximately 1,200 septic systems still exist surrounding Chautauqua Lake, and along with publically-owned treatment works (POTWs), have been identified as two of the primary point sources of phosphorus inputs to Chautauqua Lake; and

WHEREAS, recognizing the need to reduce wastewater phosphorus from entering Chautauqua Lake, the County, the North Chautauqua Lake Sewer District (NCLSD), the South and Center Chautauqua Lake Sewer Districts (SCCLSD), and other stakeholders worked collaboratively and contracted with O'Brien and Gere Engineers to develop the "Chautauqua Lake Integrated Sewage Management Plan" (CLISMP), which was completed in October 2014; and

WHEREAS, the CLISMP recommends upgrades to POTWs and extension/development of sewer infrastructure to replace existing septic systems in the Towns of Chautauqua, Ellery and North Harmony; and

WHEREAS, the County Legislature formally created the Chautauqua County Sewer Agency in May of 2015, which has been tasked with making recommendations to the County Legislature regarding the formation of districts and other pertinent issues; and

WHEREAS, the Chautauqua County Sewer Agency is incurring expenses, legal and otherwise, as it endeavors to evaluate sewer infrastructure needs, prepare reports, conduct meetings,

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recommend to the County Legislature the creation or expansion of County sewer district(s) as may be necessary, and other pertinent tasks which are in the best interest of the people of Chautauqua County; and

WHEREAS, ~~the 2015 receipts are projected to be in excess of the budget and the surplus can be used to offset this additional cost~~ **the adopted budget for 2015 Watershed Administration included a surplus of revenues over appropriations of \$2,799;** now therefore be it

RESOLVED, That the County Legislature hereby authorizes \$2,500 of 2% Occupancy Tax receipts for expenses incurred by the Chautauqua County Sewer Agency; and therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual – Watershed Administration \$2,500

INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R111.3000 Non Property Tax Items–Hotel Room Occupancy Tax \$2,500

****Amendment by Audit & Control Committee indicated with strikethrough and bold replacement***

Signed: Borrello, Chagnon, Nazzaro

Unanimously Adopted – September 23, 2015

RES. NO. 183-15

Transfer Landfill Funds into Depreciable Equipment Account

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

WHEREAS, the Chautauqua County Landfill is in need of equipment that improves efficiency and/or provides additional layers of environmental security, including a rotary mower, a 10,000 pound capacity vehicle service lift with safety gauges, and a pump for the north leachate-transfer pump building; and

WHEREAS, this equipment should be classified as depreciable equipment, in accordance with the County's Fixed Asset Policy; and

WHEREAS, funds can be appropriated within the landfill enterprise account by utilizing actual revenue amounts which exceed the originally budgeted amounts; now therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

EL.8160.1000.3 Depreciable Equipment – Ellery \$59,900

INCREASE REVENUE ACCOUNT:

EL.8160.1000.R237.6000 Shared Services – Charges: OCC Municipal \$59,900

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Signed: Hemmer, Nazzaro, Scudder, Himelein, Borrello, Chagnon

Unanimously Adopted – September 23, 2015

RES. NO. 184-15
Adjust Accounts of Real Property Tax Office

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

WHEREAS, the Real Property Tax Office is in need of software reprogramming to implement changes in online security and to comply with changes to the Real Property Tax Law; and

WHEREAS, accounts of the Real Property Tax Office need to be adjusted to fund such reprogramming, and

WHEREAS, the re-programming will: enhance the features and reports needed to implement STAR Tax Cap Savings; update online auction registration to allow auction registration with the cloud; allow an interface with Dunkirk Public Schools; improve bankruptcy module record keeping; and enable recognition of proposed library tax changes by the tax collection software used by the Real Property Tax Office and the online tax collectors; now therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

A.1362.----.4	Contractual – Tax Advertising & Expense	\$25,000
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INCREASE APPROPRIATION ACCOUNT:

A.1330.----.4	Contractual – Real Property Tax	\$25,000
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Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Borrello, Nazzaro, Chagnon

Unanimously Adopted – September 23, 2015

RES. NO. 185-15
Authorize Appropriation of Funds in 2015 Budget for Clerk of the Legislature Salary

By Administrative Services and Audit & Control Committees:
At the Request of Chairman Frank "Jay" Gould:

WHEREAS, pursuant to Resolution No. 1-15 the annual salary of the Clerk of the Legislature was set at \$28,880 for 80% time; and

WHEREAS, the Legislature is projecting a surplus in account A.1010 due the vacancy of a Financial Analyst position and this surplus is sufficient to cover the increase in salary to the Clerk's position; now therefore be it

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

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INCREASE APPROPRIATION ACCOUNTS:

A.1040.---.1	Personal Services – Clerk, Legislative Board	\$10,886
A.1040.---.8	Employee Benefits – Clerk, Legislative Board	<u>\$ 7,522</u>
		\$18,408

DECREASE APPROPRIATION ACCOUNTS:

A.1010.----.1	Personal Services – Legislative Board	\$10,886
A.1010.----.8	Employee Benefits – Legislative Board	<u>\$ 7,522</u>
		\$18,408

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Borrello, Nazzaro, Chagnon

Unanimously Adopted – September 23, 2015

RES. NO. 186-15

Accept HUD Lead Hazard Reduction Demonstration Grant

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

WHEREAS, Chautauqua County has been awarded U.S. Department of Housing and Urban Development (HUD) grant funding in the anticipated amount of \$2,217,833 for the Lead Hazard Reduction Demonstration Grant Program, *Lead Safe County V* (lead-based paint remediation), for the three-year period from September 1, 2015 to August 31, 2018; and

WHEREAS, the purpose of the grant program is to identify and control lead-based paint hazards in eligible privately owned housing for rental or owner-occupants; and

WHEREAS, the County has completed successful programs through Lead Safe I-IV 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 serves as a resource to complete remediation in the high-risk homes identified through the existing Primary Prevention Project; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements for, and execute all necessary grant-related documents for, the above-named grant program, for so long as the County continues to be funded by this program; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements with other government entities in furtherance of grant activities, within budget appropriation amounts.

Signed: Tarbrake, Keefe, Wilfong, Borrello, Nazzaro, Chagnon

Unanimously Adopted – September 23, 2015

RES. NO. 187-15

Authorize Acceptance of New York State Environmental Conservation Funding for Dredging of Recreational Channels in Barcelona Harbor, Dunkirk Harbor and Cattaraugus Creek, and to Support an Invasive Species Management Program in the Chautauqua Lake Watershed

REGULAR SESSION

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

WHEREAS, Barcelona Harbor's recreational channel, Dunkirk Harbor's recreational channel and Cattaraugus Creek's recreational channel require dredging to maintain their usability to the public; and

WHEREAS, pursuant to Resolution 58-14, Chautauqua County pledged \$150,000 from the 2% Occupancy Tax Lakes and Waterways Reserve Fund and dedicated \$60,000 from the Lake Erie Management Commission (LEMC) to be distributed equally to the City of Dunkirk, Town of Hanover and Town of Westfield to assist with funding their dredging projects; and

WHEREAS, pursuant to Resolution 145-15, Chautauqua County pledged an additional \$15,000 from the 2% Occupancy Tax Lakes and Waterways Reserve Fund to the City of Dunkirk and Town of Hanover to assist with funding their dredging projects; and

WHEREAS, the Chautauqua Lake & Watershed Management Alliance (Alliance) was formed to undertake projects to improve the water quality in Chautauqua Lake and its watershed, including programs aimed at managing invasive species; and

WHEREAS, Chautauqua County was awarded ~~\$275,000~~ **\$350,000** from NYS Environmental Conservation funding with \$100,000 pledged to the City of Dunkirk to assist with funding their dredging project; ~~\$25,000~~ **\$100,000** pledged to the Town of Hanover to assist with funding their dredging project; \$100,000 pledged to the Town of Westfield to assist with funding their dredging project; and \$50,000 pledged to the Alliance for the implementation of an invasive species management program in the Chautauqua Lake watershed; and

WHEREAS, the County, through its Department of Planning and Economic Development, is coordinating with New York State, the municipalities, the contractor and the stakeholders to ensure that the projects are undertaken in a timely fashion and within budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts this NYS Environmental Conservation Funding to assist with funding the recreational channel dredging activities in Barcelona Harbor, Dunkirk Harbor and Cattaraugus Creek, and to provide funding to the Chautauqua Lake & Watershed Management Alliance in order to implement an invasive species management program in the Chautauqua Lake watershed; 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 any intermunicipal agreements necessary to implement the projects; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual – Watershed Administration \$275,000 **\$350,000**

INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R395.9001 NYS Aid: Watershed Admin Grant \$275,000 **\$350,000**

****Amendment by PED Committee indicated with strikethrough and bold replacement***

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon, Nazzaro

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Unanimously Adopted – September 23, 2015

RES. NO. 188-15

Petitioning the Commissioner of the New York State Department of Agriculture and Markets to Extend Review Dates for Chautauqua County Agricultural District Nos. 7 & 10

By Planning & Economic Development Committee;
At the Request of Chairman Frank "Jay" Gould and County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County contains nine (9) Agricultural Districts that are certified by the New York State Department of Agricultural and Markets; and

WHEREAS, Agricultural District No. 1 has an anniversary date of October 11, 1972, Agricultural District No. 2 has an anniversary date of January 5, 1973, Agricultural District No. 11 has an anniversary date of April 22, 1981, Agricultural District No. 12 has an anniversary date of February 14, 1994, Agricultural District No. 13 has an anniversary date of November 8, 1995, Districts Nos. 6, 7, and 10 have modified anniversary dates of September 13, 2007, April 9, 2008, and June 13, 2009, respectively; and

WHEREAS, pursuant to Section 303-a of the Agricultural and Markets Law, certified Agricultural Districts are required to undergo review every eight years according to their respective anniversary date; and

WHEREAS, the required eight-year reviews for seven (7) of Chautauqua County's nine (9) Agricultural Districts are overdue; and

WHEREAS, eight year reviews mandate a substantial, concerted effort, including but not limited to, district analysis, landowner notifications, public hearings, mapping and reporting in accordance with specifications and deadlines contained in Agricultural and Markets Law Article 303-a; and

WHEREAS, as support staff to the Chautauqua County Agricultural and Farmland Protection Board, the Chautauqua County Department of Planning & Economic Development is the responsible entity for the execution of Agricultural District reviews; and

WHEREAS, Agricultural Districts Nos. 6 and 7 have anniversary dates occurring within one twelve month period which will impose an undue burden on the County and the Agricultural and Farmland Protection Board, and may lead to confusion among the farming community and affected municipalities as there may be multiple reviews in progress simultaneously; and

WHEREAS, Agricultural Districts Nos. 10 and 12 have anniversary dates occurring within one twelve month period which will impose an undue burden on the Chautauqua County Department of Planning & Economic Development and the Agricultural Farmland Protection Board and may lead to confusion among the farming community and affected municipalities as there may be multiple reviews in progress simultaneously; and

WHEREAS, New York State Agricultural and Markets Law Section 303-a provides that counties with multiple districts with review dates in any twelve month period may petition the New York State Agricultural Commissioner for an extension of up to four years for a district review; and

WHEREAS, the Chautauqua County Agricultural and Farmland Protection Board, as advisory committee to the Chautauqua County Legislature with respect to Agricultural Districts, met

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on April 21, 2015 and unanimously agreed to request that the Chautauqua County Legislature petition the New York State Agricultural Commissioner to extend the anniversary dates for Agricultural Districts Nos. 7 and 10 in a manner that separates their review times; therefore, be it

RESOLVED, That the Chautauqua County Legislature hereby petitions the New York State Agricultural Commissioner, in accordance with Agricultural and Markets Law Section 303-a, to extend the review dates for Chautauqua County Agricultural Districts Nos. 7 and 10 as follows:

Agricultural District No.	Anniversary Date	
	Existing	Requested
District No. 7	April 9, 2008	July 20, 2016
District No. 10	June 13, 2009	July 20, 2018

Signed: Borrello, Heenan, Niebel, Ahlstrom, Chagnon

Unanimously Adopted – September 23, 2015

RES. NO. 189-15

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2016 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman

By Audit & Control Committee:
At the Request of Chairman Frank "Jay" Gould:

WHEREAS, Pursuant to Sections 359 and 271 of the County Law public hearings must be held on the Tentative Budget and the sewer district assessment rolls, with statement of maximum salary of members of County Legislature included in notice; and

WHEREAS, Such notice shall state the time, place and purpose of the public hearing on the Tentative Budget and that copies of the budget will be available for distribution and inspection and specify therein the maximum salary that may be fixed and payable to members of the Legislature and Chairman thereof during the ensuing year; and

WHEREAS, Public hearings on the sewer district assessment rolls will be held simultaneously with the hearing on the Tentative County Budget and the assessment rolls will be completed and open to inspection during business hours before the public hearing on them; therefore be it

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in such publications that a public hearing will be held on the 2016 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 28, 2015 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 2016 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

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(1) Assistant Majority Leader	\$ 500.00
(1) Assistant Minority Leader	\$ 500.00
Each Committee Chairman	\$1000.00
Ranking Members	\$ 250.00

Signed: Borrello, Nazzaro, Chagnon

Unanimously Adopted – September 23, 2015

RES. NO. 190-15
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

SCHEDULE 1

Offer Number	Munic	S/B/L	Purchaser	Offer Amt.	Taxes Owning
PA-117-2014	C/Jmst.	060800-387.25-4-53	Ruth Schreck	\$ 310.00	\$ 2,793.23
TOTALS:				\$ 310.00	\$ 2,793.23

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Unanimously Adopted – (R/C Vote: 18 Yes; 1 Absent) - September 23, 2015

REGULAR SESSION

RES. NO. 191-15

Resolution of the County Legislature of the County of Chautauqua increasing the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on the 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 Vincent W. Horrigan:

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 percent rate of such sales and compensating use taxes, for the period beginning December 1, 2015, and ending November 30, 2017. 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. 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 by adding a new paragraph (f) to read as follows:

(f) With respect to the additional one percent rate of taxes imposed for the period beginning December 1, 2015, and ending November 30, 2017, in respect to the use of property used by the purchaser in this county prior to December 1, 2015.

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 percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2015, and ending November 30, 2017, 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, 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 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

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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, 2015.

Signed: Scudder, Wendel, Vanstrom, Whitford, Himelein, Borrello, Nazzaro, Chagnon

Adopted – (R/C Vote: 17 Yes; 1 No; 1 Absent) - Legislator Ahlstrom voting “no” – September 23, 2015

LOCAL LAW
INTRODUCTORY NO. 2-15
CHAUTAUQUA COUNTY
Print 2

A LOCAL LAW PROHIBITING THE SALE OF PERSONAL CARE PRODUCTS CONTAINING
MICROBEADS IN CHAUTAUQUA COUNTY

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

Section 1. Legislative Findings and Intent

The Chautauqua County Legislature hereby makes the following findings and determinations:

- a) Microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal and pumice, found in over one hundred personal care products, including facial cleansers, shampoos and toothpastes, pose a serious threat to Chautauqua County's environment. Microbeads have been documented to collect harmful pollutants, already present in the environment, and harm fish and other aquatic organisms that form the base of the aquatic food chain. Microbeads have been found in high quantity in New York State's water bodies, and in particular, the waters of Lake Erie.
- b) Research has indicated that the majority of these microbeads are entering bodies of water through disposal down household drains following the use of such personal care products. Without significant and costly improvements to Chautauqua County's sewage treatment facilities, microbeads contained in personal care products will continue to pollute Lake Erie, Chautauqua Lake, and other water bodies and waterways within Chautauqua County.

Section 2. Definitions

As used in this local law, the following terms shall have the meanings indicated:

- a) "Microbead" shall mean any intentionally added plastic particle measured to be five millimeters or less in size used to exfoliate or cleanse in a personal care product.
- b) "Personal care product" shall mean any (a) article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the

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appearance, including but not limited to soap, exfoliates, shampoos, toothpastes and scrubs, and (b) article intended for use as a component of any such article. The term "personal care product" shall not include any product for which a prescription is required for distribution or dispensation as provided in Section two hundred eighty-one of New York State Public Health Law or Section six thousand eight hundred ten of New York State Education Law, as may be amended from time-to-time.

Section 3. Restrictions on the Sale of Microbeads in Chautauqua County

It shall be unlawful for any person, firm, corporation, or any other entity no matter how constructed to sell, offer or expose for sale, give or furnish any personal care product which contains microbeads as defined herein.

Section 4. Enforcement

- a) The County of Chautauqua through its Department of Weights and Measures shall have sole jurisdiction to enforce the provisions of this local law.
- b) Any person, firm, corporation, or other entity who violates Section 3 of this local law shall be liable for a civil penalty not to exceed one thousand dollars. For a second or subsequent violation, such person, firm, corporation, or other entity shall be liable for a civil penalty not to exceed twenty five hundred dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation.
- c) The Chautauqua County Department of Law may bring an action in the name of Chautauqua County or the Chautauqua County Department of Weights and Measures to recover the civil penalty provided by this local law in any court of competent jurisdiction.

Section 5. Reverse Preemption

This local law shall be null and void on the day that state-wide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Chautauqua. The Chautauqua County Legislature shall determine by resolution whether or not identical or substantially similar state-wide legislation has been enacted for purposes of triggering the provisions of this section.

Section 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Section 7. Effective Date

This local law shall become effective on February 15, 2016.

Adopted by Legislature: 9/23/15
Public Hearing by County Executive: 10/8/15

(R/C Vote: 18 Yes; 1 Absent)

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Mailed to State: 10/9/15
Adopted as LL 2-15

(Effective 2/15/16)

2nd Privilege of the Floor.

No one chose to speak at this time

MOVED by Legislator Heenan, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (7:28 p.m.)

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Regular and Budget Meeting
 Chautauqua County Legislature
 2:00 P.M. & 6:30 P.M.
 Wednesday, October 28, 2015
 Mayville, N.Y.

Chairman Gould called the meeting to order at 2:00 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator Rankin delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Whitford and duly carried the minutes were approved. (9/23/15)

Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
 NO VETOES FROM 9/23/15

PUBLIC HEARING – 2016 TENTATIVE BUDGET & SEWER DISTRICT ASSESSMENT ROLLS

Chairman Gould: We will now open up the public hearing (2:09 p.m.) on the tentative budget and the sewer districts? Is there anyone here to speak on the tentative budget or the sewer district assessment rolls? Seeing none, we'll close the public hearing. (2:10 p.m.)

COMMUNICATIONS:

1. Letters(3) – County Executive – Appts. to Various Boards
2. Report – Finance Director Marsh – September 2015 Investment
3. Minutes – Chautauqua County Board of Health
4. Minutes – South & Center Chaut. Lake Sewer District – Aug. & Oct. 2015
5. Minutes – Chaut. County Soil & Water Conservation District – Oct. 2015
6. Letter – NYS Senator Young – Re: Award for Establishment of Joseph P. Dwyer Veteran Peer to Peer PTSD Pilot Prgm.
7. Letter – NYS Office of Comptroller – Re: Incr. & Improvement of Facilities for the North Chaut. Lake Sewer District
8. Letter – NYS Office of Comptroller – Ack. Receipt of Res. No. 191-15
9. NYSAC – 2015 Adopted Resolutions
10. Proof of Publication – Public Hearing on 2016 Tentative Budget
11. Letter – NYS Department of State – Ack. Receipt of LL 2-15
12. Chautauqua County 2016 Tentative Budget

JOURNAL OF PROCEEDINGS

RES. NO. 192-15

Board Appointments – North County Industrial Water District No. 1 & North County Industrial Sewer District No. 1

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

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

WHEREAS, Resolutions 245-78 and 246-78 provide that the duration of the terms of the Water District and Sewer District Board Members is six (6) years; and

WHEREAS, Resolution 178-05 provides that the membership of each of the boards shall be five members; and

WHEREAS, the two Boards share the same members; and

WHEREAS, the terms of two Board members will expire on December 31, 2015; and

WHEREAS, a vacancy has occurred in one of the Board positions; 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:

James Crowell
2931 W. Sheridan Drive
Dunkirk, NY 14048
Term Expires: 12/31/18

Juan Pagan (reappointment)
10764 Bennett Road
Dunkirk, NY 14048
Term Expires: 12/31/21

Edward Divine
618 Main Street
Dunkirk, NY 14048
Term Expires: 12/31/18

Brian Purol (reappointment)
3681 New Road
Dunkirk, NY 14048
Term Expires: 12/31/21

Glenn R. Reed (filling vacancy of Mark Wojcinski)
3534 Route 5
Dunkirk, NY 14048
Term Expires: 12/31/18

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong

Unanimously Adopted – October 28, 2015

RES. NO. 193-15

Confirm Appointment – South & Center Chautauqua Lake Sewer District Board

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

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WHEREAS, with the resignation of one of the members on the South & Center Chautauqua Lake Sewer District Board in which his term would have expired on September 30, 2019, and

WHEREAS, the Board of Directors of the District has recommended the appointment of the following individual; therefore be it

RESOLVED, That the following individual be appointed as a member to the South & Center Chautauqua Lake Sewer District Board; and be it further

RESOLVED, That the Chautauqua County Legislature does hereby confirm the appointment to the South & Center Chautauqua Lake Sewer District Board.

Sally Carlson

Replacing Dale Robbins

PO Box 176

Stow, N.Y. 14782

Term Expires: 9/30/19

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong

Unanimously Adopted – October 28, 2015

RES. NO. 194-15

Confirm Appointment and Re-Appointments - Chautauqua County Youth Board

By Human Services Committee:

At the Request of County Executive Vincent W. Horrigan:

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

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

Appointment

Christina Marsh

2316 Route 62

Kennedy, N.Y. 14747

Term Expires: 10/31/18

Re-Appointments

Rachel Ludwig

5128 Spring St.

Ashville, N.Y. 14710

Term Expires: 10/31/18

Adam Dolce

415 Woodrow Ave.

Dunkirk, N.Y. 14048

Term Expires: 10/31/18

Signed: Tarbrake, Keefe, Lemon, Wilfong

Unanimously Adopted – October 28, 2015

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RES. NO. 195-15

Confirm Reappointments – Southern Tier West Regional Planning & Development Board

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

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

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

Joseph Galati
2527 Palm Rd.
Jamestown, N.Y. 14701
Term Expires: 9/30/18

Willie Rosas
768 Central Ave.
Dunkirk, N.Y. 14048
Term Expires: 9/30/18

Signed: Borrello, Niebel, Heenan, Ahlstrom, Chagnon

Unanimously Adopted – October 28, 2015

RES. NO. 196-15

Adjust Accounts of Real Property Tax Office

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

WHEREAS, the Real Property Tax Office is in need of software adjustments which will be a contractual expense to enable it to more efficiently and accurately prepare tax bills; and

WHEREAS, these adjustments will eliminate duplicate billing numbers and result in tax bills and tax rolls that accurately reflect amounts owing on tax bills; and

WHEREAS, these adjustments will complete the implementation of the Cloud server; and

WHEREAS, the Real Property Tax Office has incurred fewer building maintenance expenses than originally budgeted for properties which have been foreclosed upon; and

WHEREAS, the Office anticipates the receipt of more fee and miscellaneous revenue from tax collectors than originally anticipated; now therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

A.1364,----.4	Contractual – Exp: Prop Acquired - Tax	\$10,000
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INCREASE REVENUE ACCOUNT:

A.1330.R123.2000	Departmental Income - Fees: Tax Collector	\$4,000
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INCREASE APPROPRIATION ACCOUNT:

A.1330,----.4	Contractual – Real Property Tax	\$14,000
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Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 28, 2015

RES. NO. 197-15
Adjust Real Property Tax Office Petty Cash Fund

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

WHEREAS, Resolution 348-48 authorized a petty cash fund for the County Treasurer in the amount of \$500.00, and

WHEREAS, the Tax Map Office has been using \$50.00 of this petty cash fund in connection with its acceptance of North Chautauqua Lake Sewer District (NCLSD) account payments, and

WHEREAS, the Tax Map Office has realigned procedures and no longer accepts sewer payments for the NCLSD; now therefore be it

RESOLVED, That the Real Property Tax Office is authorized to return \$50.00 to the Director of Finance and extinguish the petty cash fund used for NCLSD payments, leaving \$450.00 remaining in the Petty Cash Fund.

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 28, 2015

RES. NO. 198-15
Cancellation of Taxes

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

WHEREAS, the New York Real Property Tax Law Section 1182 provides for the cancellation of interest, penalties and other charges, and

WHEREAS, there are several parcels identified which have been removed from the tax rolls for reasons of demolition or removal by NY State ORPS Utility Advisory Appraisals, and

WHEREAS, extensive investigation by the Tax Enforcement Officer has determined there are no responsible owners to serve to recover these charges; therefore be it

RESOLVED, That the Tax Enforcement Officer is authorized to cancel all charges on the following parcels:

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Town	PID	Address	Property	Reason	Tax Liabilities
Clymer	063200-429.19-2-6..MH	402 Mohawk St	Mobile Home	Mobile home removed before sale	\$ 414.93
Busti	062289-622-9999-830..2002		Pipeline	Measuring and regulating station removed	\$ 1,736.47
Busti	062289-622-9999-830..2012		Pipeline	Measuring and regulating station removed	\$ 1,635.21
Ripley	666200-662-9999-704.600.1883		Fiber Optic Cable	Fiber optic cable owner declared bankruptcy and no known successor	\$ 10,555.58

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

Unanimously Adopted – October 28, 2015

RES. NO. 199-15

Establish Capital Project for Backup Server Solution Systems

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

WHEREAS, the County Sheriff submitted a capital project request for \$140,000 for a backup server solution to be included in the 2016 Capital Budget; and

WHEREAS, the current Capital Budget includes an Information Technology Services project for an enterprise backup server solution which is scheduled for maintenance renewal in 2015; and

WHEREAS, cost savings of \$29,000 are expected for the Sheriff backup server solution if the Sheriff and ITS collaborate and procure both backup server solutions simultaneously by October 31, 2015; therefore be it

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

INCREASE THE USE OF FUND BALANCE:

A.----,----.878.0000 Fund Bal., Resvd Fund Bal. – Reserve for Capital \$111,000

And be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950,----.9 Interfund Transfers – Interfund Transfers \$111,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3110.06961.4 Contractual – Sheriff Server Backup Solution \$111,000

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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3110.06961.R503.1000	Interfund Transfer – Interfund Transfers	\$111,000
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 28, 2015

RES. NO. 200-15

Authorize Acceptance of 2015 Byrne Justice Assistance Grant ("JAG") Funds

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

WHEREAS, the Office of the District Attorney has been awarded a grant in the amount of \$25,000.00 from the New York State Division of Criminal Justice Services pursuant to its Byrne Justice Assistance Program for the period from October 1, 2015 through December 31, 2015; and

WHEREAS, such funds will be utilized to combat crimes which wrongfully deprive New York State of funds to which it is otherwise due; and

WHEREAS, the 2015 Budget does not include appropriations and funding for this grant; now therefore be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to combat crimes which wrongfully deprive New York State of funds to which it is otherwise due; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute all necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State program will not be continued if said program is abolished, and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services – District Attorney	\$16,310
A.1165.----.4	Contractual – District Attorney	\$ 267
A.1165.----.8	Employee Benefits – District Attorney	\$ 8,423

INCREASE REVENUE ACCOUNT:

A.1165.R338.9012	NYS Aid – Other Public Safety: CAC Grant	\$25,000
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Signed: Wendel, Niebel, Tarbrake, Whitford, Keefe, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 28, 2015

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RES. NO. 201-15

Authorize Execution of New York State Office of Homeland Security Funding Grant – Operation Stone Garden FY15

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

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

WHEREAS, the State of New York will provide funding for a FY15 grant in the amount of \$70,585.00, with no local funds, for a contract period of September 1, 2015 through August 31, 2018, as it may be amended; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

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

Unanimously Adopted – October 28, 2015

RES. NO. 202-15

Authorize Execution of Grant Agreement and Increase Appropriation Accounts for New York State Division of Criminal Justice Services – Narcotic Control Grant

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice the New York State Division of Criminal Justice Services approved the application submitted for Narcotic Control; and

WHEREAS, the State of New York will provide funding in the amount of \$75,000.00, with no local funds, for a contract period from January 1, 2015 to December 31, 2015; and

WHEREAS, the 2015 Chautauqua County Budget does not include any funding for these expenditures since the grant became available after the budget was released; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the New York State Division of Criminal Justice Services to secure the grant funding, and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.4230.3113.---1 Personal Servs.—Southern Tier Regional Drug Task Force	\$49,400
A.4230.3113.---8 Fringe Benefits—Southern Tier Regional Drug Task Force	\$25,600

INCREASE REVENUE ACCOUNT:

A.4230.3113.R332.4000 State Aid—Drug Control Programs	\$75,000
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 28, 2015

RES. NO. 203-15

Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant
for Bomb Squad Initiative Program

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for the FY15 Bomb Squad Initiative Grant Program; and

WHEREAS, the State of New York will provide funding for FY15 grant award C174751 in the amount of \$103,750, with no local funds, for the contract period from September 1, 2015 to August 31, 2018, as it may be amended; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

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

Unanimously Adopted – October 28, 2015

RES. NO. 204-15

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

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

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

WHEREAS, the State of New York will provide funding for FY15 grant award T174759 in the amount of \$20,000, with no local funds, for the contract period from September 16, 2015 to August 31, 2018, as it may be amended; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

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

Unanimously Adopted – October 28, 2015

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RES. NO. 205-15

Increase Appropriation Accounts and Authorize Execution of New York State Office of Homeland Security and Emergency Services Grants for Explosive Detection Canine Team

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

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

WHEREAS, the State of New York will provide funding for grant award T174749 in the amount of \$20,000, with no local funds, for the initial contract period from October 12, 2014 to August 21, 2016; and

WHEREAS, previous grant award #T174739 for \$20,000 was not fully expended during the original and/or amended contract period of November 13, 2013 to August 31, 2015; and

WHEREAS, the 2015 Chautauqua County Budget does not include any funding for these expenditures since the grant funds become available after the budget was released; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.--1	Personal Services—Sheriff	\$14,139
A.3110.--4	Contractual—Sheriff	\$14,881
A.3110.--8	Fringe Benefits—Sheriff	\$ 800

INCREASE REVENUE ACCOUNT:

A.3110.R438.9K9T	Federal Aid—Explosive Detection Canine Team	\$29,820
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 28, 2015

RES. NO. 206-15

Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant – Operation Stone Garden FY12 & FY13

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

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

WHEREAS, grant awards #C182429 for \$208,097 and #C192439 for \$171,295 have not been fully expended during the original and/or amended contract period of September 1, 2012 to November 30, 2015; and

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WHEREAS, the 2015 Chautauqua County Budget does not include any funding for these expenditures since the remaining grant funds become available after the budget was released; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.--1	Personal Services--Sheriff	\$56,189
A.3110.--3	Depreciable Equipment--Sheriff	\$42,159
A.3110.--4	Contractual--Sheriff	\$ 600
A.3110.--8	Fringe Benefits--Sheriff	\$25,270

INCREASE REVENUE ACCOUNT:

A.3110.R438.9OSG	Federal Aid--Other Public Safety Aid	\$124,218
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – October 28, 2015

RES. NO. 207-15

Authorize Execution for United States Department of Homeland Security for FY 2015 Port Security Grant Program (PSGP)

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

WHEREAS, the Chautauqua County Sheriff received notice the United States Department of Homeland Security approved the application for a FY 2015 Port Security Grant; and

WHEREAS, the United States Department of Homeland Security will provide funding in the amount of \$37,089, matched by local funds of \$12,363, for the contract period from September 1, 2015 to August 31, 2018, as it may be amended; and

WHEREAS, the funds will be used to purchase a three year comprehensive maintenance agreement for Motorola portable and mobile radios purchased with FY09 and FY11 PSGP funding; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreements for the United States Department of Homeland Security Port Security Grant Program in the amount of \$49,452.

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

Unanimously Adopted – October 28, 2015

RES. NO. 208-15

Consolidation and Modification of County Agricultural Districts

By Planning & Economic Development Committee:
At the Request of Chairman Frank "Jay" Gould and County Executive Vincent W. Horrigan:

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WHEREAS, the Chautauqua County Legislature created thirteen (13) County Agricultural Districts between 1972 and 1995 pursuant to the New York State Agricultural Districts Program in order to encourage the protection and preservation of agricultural lands within Chautauqua County; and

WHEREAS, New York State Agriculture and Markets Law 303-a directs the County Legislature to perform a review of each District every eight (8), twelve (12) or twenty (20) years after the date of its creation consistent with the review period set forth in the plan in creating such district in order to permit, among other things, modification of Districts; and

WHEREAS, each review consists of a 300 day process and requires staff resources from both the Legislative Offices and the Planning and Economic Development Department, both of which have experienced staffing reductions over the past decade; and

WHEREAS, pursuant to Resolution No. 60-09, the Chautauqua County Legislature resolved to consolidate the County Agricultural Districts to reduce the number of required reviews from thirteen (13) to eight (8) districts; and

WHEREAS, the consolidation is yet to be finished and seven (7) of the nine (9) required reviews of County Agricultural Districts are now overdue and need completion; and

WHEREAS, the Agriculture and Farmland Protection Board has recommended the further consolidation of the Districts, from nine (9) to four (4) districts in order to permit a more efficient review process on a biennial cycle that will minimize staffing resource impacts for the County; therefore be it

RESOLVED, That the Chautauqua County Legislature consolidates the following County Agricultural Districts as recommended by the Farmland Protection Board and as shown on the attached map:

- 1) Consolidate County Agricultural District No. 6, which includes the Towns of Sherman, North Harmony, and Harmony; with County Agricultural District No. 7, which includes the Towns of Mina, French Creek, and Clymer; with County Agricultural District No. 7 serving as the parent district and known as Consolidated District No. 4; and
- 2) Consolidate County Agricultural District No. 13, which includes the Towns of Charlotte and Gerry; with County Agricultural District No. 10, which includes the Towns of Arkwright, Villanova, Cherry Creek, and Ellington; with County Agricultural District No. 10 serving as the parent district and known as Consolidated District No. 2; and
- 3) Consolidate County Agricultural District No. 11, which includes the Towns of Ellicott and Poland; with County Agricultural District No. 12, which includes the Towns of Busti, Kiantone, and Carroll; with County Agricultural District No. 8, which includes the Towns of Chautauqua, Stockton, and Ellery; with County Agricultural District No. 8 serving as the parent district and known as Consolidated District No. 3, and
- 4) Consolidate County Agricultural District No. 1, which includes the towns of Ripley, Westfield, and Portland; with County Agricultural District No. 2, which includes the towns of Pomfret, Sheridan, Hanover, and the Village of Fredonia; with County Agricultural District No. 2 serving as the parent district and known as Consolidated District No. 1.

Signed: Borrello, Niebel, Heenan, Ahlstrom, Chagnon

REGULAR SESSION

Unanimously Adopted – October 28, 2015

RES. NO. 209-15

Authorize County to Enter into an Intermunicipal Agreement with Town of Cherry Creek to Construct a Parking Area using Appalachian Regional Commission Area Grant and County Funds for Phase III of the Chautauqua County Equestrian Trail System Project

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

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities and is home to over 4,300 horses and many active bridle clubs and corrals; and

WHEREAS, local horse owners and groups have requested that Chautauqua County develop a network of equestrian trails that could provide an economic stimulus to the rural areas of Chautauqua County similar to the snowmobile trail system during the winter season; and

WHEREAS, the County of Chautauqua Industrial Development Agency and the Chautauqua County Department of Planning and Economic Development (CCPED) partnered to work with an outside consultant to develop the *Chautauqua County Equestrian System Trail Plan*; and

WHEREAS, the development of an equestrian trail loop in the eastern part of Chautauqua County will serve as a model for future trail development throughout the County and region; and

WHEREAS, pursuant to Resolution 120-13, the County accepted an Appalachian Regional Commission Area (ARC) grant in the amount of \$148,000 for Phase III of the Equestrian Trail System Project, which will extend from the Erwin Road Parking Area north of Cockaigne Ski Area to Cherry Creek; and

WHEREAS, the ARC funding for Phase III of the Equestrian Trail System Project is being matched with a combination of local occupancy tax and capital projects funding, as well as in-kind contributions from a variety of stakeholders; and

WHEREAS, the stakeholders have communicated a strong desire to construct a parking area in the village-owned park on Route 83 just north of downtown Cherry Creek (a major trailhead for the project), primarily because of safety and logistical concerns associated with the need to accommodate large trucks and horse trailers in a park that was not originally designed for this purpose; and

WHEREAS, the county desires to contract with the Town of Cherry Creek via an intermunicipal agreement in an amount not to exceed \$13,140 to construct said parking lot; and

WHEREAS, such funds have been appropriated in the 2015 Budget; now therefore be it

RESOLVED, That the County is hereby authorized to enter into an intermunicipal Agreement with the Town of Cherry Creek in an amount not to exceed \$13,140 for the construction of a parking area in the town-owned park on Route 83 to accommodate equestrians and their equipment.

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

Unanimously Adopted – October 28, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 210-15

Authorize Transfer of Capital Funds Among Capital Accounts and Closing of Capital Accounts

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

WHEREAS, the Chautauqua County Legislature has allocated certain monies for capital projects; and

WHEREAS, some of these capital projects came in under budget or were not undertaken, resulting in unallocated capital funds; and

WHEREAS, based upon current estimates of some capital projects, additional funding is needed to complete these projects; now therefore be it

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

INCREASE CAPITAL APPROPRIATIONS:

H.3110.06759.4	Contractual – County Wide Radio Project	\$361,106
H.5130.25811.4	Contractual – Mobile Data Collection System	\$ 32,281
H.5130.25941.4	Contractual – Sherman Shop Replacement	\$106,785

DECREASE CAPITAL APPROPRIATIONS:

H.3110.542.4	Contractual – Emergency Comm/Dispatching	\$361,106
H.5130.670.4	Contractual – Fleet Management Software	\$ 32,281
H.5130.697.4	Contractual - Sherman Storage Building	\$106,785

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.3110.06759.R503.1000	Interfund Trasfer – Interfund Transfers	\$361,106
H.5130.25811.R503.1000	Interfund Trasfer – Interfund Transfer s	\$ 32,281
H.5130.52941.R268.0000	Sale of Prop./Comp. – Insurance Recoveries	\$106,785

DECREASE CAPITAL REVENUE ACCOUNTS:

H.3110.542.R503.1000	Interfund Transfer – Interfund Transfers	\$361,106
H.5130.670.R503.1000	Interfund Transfer – Interfund Transfers	\$ 32,281
H.5130.697.R268.0000	Sale of Prop./Comp. – Insurance Recoveries	\$106,785;

and be it further

RESOLVED, That the Director of Finance, after making the amendments stated above: close capital accounts H.3110.542, H.5130.670, and H5130.697, precluding any further expenditures; reconcile accounts; post account adjustments; and begin capitalization as necessary; and be it further

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

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

MOVED by Legislator Runkle, SECONDED by Legislator Chagnon to amend – *Unanimously Carried*

Unanimously Adopted as amended by deleting all references to account H.3110 – October 28, 2015

REGULAR SESSION

RES. NO. 211-15
Close Capital Project Accounts

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

WHEREAS, Department Heads have notified the Department of Finance that the capital projects listed below have been completed, will not be undertaken, are no longer necessary, or did not receive grant funding:

Capital Project Accounts to be Closed:

H-1620-25784 - BUILDINGS & GROUNDS-SIGNAGE - MAYVILLE CAMPUS (2012);
H-1620-25923 - BUILDINGS & GROUNDS-VISTA DRIVE PARKING LOT (2014);
H-1620-684 - BUILDINGS & GROUNDS-ROOF, INSULATION: AG CNTR (2009);
H-1620-685 - BUILDINGS & GROUNDS-SIDEWALKS - MVL & JSTN (2009);
H-1620-686 - BUILDINGS & GROUNDS-CARPETING - AG CENTER (2009);
H-3110-06857 - SHERIFF-PATROL ROOM EXPANSION (2014);
H-5130-528 - ROAD MACHINERY-DPF FACILITY IMPROVEMENT (1993);
H-5610-229-CHAUTAUQUA COUNTY AIRPORT-IMPROVE TAXIWAYS A & B (2006);
H-5610-242 CHAUTAUQUA COUNTY AIRPORT-REMOVE & RECONST HNGR #3 (2009);
H-5610-25818-CHAUTAUQUA COUNTY AIRPORT-PURCH FRICTION METER-DNK (2010);
H-5610-25931 - CHAUTAUQUA COUNTY AIRPORT-RUNWAY 7-25 EXT - JSTN (2014);
H-6420-521 - PROMOTION OF INDUSTRY-ECONOMIC DEVELOP CAPITAL (1992);
H-6420-576 - PROMOTION OF INDUSTRY-AIRPORT HILL IMPROVEMENTS (1999);
H-6420-596 - PROMOTION OF INDUSTRY-BROWNFIELD: ROBLIN STEEL (2001);
H-6420-603 - PROMOTION OF INDUSTRY-ROUTE 60 ACCESS (2002);
H-6420-609 - PROMOTION OF INDUSTRY-RAIL SPUR CHADWICK BAY (2003);
H-6420-678 - PROMOTION OF INDUSTRY-BROWNFIELD REDEVELOPMENT (2008); and
H-7110-577 - PARKS-OAK HILL OVERLOOK, and

WHEREAS, such accounts can therefore be closed, now therefore be it

RESOLVED, That the Director of Finance: close the accounts listed above, precluding any further expenditures; reconcile the accounts; post account adjustments; and begin capitalization as necessary; and be it further

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

Signed: Borrello, Niebel, Heenan, Ahlstrom, Chagnon

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Unanimously Adopted – October 28, 2015

RES. NO. 212-15
Authorizing SEQRA Review of Waterways Panel 2016 Occupancy Tax Recommendations

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

WHEREAS, nineteen applications for the 2016 round of 2% Occupancy Tax funding for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the eleven requests; and

WHEREAS, nine of the nineteen projects submitted for 2% Occupancy Tax funding in 2016 for the enhancement and protection of waterways have been recommended by the Waterways Panel; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Department of Planning & Economic Development to arrange SEQRA review of the projects recommended by the Waterways Panel for 2016 2% Occupancy Tax funding, as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Cassadaga Lakes Association Park Avenue & Dale Drive Green Infrastructure Project	1	\$ 20,000	\$ 20,000
Greystone Nature Preserve Brocton Reservoir Tributary Restoration	2	\$ 9,750	\$ 9,750
Roger Tory Peterson Institute/City of Jamestown Chadakoin Riverwalk Added Value Restoration, Conservation & Education	3	\$ 39,990	\$ 39,990
Karen Eichelberger/Jane Currie Dewittville Creek Restoration	4	\$ 26,625	\$ 26,625
Chris Keefe Prendergast Creek Streambank Restoration	5	\$ 29,250	\$ 29,250
Chautauqua Watershed Conservancy/Mary Jane Lindros Lakeside Drive Naturalization Area	6	\$ 5,455	\$ 5,455
Mathew Moore/John Labarbera Dutch Hollow Creek Streambank Stabilization	7	\$ 21,750	\$ 21,750
Robert Lucas Forest Land Grade Stabilization Structure	8	\$ 5,590	\$ 5,590
Village of Silver Creek Walnut Creek Streambank Stabilization Project	9	\$ 40,000	\$ 40,000
David Montgomery Bemus Creek Tributary Stabilization	10	\$ 39,2500	\$ 0
Sunset Valley Golf Course Sunset Valley Stream Streambank Stabilization	11	\$ 21,750	\$ 0
Village of Celoron Lucile Ball Memorial Park Development Improvements	12	\$ 15,540	\$ 0
Camp Findley	13	\$ 29,400	

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Findley Lake Shoreline Stabilization			\$ 0
Clayton Anderson Bernus Creek Restoration	14	\$ 33,250	\$ 0
Jeff Christie/Mallard Cover Homeowners Association Tributary to Chautauqua Lake Stabilization and Management	15	\$ 29,250	\$ 0
Town of North Harmony Goose Creek Streambank Stabilization	16	\$ 21,250	\$ 0
Lakewood Rod & Gun Club Shoreline Stabilization & Dredging Project	17	\$ 40,000	\$ 0
Lynne Dimmer Canadaway Streambank Stabilization	18	\$ 39,625	\$ 0
Town of Busti First Avenue Streambank Erosion Control	19	\$ 15,000	\$ 0

Signed: Borrello, Niebel, Heenan, Ahlstrom, Chagnon

Unanimously Adopted – October 28, 2015

RES. NO. 213-15
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed below under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

Offer Number	Munic.	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-32-2015	JMST.	370.14-2-21	JAMES L MAGEE	\$ 9,000.00	\$ 3,996.25
PA-193-2014	JMST.	404.07-5-12	KEYBANK NA	\$ 431.83	\$ 431.83
PA-112-2015	ARKWRIT.	183.00-1-52	FOXPIPER LLC	\$ 1,000.00	\$ 3,895.27
PA-167-2015	ELLICOTT	386.06-1-39	FOXPIPER LLC	\$ 1,000.00	\$ 1,643.05

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PA-167-2015	ELLCOTT	386.06-1-39	RICHARD J HARRINGTON	\$ 550.00	\$ 1,643.05
PA-167-2015	ELLCOTT	386.06-1-39	TIMOTHY & JENNIFER SWITAJ	\$ 120.00	\$ 1,643.05
PA-210-2015	POMFRET	112.08-1-44	VERNON D PCHELKA	\$ 5,000.00	\$ 1,598.22
PA-204-2015	POLAND	372.00-1-62	ANGELO DONISI	\$ 555.00	\$ 3,707.56
				\$17,656.83	\$18,558.28

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford (Amended A.S. Indicated by strikeouts)

Unanimously Adopted – R/C Vote: 19 Yes – October 28, 2016

MOVED by Legislator Ahlstrom, SECONDED by Legislator Wendel to recess. (3:21 p.m.)

RECONVENE LEGISLATURE MEETING

**CALL TO ORDER: 6:30 P.M.
ROLL CALL: ALL PRESENT**

PUBLIC HEARING – 2016 TENTATIVE BUDGET & SEWER DISTRICT ASSESSMENT ROLLS

Chairman Gould: We will now open (6:33 p.m.) up the public hearing. Is there anyone to speak? Seeing no one, we'll close the public hearing.(6:34 p.m.)

RES. NO. 214-15

Consider 2016 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 Runkle, Nazzaro, Heenan, Borrello, and Chagnon

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2016 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 2016 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

Capital Project 06961- Computer Server Back Up System is removed from Exhibit E.

INCREASE THE USE OF FUND BALANCE:

A.---.---.909.0000 Fund Balance, Unreserved Fund Balance – Fund Balance \$500,000

DECREASE THE USE OF FUND BALANCE:

A.----.----.878.0000 Fund Balance, Reserved Fund Balance – Reserve for Capita I \$140,000

INCREASE APPROPRIATION ACCOUNT:

A.1185.----.4 Contractual - Med Examiners & Coroners \$1,500

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DECREASE APPROPRIATION ACCOUNTS:

A.1420.----.4	Contractual - County Attorney	\$4,500
A.1430.----.4	Contractual - HR	\$5,944
A.1450.----.4	Contractual - BOE	\$2,900
A.1620.----.4	Contractual - B&G	\$950
A.3010.----.5	Fixed Contractual - EMS	\$1,149
A.3625.----.4	Contractual - TECH	\$13
A.3640.----.4	Contractual - HAZMAT	\$13
A.3989.----.4	Contractual - EMS	\$700
A.4010.----.5	Fixed Contractual - Public Health	\$150
A.4010.NURS.5	Fixed Contractual - PH Nursing	\$150
A.4320.----.5	Fixed Contractual - Mental Health Programs	\$47
A.6010.----.5	Fixed Contractual - Social Services	\$11,000
A.6510.----.5	Fixed Contractual - Veterans	\$6,036
A.6610.----.4	Contractual - Weights & Measures	\$1,050
A.6772.----.4	Contractual - OFA	\$3,352
A.8020.GIS.5	Fixed Contractual - PED - GIS	\$153
D.5010.----.4	Contractual - Transportation	\$5,142
D.5110.----.4	Contractual - Capital	\$1,260
DM.5130.----.4	Contractual - Road Machinery	\$2,000
DM.5130.----.5	Fixed Contractual - Road Machinery	\$7,894
A.1620.----.4	Contractual - Buildings & Grounds	\$136
A.1620.5020.4	Contractual - Buildings & Grounds-HRC BUILDING	\$7,100
A.1620.5030.4	Contractual - Buildings & Grounds-COURT HOUSE	\$3,800
A.1620.5060.4	Contractual - Buildings & Grounds-GOB BUILDING	\$8,200
A.1620.5070.4	Contractual - Buildings & Grounds-MAYV. MUNIC. BLDG	\$2,500
A.1620.5080.4	Contractual - Buildings & Grounds-JAIL	\$8,000
A.1620.7010.4	Contractual - Buildings & Grounds-SOUTH CO OFFICE BLDG	\$300
A.1620.8060.4	Contractual - Buildings & Grounds-AG CENTER	\$2,000
A.3010.----.4	Contractual - Emergency Services	\$70
A.3020.TECH.4	Contractual - Pubk Safety Communication-Technical Services	\$600
A.3110.----.4	Contractual - Sheriff	\$160
A.3150.----.4	Contractual - Jail	\$4,506
A.5610.5610.4	Contractual - Chautauqua County Airport-JMSTN. AIRPORT	\$5,900
A.5610.5612.4	Contractual - Chautauqua County Airport-DUNKIRK AIRPORT	\$1,400
A.5630.5625.4	Contractual - Bus Operations-CARTS	\$1,400
A.7110.----.4	Contractual - Parks	\$100
DM.5130.----.4	Contractual - Road Machinery	\$16,400

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A.1010.----.1	Personal Services - Legislative Board	\$42,493
A.1010.----.8	Employee Benefits - Legislative Board	\$24,580
A.3110.----.3	Depreciable Equipment - Sheriff	\$60,000
A.3140.----.1	Personal Services - Probation	\$46,596
A.3141.----.8	Employee Benefits - Probation	\$9,747
A.4010.----.5	Fixed Contractual - Public Health Administration	\$22,400
A.4010.NURS.5	Fixed Contractual - Nursing	\$4,800
A.6010.----.5	Fixed Contractual - Social Services Administration	\$258,000
A.9950.----.9	Interfund Transfers - Transfer to Capital	\$140,000
D.5142.----.4	Contractual - Snow Removal: Co Roads	\$200,000
A.9901.----.9	Interfund Transfers - Trans Co Road Suppl (A-D)	\$200,000
A.1364.----.4	Contractual - Exp: Prop Acquired - Tax	\$10,000
A.1430.----.4	Contractual - Human Resources	\$5,000
A.1620.5070.4	Contractual - Buildings & Grounds - Mayville Municipal Bldg	\$10,000
A.1620.5080.4	Contractual - Buildings & Grounds - Jail	\$10,000
A.3150.----.5	Fixed Contractual - Jail	\$10,000
A.1162.1140.5	Fixed Contractual - Family Court	\$10,000
A.3110.3114.4	Contractual - Pistol Permit	\$10,000
A.6123.----.4	Contractual - Juvenile Delinquent Care	\$30,000
A.6140.----.4	Contractual - Safety Net	\$141,000
		\$1,361,591

DECREASE REVENUE ACCOUNTS:

A.6010.----.R468.9000	Federal Aid - Other Social Services	\$129,000
A.4010.PHSA.R340.1000	NYS Aid - Public Health	\$10,870
D.5142.9999.R503.1000	Interfund Transfer - Interfund Transfers (A to D)	\$200,000
A.1620.5070.R241.0MMB	Use of Money & Property - Rental: Mvl Municipal Bld	\$10,000
A.1620.5080.R241.0JAL	Use of Money & Property - Rental Jail Addition	\$10,000
A.6140.----.R364.0000	NYS Aid - Safety Net	\$41,000
		\$400,870

And be it further

RESOLVED, that Exhibit B-3 Base 3% Occupancy Tax Funding is restated as follows:

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Base 3% Occupancy Tax Funding		2016
<i>CCVB / Marketing & Promotion of CC and CCVB for Promotion of World's Learning Center</i>		
<i>Appro Acct: A.6420.TOUR.4590.CCVB, Revenue Acct: A.6420.TOUR.R111.3000</i>		
CCVB Main Marketing/Publicity Contract		
	CCVB Sub-Total	\$ 514,000
		53.5%
<i>Tourism Business Development & Promotion</i>		
<i>Appro Acct: A.6420.TOUR.4590.0000, Revenue Acct: A.6420.TOUR.R111.3000</i>		
County of Chautauqua Industrial Development Agency		
	Tourism Sub-Total	50,000
		5.2%
<i>Appro Acct: A.7110.(wages, benefits), Revenue Acct: A.7110.R111.3000</i>		
	M&O City Parks and Trails Sub-Total	130,500
		13.6%
<i>Non-County Maintained Trail Establishment and Development</i>		
<i>Appro Acct: A.6420.TOUR.4590.TRAL, Revenue Acct: A.6420.TOUR.R111.3000</i>		
TBD		\$ 78,000
		8.1%
<i>Collection & Enforcement</i>		
<i>Appro Acct: A.1310.(admin costs), Revenue Acct: A.1310.R122.0000</i>		
CC Finance Dept.		\$ 52,000
		5.4%
<i>Arts & Culture</i>		
<i>Appro Acct: A.6420.TOUR.4590.ARTS, Revenue Acct: A.6420.TOUR.R111.3000</i>		
Fenton Historical Center		\$ 8,000
Historical Society of Dunkirk		\$ 2,350
United Arts Appeal		\$ 27,500
CC Historical Society		\$ 5,800
	Arts & Culture Sub-Total	\$ 43,450
		4.5%
<i>Development of Attractions & Events</i>		
<i>National Comedy Center - Appro Acct: A.6420.TOUR.4590.EVTS, Revenue Acct: A.6420.TOUR.R111.3000</i>		
		\$ 50,000
<i>Other - Appro Acct: A.6420.TOUR.4590.EVTS, Revenue Acct: A.6420.TOUR.R111.3000</i>		
		\$ 40,000
<i>Off cycle reserve - Appro Acct: A.6420.TOUR.4590.EVTS, Revenue Acct: A.6420.TOUR.R111.3000</i>		
		\$ 2,050
<i>To receive A.883.0000 Reserve of Occupancy Tax</i>		
		\$ -
	Attractions & Events Sub-Total	\$ 92,050
		9.6%
3% Sub Total (1)		\$ 960,000
		\$

And be it further

RESOLVED, That the 2016 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$60,087,674 \$59,644,014 and an estimated Full Value Rate of \$8.609-\$8.545.

Adopted as amended (~~Deleted indicated by strikethrough; New indicated by double underline~~)
 – R/C Vote: 17 Yes; 1 No (Ahlstrom voting "no") – October 28, 2016

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Heenan, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (7:00 p.m.)

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Regular Meeting
Chautauqua County Legislature
6:30 P.M.
Wednesday, November 18, 2015
Mayville, N.Y.

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

Deputy Clerk Foster called the roll and announced a quorum present. (Absent: Ahlstrom)

Legislator Runkle delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Whitford and duly carried the minutes were approved. (10/28/15)

Privilege of the Floor

My name is Douglas Champ, I live at 225 Bowen Street, in Jamestown, New York and again it's one of these golden moments that I come up from Jamestown and drive through the wind with two hands on the steering wheel to see our County Legislature in action and there was a lot of action coming up here. I am here actually to not pro or con something but basically to lay out a scenario that maybe has been looked at, maybe it hasn't been but I wanted it to be kind of emphasized here. That is the County Landfill as it existed or could exist. As you know we have a waste energy plant up there. In fact, I was involved in some of the discussions with that and highly support that part of it. But there is more than can be done and I wanted to throw out some options for that. (*Inaudible*) some time ago, (*inaudible*) was looked at up there which is thermal energy side of generation. It could be expanded for opportunities. If this County needs anything more, it needs more opportunities for growth and development and that can happen through energy use. How it can happen is like this. The thermal energy (*inaudible* Jamestown many years ago and hard to believe that I have been retired for 12 years, but, that was done effectively using waste energy in a combined heat and energy plant and the fuel source was coal, now it's gas, with a gas turbine. So, you have a system up there that actually has additional capacity and would have a lot more capacity if the landfill was expanded. In fact, the dynamics of the landfill works more effectively in terms of financing sources like, if you want to, New York Green Bank which is associated with NYSERTA. The eligibility there sometimes looks at partnerships so a private venture along with a (*inaudible*) venture, in other words, somebody holds each source and actually does that part of it and the County owns the landfill. So, it becomes a different company or it can be municipally owned or a County owned landfill. So, what would happen if you did a heat (*inaudible*)? It would cost money but it could be financed through the Green Bank. Now you could attract different energy users that need hot water. Hot water is not regulated in New York State. So, you don't have a public service commission to deal with and that is important because then your rate structure is set based on the cost of operation, not necessarily playing around with a lot of (*inaudible*) to do with electric. So, if you brought in potential users like a large commercial wood drying kiln, like a large commercial water facility, like hyponic growing even though it's an actual landfill. The rate structure and the building to have that opportunity could then open up (*inaudible*) different way of using it. It also would allow an increase tax base to the existing governmental entity like the Town of Ellery which isn't a pro or con part, it's up to them how they feel about expansion. But, I think that you should look at this and reexamine the possibilities of (*inaudible*) power process and see if it works for this County. There are different things that can happen with this and I believe that you should spend some time and reexam the heat well that you have up there already. When you flare the gas, methane is 21 times more volatile than Co2. So if you are talking about (*inaudible*) then methane has a real place to change that and if you expand the landfill, you are going to have more methane. There is no question about that. How you use that methane, whether you are going to flare it out, remember you have a few (*inaudible*) gases that exists in the burning

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process, things like dioxin, a whole list of them that I won't get into so, you have to take a look at the long term so 10 years down the road if somebody wants a place to build, it might be the County landfill. Thank you.

Chairman Gould: Anybody else to the first privilege of the floor? Seeing none, we'll close the first privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 10/28/15

COMMUNICATIONS:

1. Letter – County Executive – Appt. Youth Board
2. Report & Resolution – Chautauqua County Water Agency
3. Minutes – South & Center Chaut. Lake Sewer District Board
4. Letter – NYS Sheriff's Association, Inc. – Re: Impact on Revenue Received from the Jail Inmate Phone System

RES. NO. 215-15

Confirm Appointment - Chautauqua County Youth Board

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

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

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

New Appointment:

Cody A. Gustafson
1 Shirley Ln, Apt. B
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Signed: Tarbrake, Keefe, Lemon, Rankin, Wilfong

Unanimously Adopted – November 18, 2015

RES. NO. 216-15

Authorize Public Hearing for Automobile Rental Concession Lease Agreement with Johnston Rental & Leasing d/b/a Hertz Rent-A-Car at the Chautauqua County Airport at Jamestown

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

WHEREAS, Johnston Rental and Leasing d/b/a/ Hertz Rent-a-Car desires to renew its existing automobile rental concession lease at the County Airport for an additional one-year term; and

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WHEREAS, it is appropriate for the smooth and efficient operations of the County Airport to renew such lease with the County; and

WHEREAS, Article 14 of the General Municipal Law requires a public hearing before the County Legislature can authorize such lease agreement; therefore be it

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held on the extension of the automobile rental lease agreement at the meeting of the County Legislature on December 16, 2015 at 6:45 pm in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757 upon the following terms and conditions:

1. Premises: Counter space in the airport terminal, non-exclusive use of Maintenance Building I at the east end as a primary car wash facility, five parking spaces in the ready lot, and an additional 15 parking spaces in the public lot.
2. Rent: Twelve (12) percent of gross revenues, \$100 per month for counter space, and \$100 per month for non-exclusive use of Maintenance Building I at the east end as a primary car wash facility.
3. Term: January 1, 2016 to December 31, 2016.
4. Utilities: Paid by the County.
5. Other: As negotiated by the County Executive;

and be it further

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

Signed: Hemmer, Scudder, Himelein, Wilfong

Unanimously Adopted – November 18, 2015

RES. NO. 217-15

Calling a Public Hearing Pursuant to County Law §254 Upon a Proposal to Establish a County Water District Known as the North Chautauqua County Water District

At the Request of Chairman Frank "Jay" Gould and County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 211-13, the Chautauqua County Water Agency was established; and

WHEREAS, the Water Agency has transmitted to this Legislature a Map and Plan made by Clark Patterson Lee, engineers licensed by the State of New York, dated May, 2015 entitled Northern Chautauqua County Regional Water Supply System (hereinafter referred to as Engineers' Report) and a Report and Resolution in the Matter of the Establishment of the North Chautauqua County Water District dated November 12, 2015 containing recommended modifications to the Engineers' Report (hereinafter referred to as Map, Plan and Report); and

WHEREAS, the Map, Plan and Report recommends the formation of the North Chautauqua County Water District (hereinafter referred to as District); and

WHEREAS, County Law §254 requires this Legislature to call a public hearing on the Map, Plan and Report; now therefore be it

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RESOLVED, That a public hearing will be held by the Chautauqua County Legislature at the Legislative Chambers, Gerace Office Building in the Village of Mayville, Chautauqua County, New York on December 16, 2015 at 6:45 o'clock PM, prevailing time, on the proposal to establish the North Chautauqua County Water District; and be it further

RESOLVED, That the Clerk of the Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspapers of the County and to be transmitted by first class mail to each assessed owner of property within the District as their names and addresses appear on the current assessment roll not less than ten (10) nor more than twenty (20) days before the date designated for the hearing; and be it further

RESOLVED, That pursuant to County Law §254(2)(a), the Clerk of the Legislature is directed to cause a certified copy of the Notice of Public Hearing hereinafter provided to be filed with the New York State Comptroller on or about the date of the publication of such notice; and be it further

RESOLVED, That the Notice of Public Hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

Notice is Hereby Given that the County Legislature of the County of Chautauqua, New York will meet in the Legislative Chambers, Gerace Office Building, Mayville, New York on December 16, 2015 at 6:45 o'clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the formation of the North Chautauqua County Water District for the purpose of the wholesale distribution of water to other municipalities purchased from the City of Dunkirk and construction of water transmission facilities for a maximum amount to be expended of \$11,750,000.

The improvements proposed consist of (1) Town of Pomfret Transmission: 16-inch water main along NYS Route 5 in the Town of Pomfret, (2) Town of Dunkirk Transmission: 8-inch water main along NYS Route 5 (City line to Willow Road) and Willow Road, 16-inch water main along NYS Route 5 (Willow Road to Town of Pomfret), (3) Town of Portland Transmission: 16-inch water main along NYS Route 5 (Pomfret to Park View Lane), (4) Village of Brocton Transmission: 12-inch water main from NYS Route 20 to the Village WTP, booster pump station, 500,000 gallon water storage tank, and 8-inch water main along Webster Road from the end of the Pomfret main to Old Mill Road, and (5) Town of Sheridan Transmission: 12-inch water mains along portions of NYS Route 5 in the Town of Sheridan.

The area to be included within the proposed District is set forth as follows: All that tract or parcel of land situate in the County of Chautauqua, State of New York, being parts of the Towns of Portland, Pomfret, Sheridan, and Hanover, and all of the Town of Dunkirk, and being more particularly bounded and described as follows: Beginning at a point, 500 feet easterly of and parallel to the centerline of NYS Route 60, at the intersection of a line 500 feet southerly of and parallel to the centerline of Webster Road; thence (1) Southwesterly, along a line 500 feet southerly of and parallel to the centerline of Webster Road, a distance of 68,603 feet, more or less, to the westerly line of the Town of Portland at the municipal boundary line of the Towns of Portland and Westfield; thence (2) Northerly, along the westerly line of the Town of Portland, a distance of 9,066 feet, more or less, to the shoreline of Lake Erie; thence (3) Northeasterly, along the shoreline of Lake Erie, a distance of 64,253 feet, more or less, to the intersection with the northwesterly corner of the City of Dunkirk; thence (4) Easterly, along a northerly line of the Town of Dunkirk, a distance of 2,603 feet, more or less, to an easterly line of the Town of Dunkirk; thence (5) Southerly, along an easterly line of the Town of Dunkirk, a distance of 4,060 feet, more or less, to a northerly line of the Town of Dunkirk; thence (6) Easterly, along a northerly line of the Town of Dunkirk, a distance of 4,137 feet, more or

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less, to an easterly line of the Town of Dunkirk; thence (7) Southerly, along an easterly line of the Town of Dunkirk, a distance of 4,029 feet, more or less, to the northerly line of the Village of Fredonia; thence (8) Easterly, along the northerly line of the Village of Fredonia, a distance of 4,038 feet, more or less, to a westerly line of the Town of Dunkirk; thence (9) Northerly, along a westerly line of the Town of Dunkirk, a distance of 6,300 feet, more or less, to an angle point; thence (10) Northeasterly, along a northwesterly line of the Town of Dunkirk, a distance of 545 feet, more or less, to a northerly line of the Town of Dunkirk; thence (11) Easterly, along a northerly line of the Town of Dunkirk, a distance of 3,565 feet, more or less, to a westerly line of the Town of Dunkirk and an easterly line of the City of Dunkirk; thence (12) Northerly, along a westerly line of the Town of Dunkirk, a distance of 10,353 feet, more or less, to the northerly line of the Town of Dunkirk; thence (13) Northeasterly, along the shoreline of Lake Erie and the shoreline of Cattaraugus Creek, a distance of 81,801 feet, more or less, to the northerly right-of-way line of the NYS Thruway - I 90; thence (14) Southwesterly, along the northerly line of the NYS Thruway - I 90, a distance of 10,125 feet, more or less, to a point 500 feet easterly of and parallel to the centerline of Alleghany Road; thence (15) Southeasterly, along a line 500 feet easterly of and parallel to the centerline of Alleghany Road, a distance of 924 feet, more or less, to a point on a line 500 feet easterly of and parallel to the centerline of Angell Road; thence (16) Southwesterly, along a line 500 feet easterly and southerly of and parallel to the centerlines of Angell Road and Dennison Road, a distance of 25,917 feet, more or less, to a point on a line 2,500 feet easterly of and parallel to the easterly line of the Village of Forestville; thence (17) Southerly, along a line 2,500 feet easterly of and parallel to the easterly line of the Village of Forestville, a distance of 8,763 feet, more or less, to a point on a line 2,500 feet southerly of and parallel to the southerly line of the Village of Forestville; thence (18) Westerly, along a line 2,500 feet southerly of and parallel to the southerly line of the Village of Forestville, a distance of 10,056 feet, more or less, to a point on a line 2,500 feet westerly of and parallel to the westerly line of the Village of Forestville; thence (19) Northerly, along a line 2,500 feet westerly of and parallel to the westerly line of the Village of Forestville, a distance of 4,519 feet, more or less, to a point on a line 500 feet southerly of and parallel to the centerline of NYS Route 39; thence (20) Westerly, along a line 500 feet southerly of and parallel to the centerline of NYS Route 39, a distance of 21,601 feet, more or less, to a point on a line 500 feet southeasterly of and parallel to the centerline of NYS Route 20; thence (21) Southwesterly, along a line 500 feet southeasterly of and parallel to the centerline of NYS Route 20, a distance of 9,873 feet, more or less, to a point on a line 500 feet easterly of and parallel to the centerline of McAllister Road; thence (22) Southerly, along a line 500 feet easterly of and parallel to the centerline of McAllister Road, a distance of 2,703 feet, more or less, to a point on a line 500 feet easterly of and parallel to the centerline of NYS Route 60; thence (23) Southerly, along a line 500 feet easterly of and parallel to the centerline of NYS Route 60, a distance of 8,482 feet, more or less, to the Point of Beginning. North Chautauqua County District excludes the entire Village of Fredonia. North Chautauqua County Water District, as described above, contains approximately 34,942 acres of land. All as shown on a map prepared by Clark Patterson Lee, "Water District Boundary Map", Drawing Number WE-1, dated October 30, 2015.

All District costs are anticipated to be paid by municipalities receiving water from the proposed District under contract with no assessments by the proposed District upon properties within the District. The estimated cost to the typical property from assessments or other charges to be made by the proposed District upon such properties is zero. Any costs of the improvement not paid by such municipalities will be assessed as nearly as may be to the benefit which each lot or parcel will derive therefrom. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.

Signed: Gould

MOVED by Legislator Himelein, SECONDED by Legislator Runkle to change the acreage to 49,845 from 34,942 – Unanimously Carried

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Unanimously Adopted as amended – November 18, 2015

RES. NO. 218-15

Acceptance of Funds for Purchase of Replacement Snow Removal Equipment at Chautauqua County Dunkirk Airport

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

WHEREAS, Chautauqua County has received a grant from the Federal Aviation Administration (FAA) to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County Dunkirk Airport:

Purchase Replacement Airport Snow Removal Equipment Consisting of One Truck with a Runway Plow with Side Wings and a Material Spreader
FAA AIP Project No. 3-36-0022-051-2015 (Project); and

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

WHEREAS, Chautauqua County approved the Project under the Airport Improvement Program (AIP), and funding shares for the Project were as follows:

Federal	\$	276,496
State	\$	15,361
Local	\$	15,361
Total Project Cost	\$	307,218

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the operation of the airport; 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 Dunkirk Airport; and be it further

RESOLVED, That the County Executive be authorized to execute all necessary documents on behalf of Chautauqua County with New York State in connection with the project, and be it further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with the project.

Signed: Hemmer, Himelein, Wilfong, Runkle, Heenan, Nazzaro, Chagnon (P.F. Scudder voting "no")

Adopted w/ Legislators Runkle and Scudder voting "no" – November 18, 2015

RES. NO. 219-15

Acceptance of Funds for Purchase of Replacement Snow Removal Equipment at Chautauqua County Jamestown Airport

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

WHEREAS, Chautauqua County has received a grant from the Federal Aviation Administration (FAA) to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County Jamestown Airport: Acquire Replacement Snow Removal Equipment (Blower with Broom Attachment) FAA AIP Project No. 3-36-0048-042-2015 (Project); and

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

WHEREAS, Chautauqua County approved the Project under the Airport Improvement Program (AIP). Funding shares for the Project were as follows:

Federal	\$	807,500
State	\$	21,250
Local	\$	21,250
Total Project Cost	\$	<u>850,000</u>

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the operation of the airport; 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 Jamestown Airport; and be it further

RESOLVED, That the County Executive be authorized to execute all necessary documents on behalf of Chautauqua County with New York State in connection with the project, and be it further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with the project.

Signed: Hemmer, Himelein, Wilfong, Runkle, Heenan, Chagnon, Nazzaro (P.F. Scudder voting "no")

Adopted w/ Legislators Runkle and Scudder voting "no" – November 18, 2015

RES. NO. 220-15

Adjust DPF Appropriation and Revenue Accounts for Roads and Bridges

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

WHEREAS, our transportation system, which includes roads and bridges, is essential to everyone and contributes to economic development, job creation, and quality of life; and

WHEREAS, proper funding for maintenance and de-icing is essential to keeping our roads and bridges operational and in good repair; and

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WHEREAS, in the early part of 2015 the County experienced extreme winter conditions which resulted in greater than expected use of de-icing material and depletion of salt reserves, such that additional salt is needed for the remainder of 2015; and

WHEREAS, on July 14, 2015 the county experienced flood storm damage in the amount of \$375,000; and

WHEREAS, FEMA reimbursed the County for \$97,234 of such weather-related expenses; and

WHEREAS, the New York State Department of Transportation has made \$420,997 in funds available to the County for extreme winter recovery efforts on highways and bridges; and

WHEREAS, the County fund balance is available to cover the remainder of these unanticipated weather-related expenses; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents to secure the FEMA and New York State funding identified herein; and be it further

RESOLVED, That D Fund Balance is appropriated as follows:

INCREASE USE OF FUND BALANCE:

D.-----915.0000 Assigned Fund Bal.--Assigned/Unappropriated Fund Balance \$473,000

and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

D.5110.----.4	Contractual – Maintenance of Roads	\$100,000
D.5142.----.4	Contractual – Snow Removal: Co Roads	\$350,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D5112.391.4	Contractual – Highway Improvements	\$720,000
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DECREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual – Snow Removal	\$140,000
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INCREASE REVENUE ACCOUNTS:

D.5142.R277.0007	Miscellaneous - Other Uncl: Salt & Sand	\$ 40,000
D.5142.R496.0000	Federal Aid - FEMA Disaster Reimbursement	\$ 97,000

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.R350.1000	NYS Aid - CHIPS	\$420,000
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Signed: Hemmer, Scudder, Himelein, Wilfong, Runkle, Heenan, Chagnon, Nazzaro

Unanimously Adopted – November 18, 2015

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RES. NO. 221-15

Approving SEQRA Findings Statement for Phase IV Expansion and Improvements at the Chautauqua County Landfill

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

WHEREAS, the Department of Public Facilities proposes to expand the footprint of the Chautauqua County Landfill operation by 53 acres and make other improvements within the approximately 870 acres of land already owned by the County for such purpose; and

WHEREAS, the proposed changes will provide capacity to serve the needs of the County for a twenty-year planning period; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) performed an extensive technical review and has issued final permits; and

WHEREAS, the NYSDEC agreed to serve as State Environmental Quality Review Act (SEQRA) Lead Agency under Article 8 of the Environmental Conservation Law for this project; and

WHEREAS, the NYSDEC conducted public scoping and the County prepared a Draft and Final Supplemental Environmental Impact Statement (SEIS) to carefully consider the potential environmental implications of the County Landfill expansion project; and

WHEREAS, each Involved Agency under SEQRA, who funds, undertakes, or approves an action for which a Final SEIS was completed, is required to independently prepare a written Findings Statement; now, therefore, be it

RESOLVED, in consideration of the draft and final SEIS, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, the Chautauqua County Legislature finds that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including the impacts disclosed in the environmental impact statement, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute the attached written Findings Statement reflecting the findings of the County Legislature on behalf of the County of Chautauqua.

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

Unanimously Adopted – November 18, 2015

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RES. NO. 222-15

Authorize Purchase of Real Property in the Town of Ellery

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

WHEREAS, approximately 20 acres of real property located in the Town of Ellery and described on the Chautauqua County Tax Map as SBL 300.00-2-28 is owned by the Estate of Michael A. Miga, Jr. or the distributees of the Estate of Michael A. Miga, Jr. and available for the purchase price of \$40,000.00; and

WHEREAS, Culvert #329 located on Towerville Road in the Town of Ellery, which is the responsibility of the County, was recently inspected and recommended for replacement at an estimated cost of \$146,000 that is significantly higher than the purchase price of the Miga property; and

WHEREAS, the County's purchase of the property would allow the County to avoid the need to replace the culvert serving the Miga property, and the additional 20 acres could serve as a further buffer zone for the Chautauqua County Landfill; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (SEQRA), the County has prepared an Environmental Assessment Form (EAF) which considered the probable environmental impacts associated with the purchase of the subject premises and determined that such action would not have any significant adverse environmental impacts; now, therefore be it

RESOLVED, That the County Legislature adopts the findings and conclusions in relation to the environmental impacts contained in the EAF, and adopts the SEQRA determination that the proposed acquisition of the subject property located in the Town of Ellery will not result in any significant adverse environmental impacts; 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 real property described on the Chautauqua County Tax Map as SBL 300.00-2-28 and located in the Town of Ellery from the Estate of Michael A. Miga, Jr. or the distributees of the Estate of Michael A. Miga, Jr., for the purchase price of \$40,000.00.

Signed: Hemmer, Scudder, Himelein, Wilfong, Runkle, Nazzaro, Heenan, Chagnon (**Amended in A.C. to add new language indicated by underline**)

Unanimously Adopted – November 18, 2015

RES. NO. 223-15

Investment Policy for the County of Chautauqua

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

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

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WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; therefore be it

RESOLVED, That the County Investment Policy is hereby re-confirmed with no changes as follows:

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the County's own behalf or on behalf of any other entity or individual. The policy and procedure herein shall be in addition to any other requirements set forth in the Chautauqua County Charter, Chautauqua County Administrative Code and applicable law.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order,

- *to conform with all applicable federal, state and other legal requirements (legal);
- *to adequately safeguard principal (safety);
- *to provide sufficient liquidity to meet all operating requirements (liquidity); and
- *to obtain reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The County's responsibility for administration of the investment program is delegated to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Director of Finance within two (2) days of deposit, or within the time period specified in law, whichever is shorter.

The Director of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$30,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Jamestown Savings Bank	HSBC America
Evans Bank, N.A.	Citizen's Bank N.A.	JP Morgan Chase, N.A.
PayPal	First Niagara Bank	

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value," or provided by general Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories as designated and approved by the New York State Comptroller.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall 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:

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- *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 depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

Prudential Securities	Crew & Associates
Merrill Lynch	Mischler Financial Group
Bank of New York	Federal Reserve Bank –Treasury Direct
First Empire Securities	Manufacturer's & Traders Trust Co.
Morgan Stanley	Finacorp Securities
McDonald Investments	JP Morgan Chase, N.A.
Wachovia Securities	
Edward Jones	

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
Morgan Stanley	

XII. PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

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1. From an authorized trading partner, including through a repurchase agreement, future, or option contract.
2. By participation in a cooperative investment program with another governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the County.

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

* All repurchase agreement must be entered into subject to a Master Repurchase Agreement. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

* Obligations shall be limited to obligations of the United States of America, and obligations guaranteed by agencies of the United States of America, where principal and interest are guaranteed by the United States of America.

* No substitution of securities will be allowed.

* The custodian shall be a part other than the trading partner.

Signed: Scudder, Vanstrom, Himelein, Whitford, Runkle, Nazzaro, Heenan, Chagnon

MOVED by Legislator Chagnon, SECONDED by Legislator Runkle to remove HSBC Bank from the Designation of Depositories. – Unanimously Carried

Unanimously Adopted as amended – November 18, 2015

RES. NO. 224-15
Distribution of Mortgage Taxes

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due the pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

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April 1, 2014 through September 30,
2015

TOWNS		CITIES	
Arkwright	3,164.86	Dunkirk	23,431.22
Busti	50,142.92	Jamestown	89,039.91
Carroll	15,759.79		
Charlotte	3,334.82	TOTAL	\$112,471.13
Chautauqua	43,523.07		
Cherry Creek	4,980.19		
Clymer	8,454.95		
Dunkirk	9,762.44		
		VILLAGES	
Ellery	45,988.25	Bemus Point	3,039.37
Ellicott	66,394.40	Brocton	1,230.99
Ellington	4,722.61	Cassadaga	952.75
French Creek	8,628.95	Celoron	3,922.16
Gerry	6,989.39	Cherry Creek	565.04
Hanover	30,048.84	Falconer	7,877.51
Harmony	8,592.62	Forestville	1,052.84
Kiantone	12,771.08	Fredonia	24,081.67
Mina	9,478.46	Lakewood	15,396.60
North			
Harmony	21,029.84	Mayville	3,464.77
Poland	9,599.67	Panama	1,053.49
Pomfret	46,213.01	Sherman	880.05
Portland	13,689.69	Silver Creek	3,639.46
Ripley	5,824.81	Sinclairville	699.14
Sheridan	17,367.01	Westfield	5,254.97
Sherman	4,480.00		
Stockton	5,117.43	TOTAL	\$73,110.81
Villanova	2,562.21		
Westfield	14,307.54		
TOTAL	\$472,928.85		

REGULAR SESSION

**GRAND
TOTAL**

\$658,510.79

Signed: Scudder, Vanstrom, Himelein, Whitford, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 18, 2015

RES. NO. 225-15

Authorize Creation of a Capital Project Account for Expenses Associated with Next Generation 911

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

WHEREAS, the existing Chautauqua County 911 system needs to be replaced with an integrated Internet Protocol (IP) based Next Generation 911 system; and

WHEREAS, Chautauqua County is in receipt of an acceptable proposal for the provision of said system; and

WHEREAS, the County Sheriff's Office has sufficient funds in a reserve account to purchase equipment for this system upgrade; now therefore be it

RESOLVED, that A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----890.0000 Fund Bal., Reserved Fund Bal. – Misc. Reserve: E-911 \$480,719

and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Interfund Transfers \$480,719

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3110.06966.4 Contractual—Next Generation 911 \$480,719

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3110.06966.R503.1000 Interfund Transfers – Interfund Transfer \$480,719

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

Unanimously Adopted – November 18, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 226-15

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

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

WHEREAS, the County Sheriff's Office was awarded grant funding from the State of New York Office of Homeland Security for the further implementation of bomb detection; and

WHEREAS, no portion of grant award #C174741 for \$110,000 has yet been expended for the contract period of September 1, 2014 to August 31, 2016; and

WHEREAS, the expenses will be incurred in calendar years 2015 and 2016; and

WHEREAS, the 2015 Chautauqua County Budget does not include any funding for these expenditures since the grant funds became available after the budget was released; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.3	Depreciable Equipment—Sheriff	\$62,750
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INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB	Federal Aid—Other Public Safety Aid	\$62,750
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 18, 2015

RES. NO. 227-15

Increase Revenue and Appropriation Accounts Associated with State Criminal Alien Assistance
Program Grant

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

WHEREAS, the Chautauqua County Sheriff received notice the United States Department of Justice approved the application for the State Criminal Alien Assistance Program grant; and

WHEREAS, the United States Department of Justice will provide funding for the grant award in the amount of \$4,264; and

WHEREAS, the 2015 Chautauqua County Budget includes only a portion of the revenue and does not include funding for associated expenditures, since the grant funds became available after the budget was released; now therefore be it

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

REGULAR SESSION

INCREASE APPROPRIATION ACCOUNT:

A.3150.----.2	Equipment – Jail	\$3,850
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INCREASE REVENUE ACCOUNTS:

A.3150.R438.9001	Federal Aid: St Criminal Alien Assist	\$2,264
A.3150.R277.0000	Miscellaneous - Other Unclassified Revenue	\$1,586

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

Unanimously Adopted – November 18, 2015

RES. NO. 228-15

Increase Appropriation and Revenue Accounts due to Unanticipated Revenue and Expense in Medi-Vac Operations

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

WHEREAS, the County Sheriff's Office received funds from Bell Helicopter that are due to Starflight, Inc.; and

WHEREAS, the County Sheriff's Office needs to pay said funds to Starflight, Inc.; now therefore be it

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

INCREASE REVENUE ACCOUNT:

A.3189.MEDI.R158.9001	Other Public Safety Income: Medi-Vac	\$5,000
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INCREASE APPROPRIATION ACCOUNT:

A.3189.MEDI.4	Contractual – Medi-Vac	\$5,000
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Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford, Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 18, 2015

RES. NO. 229-15

Mental Hygiene Purchase of Equipment

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

WHEREAS, the Chautauqua County Department of Mental Hygiene has leased space at 333 E. Fifth Street in Jamestown, New York in accordance with Resolution 169-15, and is in the process setting up office space for the Health Home program; and

WHEREAS, new communication equipment will be necessary and funds must be moved to the proper account for equipment purchases; therefore be it

JOURNAL OF PROCEEDINGS

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

INCREASE APPROPRIATION ACCOUNT:
A.4320.----.2 Equipment – Mental Hygiene \$5,000

DECREASE APPROPRIATION ACCOUNT:
A.4320.----.4 Contractual – Mental Hygiene \$5,000

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

Unanimously Adopted – November 18, 2015

RES. NO. 230-15
Authorize CCVB for Matching Funds for NYS Division of Tourism

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

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

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

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

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

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

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

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

REGULAR SESSION

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, 2015 through March 31, 2016.

Signed: Chagnon, Niebel, Gould, Runkle, Nazzaro, Heenan

Unanimously Adopted – November 18, 2015

RES. NO. 231-15

Application for Refund of Real Property Taxes for the Year 2015

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

WHEREAS, Juan Cordova Perez filed an application for refund of real property taxes for 2015 pursuant to Real Property Tax Law Section 556 for the parcel set forth below, and

WHEREAS, the County Director of Real Property Tax has investigated the circumstances of the applications and transmitted a written report of the investigation, and

WHEREAS the Director of Real Property Tax approved the application for refund on form RP-556 dated November 6, 2015, and

WHEREAS, it is appropriate that the aforesaid application be approved for the following reason:

Clerical Error- Special District charge should be 30 units- not 300 units. One unit = \$10.00

Name	Property Identification	Refund Amount
Juan Cordova Perez	PID 065889-114.00-3-72	\$2,700.00

Signed: Runkle, Nazzaro, Heenan, Chagnon

Unanimously Adopted – November 18, 2015

RES. NO. 232-15

A Resolution Authorizing the Issuance of \$18,000,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of the Expansion of the Sanitary Landfill in and for Said County

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

JOURNAL OF PROCEEDINGS

WHEREAS, it is now desired to authorize the financing and undertaking of such capital project; now therefore

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The design and construction of the expansion of the sanitary landfill to be located in the Town of Ellery, in and for the County of Chautauqua, New York, including cells, perimeter berms, channel and access roads, stormwater control ponds, wetland mitigation area, filling, drainage, fencing, furnishings, equipment, machinery and apparatus, as well as incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of not to exceed \$18,000,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$18,000,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 6-a of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Chautauqua, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

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

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Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

RES. NO. 233-15
Quit Claim Deed

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed below under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

Offer #	Municipality	PID	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
QC-142-2015	Cherry Creek	221.00-1-8	Eric Herm	Kevin Sheehan	1800.00	4510.65

Signed: Scudder, Vanstrom, Himelein, Whitford

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

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RES. NO. 234-15

Making Appropriations for the Conduct of County Government for Fiscal Year 2016

At the Request of Chairman Frank "Jay" Gould:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2016 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 214-15 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 214-15 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, 2016; therefore be it

RESOLVED, That the total amount specified in such budget as adopted for all objects of expenditures set forth therein be and hereby are appropriated for such items.

Signed: Gould

Unanimously Adopted - November 18, 2015

RES. NO. 235-15
Authorize Tax Levy

At the Request of Chairman Frank "Jay" Gould:

WHEREAS, there has been adopted a budget for the fiscal year of 2016 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2016 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 138-15 adopted July 22, 2015.
5. Upon the property on which school taxes are uncollected as of November 31, 2016, the amount of such uncollected school taxes;

REGULAR SESSION

6. Upon the property on which village taxes are uncollected as of December 1, 2016, 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 2016 pursuant to law or resolution of this Legislature.

Signed: Gould

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

RES. NO. 236-15
Authorize Levy of Town Taxes

At the Request of Chairman Frank "Jay" Gould:

RESOLVED, That there shall be assessed, levied upon and collected from the taxable real property situated in the Towns of Chautauqua County outside of any incorporated village wholly or partially located therein, the amounts to be raised by taxes for Highway Funds – Outside Village and other Part-Town Functions as specified in the Town Budgets and directed by the Town Boards to be raised; and be it further

RESOLVED, That there shall be assessed and levied upon and collected from the real property liable therefore within the respective Fire, Fire Protection, Fire Alarm, Lighting and Improvement Districts, in said Towns, the amounts for the purpose of such districts as shown and specified in annual budgets; and be it further

RESOLVED, That the amounts to be raised by tax for all other purposes as specified in said annual budgets shall be assessed levied upon and collected from the taxable property of said town as authorized by the Town Boards except as otherwise provided by law; and be it further

RESOLVED, That such taxes and assessments when collected shall be paid to the Supervisor of the several towns, to be distributed by them in the manner provided by law.

Signed: Gould

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

RES. NO. 237-15
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Frank "Jay" Gould:

RESOLVED, That the Clerk of the Legislature be directed to include in current tax rolls, all charges which may properly be a lien against real property when certified as due and unpaid by the Town Boards of the various towns in the County.

Signed: Gould

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

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RES. NO. 238-15
Authorize Levy of Omitted Taxes

At the Request of Chairman Frank "Jay" Gould:

RESOLVED, That the Clerk of this Legislature be instructed to extend the proper tax for the previous year against any omitted tax properly entered upon any of the assessment rolls for the present year as directed by the respective Town Boards or County Legislature in which said property is located.

Signed: Gould

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

RES. NO. 239-15
Authorize Tax Levy - North Chautauqua Lake Sewer District

At the Request of Chairman Frank "Jay" Gould:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2016 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 2016 presented by the Board of Directors of the North Chautauqua Lake Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated therein.

Signed: Gould

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

RES. NO. 240-15
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Frank "Jay" Gould:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2016 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 2016 presented by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated herein.

Signed: Gould

REGULAR SESSION

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

RES. NO. 241-15

Authorize Levy of Unpaid Sewer User Charges & Civil Penalties – North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Frank "Jay" Gould:

WHEREAS, the Director of Finance has transmitted a list of those residents or property owners within the county who are in arrears in the payment of charges made under Section 266 of the County Law for a period of 30 days or more after the last day fixed for payment of such charges without penalty in accordance with the requirements of Section 266 (3) of the County Law, and civil penalties outstanding pursuant to Chautauqua County Local Law 6-94; and

WHEREAS, this Legislature is mandated to levy such sums against the properties liable; now therefore be it

RESOLVED, That the county sewer charges and civil penalties contained in the list received by this body from the Director of Finance of Chautauqua County are hereby levied against the properties liable and the amount of such charges shall be stated in a separate column in the annual tax rolls of the various municipalities under the name of "County Sewer Charges" or "County Sewer Penalty".

Signed: Gould

Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent – November 18, 2015

RES. NO. 242-15

Fixing Equalization Rates for 2016

At the Request of Chairman Frank "Jay" Gould:

WHEREAS, Pursuant to Resolution #216-96 the County of Chautauqua elected to establish Equalization Rates for the several towns and cities in the County of Chautauqua in accord with Title 2, Article 8 of the Real Property Tax Law; and

WHEREAS, the New York State Office of Real Property Services has completed its determination of the equalization rates to be utilized in apportioning the 2015 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2016 tax rolls in the following towns and cities:

Arkwright	50.87%	Harmony	99.50%
Busti	100%	Jamestown, City	100%
Carroll	99%	Kiantone	99.50%
Charlotte	100%	Mina	90%
Chautauqua	100%	North Harmony	100%

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Cherry Creek	97.30%	Poland	100%
Clymer	100%	Pomfret	20.21%
Dunkirk, Town	70%	Portland	57.00%
Dunkirk, City	82%	Ripley	100%
Ellery	100%	Sheridan	66%
Ellicott	100%	Sherman	90%
Ellington	97%	Stockton	100%
French Creek	90%	Villanova	65%
Gerry	100%	Westfield	80%
Hanover	91%		

Signed: Gould

Unanimously Adopted - November 18, 2015

RES. NO. 243-15

Approving Labor Contract with the Civil Service Employees Association (CSEA Unit 6300)

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County's negotiating team and the Civil Service Employees Association (CSEA Unit 6300) have negotiated a tentative agreement for terms and conditions of employment from January 1, 2012, through December 31, 2017; and

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

RESOLVED, That the County Legislature hereby approves the tentative agreement between the County and CSEA Unit 6300 to include modifications to health insurance benefits and no increase in wages for 2012, no increase in wages for 2013, no increase in wages for 2014, a two percent (2%) wage increase in 2015 retroactive to January 1, 2015, a two percent (2%) wage increase in 2016, and a two percent (2%) wage increase in 2017, and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate a new labor agreement with CSEA Unit 6300.

Signed: Nazzaro, Heenan, Chagnon (A.C. Runkle voting "no")

Adopted - R/C Vote: 16 Yes; 2 No; 1 Absent – Legislator Runkle and Scudder voting "no" - November 18, 2015

2nd Privilege of the Floor

My name is Jason Sample, 25 Maple Street in Falconer, N.Y. I just wanted to remind everybody that I'm on the Board of Trustees at the Chautauqua County Historical Society in Westfield and our open house is on December 6th, from 2 to 4 o'clock. The Trustees hold it every year. We're the only organization in Western New York that has a Grammy award winner performing, Ken Knappenberger and the (*inaudible*) Street Band playing and we also have some hors d'oeuvres and of course we invite everybody in the public as well as all of our officials here in Mayville to stop on by and learn about Chautauqua County history and meet some of the Trustees. So, here is your official invitation.

Chairman Gould: Anybody else to speak to the second privilege of the floor? Seeing no one, we'll close the second privilege of the floor and entertain a motion to go into an executive session.

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

Legislator Chagnon: Second.

Legislature then went into Executive Session at 7:00 p.m.

MOVED by Legislator Nazzaro, SECONDED by Legislator Wendel to come out of Executive Session.

Unanimously Carried

MOVED by Legislator Heenan, SECONDED by Legislator Himelein and duly carried to adjourn the meeting. *Unanimously Carried (7:45 p.m.)*

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Regular Meeting
Chautauqua County Legislature
6:30 P.M.
Wednesday, December 16, 2015
Mayville, N.Y.

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

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

Legislator Scudder delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Whitford and duly carried the minutes were approved. (11/18/15)

Privilege of the Floor

My name is Justin Hanft, and I'm from 278 State Street, Jamestown, New York and I'm here to night speaking on behalf of the Chautauqua County Chamber of Commerce and Manufactures Association of the Southern Tier. First I would like to express our strong support for the norther Chautauqua Water District and supports the County Legislature who approved the bonding for this important project. I would like to take this time to say thank you for this opportunity to speak this evening. As you are probably aware, this project has a strong unified support from both the business, organized labor, and a community at large. Specifically we have worked closely with David Wilkinson with the IBEW, Doug Stock of Labor Council, Jay Warren of the local economic development committee. We greatly appreciate your work on this project. We would also like to recognize the leadership of our County Executive, Vince Horrigan, as well as the municipal leadership that has signed on to this agreement and are helping move this project forward. The Norther Chautauqua Regional Water District will accomplish a number of vital goals. Those are stabilized water rates, expanded services to homes and businesses, provide consistent and reliable water supplies, improve deteriorating infrastructure that has created health concerns, and in closing, development of a regional system will maintain jobs and foster economic growth. The business community strongly urges the County Legislature to consider the benefits of this important economic development opportunity and improving the bond. Thank you for your time.

My names is Douglas Palmer, I live at 995 Southshore Drive, Sunset Bay and I only have one question, two questions actually. The cost of this water transmission facilities is listed at \$11,750,000. Question, has this contract been approved? Has it been let?

Chairman Gould: No.

Mr. Palmer: It has not yet been let? Thank you and I would like to caution the board that does let this contract out to watch for a history of cost overruns on the company that we select. Thank you very much and may a wish you a Merry Christmas and a good night.

Chairman Gould: Thank you. Anybody else to speak to the first privilege of the floor?

My name is Jacqueline Phelps and I am here on behalf of Congressman Tom Reed, 2 East Second Street, Suite 300, Jamestown, N.Y. 14701. I am here today to speak to the Chairman, members of the Legislature, County Executive Horrigan, and community members in support for the North Chautauqua County Water District. The Congressman believes in this project. He was unable to be here tonight however, he's in Washington, DC so he wanted me to be here to show our support. He's done several things over the past couple of years in order to make sure this water district goes

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forward. He believes in it because of the many economic benefits that it will provide. It will provide a consistent reliable water supply and steady water rates that businesses and municipalities can depend on. This will in turn provide opportunity for both local businesses to expand and enhance the local tourism industry and provide lower utility rates for households and businesses across the region. This infrastructure improvement project will help drive growth and new economic activities to this area. For those reasons the Congressman is in support of the North Chautauqua Water District and hopes that you will be as well. Thank you.

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

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 11/18/15

COMMUNICATIONS:

1. Proof of Publication – Public Hearing Notice – Re: D/B/A Hertz Rent-A Car-Jamestown Airport
2. Proof of Publication – Public Hearing Notice – Re: North Chautauqua County Water District
3. Letters (9) – County Executive – Apptmts. to Various Boards/Commissions
4. Email – To Clerk Tampio – Re: Erie County Resolution – Alcohol Sales Prior to Noon on Sundays
5. Minutes – Chaut. Lake Watershed Management Alliance, Inc. – Nov/2015
6. Quarterly Report – Small Business Development Center – 7/1/-9/30/15
7. Letter – JCC – Re: Invite to President's Roundtable
8. Investment Reports (2) – Finance Director Marsh – October & Dec. 2015
9. Letter – District Attorney – Re: Succession of Powers and Duties w/in Dept.
10. Letter – NYS Dept. of Taxation – Re: Ack. Receipt of Res. 191-15 Sales Tax
11. Letter - NYS Ag. & Markets – Re: Request Granted for Ag. District Review Extension
12. Letter – NYS Dept. of Public Services – Re: Outreach & Education Campaign – Utilities
13. Letter – Congressman Reed – Re: Support of the North Chautauqua County Water District

COMMENDATION:

MARK GEISE
DEPUTY DIRECTOR
PLANNING & ECONOMIC DEVELOPMENT
BY
COUNTY EXECUTIVE VINCENT W. HERRIGAN

PUBLIC HEARINGS:

6:45 P.M.

AUTOMOBILE RENTAL LEASE WITH
JOHNSTON RENTAL & LEASING D/B/A
HERTZ RENT-A-CAR AT JAMESTOWN AIRPORT

Chairman Gould: I will now open up the public hearing for the Jamestown Airport. (6:49 p.m.) Is there anyone here to speak? Seeing no one, we'll close the public hearing. (6:50 p.m.)

PURSUANT TO COUNTY LAW §254 UPON A PROPOSAL
TO ESTABLISH A COUNTY WATER DISTRICT KNOWN

JOURNAL OF PROCEEDINGS

AS THE NORTH CHAUTAUQUA COUNTY WATER DISTRICT

Chairman Gould: We will now open up the public hearing for the North Chautauqua Water District. (6:51 p.m.) Is there anyone that would like to speak to this public hearing? We have Rick Henry from Clark, Patterson and Lee to speak to it.

Mr. Henry: I promise that I will be brief. I just wanted to give a very short update to the whole plan. I know that a lot of people in this room that I see have been involved in this for over 20 years. I have been involved with this in a little over 3 ½ years. We finally have come to a point where we're ready to move forward with the project. This first slide and you don't have to read it, it's just to show that we worked very hard and sitting to my right is Dr. Peter Reinelt. He's an economist at SUNY Fredonia. Frankly without his assistance, I don't think that we'd get to the finish line with this project. We've really worked hard to develop a program that is fair and equitable for the suppliers and the purchases of water. So, we started on that basis and Dr. Reinelt came up with a program that works financially. We came out with a program that works engineering wise and we're happy to say today that we have agreements from all of the purchasers and all within the City of Dunkirk as a supplier.

In very simple terms how it is going to work. The District is going to buy water from the City and then sell water to the purchaser being communities. That includes the Village of Brocton. So we have Sheridan, Dunkirk, Town, Town of Pomfret, Town of Portland, Village of Brocton all buying water from the City of Dunkirk. The Village of Brocton's water treatment plant was very antiquated and right at the end of its life so the timing of this couldn't be better. The total project that we are talking about is \$11.75 million as referenced earlier. There is some grants that helped us reduce that burden and I don't know if you saw in the paper yesterday but we just got another announcement, City of Dunkirk, we prepared this application on their behalf, received another \$2 million dollars that helps reduce this top number of \$3.57 cent will go down a little bit because of that \$2 million dollars. So, in the agreement, we have a formula that adjusts the rate annually based on what the cost of the project are.

This is what the project looks like. The green lines are the water lines to be built under this project. The red lines are future lines. The beauty of what we designed here is that it is all capable of being interconnected. So Fredonia, when they are ready to come on line, Hanover/Silver Creek can come on line, we can keep going further towards Westfield, all the infrastructure is going to be built in such a way that it allows us for expansion down the road and it doesn't say well, we have to replace this line or that line to get from A to B. So, it's really built as a robust and long term program.

Now, what you are actually acting on tonight in terms of the District formation is this map. Basically we worked with Greg Yaw, an independent attorney, to help craft the actual map and legal description. What we have done is we've covered the entirety of the area from the top of the hill all the way to the lakefront, including Hanover, Silver Creek, and Forestville, all the way to the town line in Westfield. The north town line of Westfield. The reason for that is, we don't have to come back every year and expand the District as we want to extend water lines in the system. Nobody like – people that aren't connected to the water system, don't pay. So, it's just a mechanism for us to expand water in the future.

Where we are today. We are ready to form a District, start the bond resolution process. I think that is a little ways away and then we're done with the project. One of the things where we're at right now is district formation approval. In the packet there was a drop box link that has a ton of information provided in that. I am sure that everyone read every page of the 600 page engineer report we wrote. But in that, it also included SEQRA and we and the County Attorney, Steve Abdella, and myself, and Greg Yaw reviewed the environmental documents to make sure that all that was covered. There were two items in the environmental review that have more than a low impact. There is high ground water, can't avoid it but we can mitigate it during construction. It's really a short term impact and then we likely will have some phases of construction, multi prime contracts and we can't mitigate that either. That's just something that happens. Those are the only environmental impacts that arose during our review.

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So, with that, I'll take any questions that anyone might have.

Legislator Keefe: Like you say, it cost \$11,750,000 for this project. I want to read a quote that I read in the Dunkirk Observer. The estimated cost of a typical property within the proposed District is zero. All District costs are anticipated to be paid by municipalities receiving water under contract with no assessments by the proposed District upon properties. How do the municipalities pay for the \$11.7 million dollars costs? Is it through water rates, through taxes? And how can the cost of a typical property be zero?

Mr. Henry: The way that the law works is the cost of the typical property is on a per property basis so it actually is zero. But the way that the bond will be paid back is through water rates. So people that use the water, they pay on a consumption basis for the debt service.

Legislator Keefe: So the water rate you are quoting is not the right water rate, right?

Mr. Henry: It is the water rate.

Legislator Keefe: How are they going to pay back the taxes with that water rate? Not the tax, the \$11.75 million dollars?

Mr. Henry: It is included in the water rate that we have crafted here.

Legislator Keefe: I find it hard to believe, but, o.k., thank you.

Mr. Henry: The actual debt service portion of that is around 90 cents per thousand gallons. Out of that \$4.57 cents, about 90 cents is debt service.

Legislator Keefe: O.k., thank you.

Chairman Gould: Any other questions?

My name Michael Lord, 1468 Rt. 39, Forestville. My question is, we have a well on our farm and was wondering in the future, would we be required to buy water from this project?

Mr. Henry: You will not be required to buy water.

Mr. Lord: That is the first question. Second question is, according to the letter that we were sent, it looks like the water line will run through our property and I'm wondering how that works.

Mr. Henry: On Rt. 39, that is in the future. That is a future project and not part of this initial project.

Mr. Lord: But when it does come along, how will that be handled. Is there compensation for landowners?

Mr. Henry: No, the water line will likely be built in highway rights of way so it will be in the right-of-way.

Mr. Lord: Well, according to the description in the letter they sent, it will go through the property. They had like 2,500 feet east of Forestville (*inaudible*).

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Mr. Henry: Yea, that's the District description so that defines what this map here. So you are properly reading the written description of this map. The actual water line will be installed preponderance of water lines are installed inside the town, county, or state, road right-of-way.

Mr. Lord: Thank you.

Chairman Gould: Any other questions? Seeing none, I will close the public hearing (5:59 p.m.) and thank Mr. Henry for speaking tonight.

RES. NO. 244-15

Confirm Re-Appointments - Chautauqua County Airport Commission

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

WHEREAS, County Executive Vincent W. Horrigan, has submitted the following 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.

John Churchill 3230 Chautauqua Ave. Ashville, N.Y. 14710 Term Expires: 12/31/17	David Himelein 2153 Shadyside Rd. Findley Lake, N.Y. 14736 Term Expires: 12/31/17	Gregory Jones 50 Lakeside Dr. B-305 Bemus Point, N.Y. 14712 Term Expires: 12/31/17
Jerry Park 1664 Rt. 83 Forestville, N.Y. 14062 Term Expires: 12/31/17	Dan Reininga 240 Temple St. Apt. 101 Fredonia, N.Y. 14063 Term Expires: 12/31/17	John Watkins 2381 South Hill Rd. Jamestown, N.Y. 14701 Term Expires: 12/31/17

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein

Unanimously Adopted – December 16, 2015

RES. NO. 245-15

Confirm Re-Appointments – Parks Commission

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

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

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

Howard H. Brook – Chairman 211 Myrtle Street Jamestown, N.Y. 14701 Term Expires: 12/31/18	Robert Franzen 393 Busti-Surgargrove Road Jamestown, N.Y. 14701 Term Expires: 12/31/18
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Judy Hunt
 PO Box 159
 Findley Lake, N.Y. 14736
 Term Expires: 12/31/18

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein

Unanimously Adopted – December 16, 2015

RES. NO. 246-15

Confirm Re-Appointments - Chautauqua County Historian's Advisory Commission

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Historian's Advisory Commission.

Paul Benson
 75 E. Chautauqua St.
 Mayville, N.Y. 14757
 Term Expires: 12/31/16

Joni Blackman
 1165 Cornish Hill Rd.
 Bear Lake, Pa 16402
 Term Expires: 12/31/17

Traci Langworthy
 51 Pleasantview Dr.
 Jamestown, N.Y. 14701
 Term Expires: 12/31/17

Andrew Nixon
 107 Hotchkiss St.
 Jamestown, N.Y. 14701
 Term Expires: 12/31/18

Peter Smith
 5131 Sherman-Mayville Rd.
 Mayville, N.Y. 14757
 Term Expires: 12/31/18

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Unanimously Adopted – December 16, 2015

RES. NO. 247-15

Confirm Re-Appointments – Chautauqua County Aging Advisory Council

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

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

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

Ellen Coffaro
 92 W. Fairmount Ave.
 Lakewood, N.Y. 14750
 Term Expires: 12/31/17

Elizabeth Turzillo
 6 Alpine Dr.
 Silver Creek, N.Y. 14136
 Term Expires: 12/31/17

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Signed: Tarbrake, Keefe, Lemon, Wilfong

Unanimously Adopted – December 16, 2015

RES. NO. 248-15

Confirm Re-Appointments - Chautauqua County Community Services Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Community Service Board:

Ronald Sellers 38 Birchwood Dr. Fredonia, N.Y. 14063 Term Expires: 12/31/16	Marie Carrubba 19 Widrig Ave. Jamestown, N.Y. 14701 Term Expires: 12/31/19	Dolores Mitcham 952 Oak Hill Rd. Frewsburg, N.Y. 14738 Term Expires: 12/31/19
Anthony Raffa, Sr. 251 Ivy St. Jamestown, N.Y. 14701 Term Expires: 12/31/19	Betsy Wright 119 Sunset Lakewood, N.Y. 14750 Term Expires: 12/31/19	

Signed: Tarbrake, Keefe, Lemon, Wilfong

Unanimously Adopted – December 16, 2015

RES. NO. 249-15

Confirm Re-Appointment - Chautauqua County Youth Board

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

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

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

Patricia Munson
4425 Chautauqua Blvd.
Lakewood, N.Y. 14750
Term Expires: 12/31/18

Signed: Tarbrake, Keefe, Lemon, Wilfong

Unanimously Adopted – December 16, 2015

REGULAR SESSION

RES. NO. 250-15

Confirm Re-Appointment – Chautauqua County Industrial Development Agency

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

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 12/31/2019.

Dennis Rak
10277 Christy Road
Fredonia, NY 14063
Term Expires: 12/31/19

Signed: Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 251-15

Confirm Re-Appointments - Chautauqua County Industrial Development Agency

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

WHEREAS, Vincent W. Horrigan, County Executive, has submitted the following re-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 Industrial Development Agency.

Hans Auer
34 Maple St.
Bemus Point, N.Y. 14712
Term Expires: 12/31/19

David Bryant
5212 Ellicott Rd.
Brocton, N.Y. 14716
Term Expires: 12/31/19

Dr. Corry Duckworth
2110 Copper Ridge
Lakewood, N.Y. 14750
Term Expires: 12/31/19

Michael Metzger
PO Box 776
Chautauqua, N.Y. 14722
Term Expires: 12/31/19

Kim Peterson
70 School St. WE
Jamestown, N.Y. 14701
Term Expires: 12/31/19

Kelly Farrell DuBois
35 Winchester Rd.
Lakewood, N.Y. 14750
Term Expires: 12/31/19

Bradley Walters
24 Liberty Street
Bemus Point, NY 14712
Term Expires: 12/31/19

Signed: Borrello, Niebel, Heenan, Chagnon

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Unanimously Adopted – December 16, 2015

RES. NO. 252-15
Confirm Re-Appointments - Chautauqua County Planning Board

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

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

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

John Frey II	Maureen Morabito	John Penhollow
477 Orchard Rd.	123 Main St.	5575 Fenner Rd.
Jamestown, N.Y. 14701	Silver Creek, N.Y. 14136	Sinclairville, N.Y. 14782
Term Expires: 12/31/18	Term Expires: 12/31/18	Term Expires: 12/31/18

Signed: Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 253-15
Confirm Re-Appointments - Chautauqua County Environmental Management Council

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

WHEREAS, Vincent W. Horrigan, County Executive, has submitted the following re-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:

Robert Sundell	David Wilson
19 Chestnut St.	6878 Rt. 380
Jamestown, N.Y. 14701	Stockton, N.Y. 14784
Term Expires: 12/31/18	Term Expires: 12/31/18

Signed: Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 254-15
Confirm Re-Appointments - Chautauqua County Sports Fishery Advisory Board

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

REGULAR SESSION

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

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

Michael Cluchey
79 Jefferson St.
Westfield, N.Y. 14787
Term Expires: 12/31/17

Monte Kennedy
5154 Bly Hill Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/17

Zenon Olow
23 Bernett Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/17

Eugene Pauszek
66 W. Doughty St.
Dunkirk, N.Y. 14048
Term Expires: 12/31/17

Charles Spiesman
73 Chautauqua Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

James Tunney
1086 West Erie St.
Irving, N.Y. 14081
Term Expires: 12/31/17

Signed: Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted -- December 16, 2015

RES. NO. 255-15

Authorizing Automobile Rental Lease Agreement with Johnstown Rental & Leasing d/b/a Hertz Rent-A-Car at the Chautauqua County Airport at Jamestown

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

WHEREAS, renewal of a non-exclusive automobile rental concession lease agreement with Johnstown Rental & Leasing d/b/a/ Hertz Rent-a-Car will promote the smooth and efficient operation of the airport; and

WHEREAS, the Chautauqua County Airport Commission has approved and recommended renewal of the agreement; and

WHEREAS, the portion of the airport terminal building and parking lot covered by the proposed concession agreement is not required for public use; and

WHEREAS, the necessary public hearing was held on December 16, 2015; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the automobile rental concession lease agreement at the Chautauqua County Airport at Jamestown on substantially the following terms and conditions:

6. Premises: Counter space in the airport terminal, non-exclusive use of Maintenance Building I at the east end as a primary car wash facility, five parking spaces in the ready lot, and an additional 15 parking spaces in the public lot.
7. Rent: Twelve (12) percent of gross revenues, \$100 per month for counter space, and \$100 per month for non-exclusive use of Maintenance Building I at the east end as a primary car wash facility.
8. Term: January 1, 2016 to December 31, 2016.
9. Utilities: Paid by the county.
10. Other: As negotiated by the County Executive.

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

Unanimously Adopted – December 16, 2015

RES. NO. 256-15
Increase Recycling Revenue and Expense Accounts

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

WHEREAS, the Chautauqua County Landfill provides recycling services to residents and businesses in Chautauqua County; and

WHEREAS, efficient handling of recyclable commodities is accomplished by using specialized contractors for proper materials processing; and

WHEREAS, the Landfill has received a greater quantity of electronics recyclables than originally anticipated, resulting in greater than expected contractual expenses for disposal of such materials, and

WHEREAS, the County's receipt of user fees for the disposition of electronics has also exceeded those originally anticipated; now therefore be it

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

INCREASE REVENUE ACCOUNT:

EL.8160.7000.R213.0700	Departmental Income - Chrgs: Recyclables	\$35,000
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INCREASE APPROPRIATION ACCOUNT:

EL.8160.7000.4	Contractual - Recycling	\$35,000
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Signed: Hemmer, Nazaro, Scudder, Wilfong, Himelein, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 257-15
Approving SEQRA Findings for the Lucy Trail Project

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

WHEREAS, the Department of Public Facilities proposes to construct a trail to be called the Lucy Trail which will improve pedestrian and bicycle travel along County Road 67 between the Village of Celoron and the City of Jamestown; and

WHEREAS, pursuant to Resolution No. 103-14 Chautauqua County entered into an agreement with the New York State Department of Transportation for the Preliminary Engineering (Design I-IV) phase for the Lucy Trail, PIN 5760.95, County Agreement number (14-25-17); and

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WHEREAS, the County Department of Public Facilities (DPF) has completed the project design report and reviewed the project consistent with the New York State Environmental Quality Review Act (hereinafter "SEQRA") and applicable state regulations; and

WHEREAS, DPF has determined the project to be an Unlisted action as defined by 6 NYCRR 617.2, such that the significance of the environmental impact of the project must be determined in accordance with 6 NYCRR 617.7; and

WHEREAS, pursuant to 6 NYCRR Part 617, adopted pursuant to sections 3-0301 (1)(b), (2)(m) and 8-0113 of the Environmental Conservation Law, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of this action; and

WHEREAS, DPF prepared a Short Environmental Assessment Form ("SEAF"), as is required by the County for projects classified as Unlisted actions, and found the probability of any adverse impact to be very low; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are attached; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed action.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 258-15

Approving SEQRA Findings for the Mayville Lakeside Pedestrian and Bike Path Project

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

WHEREAS, the Department of Public Facilities proposes to construct a trail to be called the Mayville Lakeside Pedestrian and Bike Path along the Chautauqua Rails to Trails Corridor, for residents and visitors of the Chautauqua Lake Area, in the Village of Mayville; and

WHEREAS, pursuant to Resolution No. 105-14 Chautauqua County entered into an agreement with the New York State Department of Transportation for the Preliminary Engineering (Design I-IV) phase for the Mayville Lakeside Pedestrian and Bike Path, PIN 5760.94, County Agreement number (14-25-16); and

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WHEREAS, the County Department of Public Facilities (DPF) has completed the project design report and reviewed the project consistent with the New York State Environmental Quality Review Act (hereinafter "SEQRA") and applicable state regulations; and

WHEREAS, DPF has determined the project to be an Unlisted action as defined by 6 NYCRR 617.2, such that the significance of the environmental impact of the project must be determined in accordance with 6 NYCRR 617.7; and

WHEREAS, pursuant to 6 NYCRR Part 617, adopted pursuant to sections 3-0301 (1)(b), (2)(m) and 8-0113 of the Environmental Conservation Law, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of this action; and

WHEREAS, DPF prepared a Short Environmental Assessment Form ("SEAF"), as is required by the County for projects classified as Unlisted actions, and found there to be no or very low probability of any adverse impact; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are attached; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 3) the requirements of 6 NYCRR Part 617 have been met; and
- 4) implementation of the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed action.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 259-15

Approving SEQRA Findings in Relation to the Establishment of a County District to be known as the North Chautauqua County Water District

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 217-15 calling a public hearing for the purpose of considering a proposal to establish a county water district known as the North Chautauqua County Water District; and

WHEREAS, notice of said public hearing was duly published and mailed as required by law and the public hearing was held at the Legislative Chambers, Gerace Office Building, Mayville, New York on December 16, 2015 at 6:45 o'clock PM, prevailing time; and

WHEREAS, the County Legislature has received a recommended Map, Plan and Report filed with it by the County Water Agency dated November 12, 2015 (hereinafter referred to Map, Plan

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and Report) as well as the testimony and other information received by it at the public hearing and otherwise; and

WHEREAS, the County Legislature has determined the proposed district and project to be a Type 1 action as defined by 6 NYCRR 617.4, such that the significance of the environmental impact of the project must be determined in accordance with 6 NYCRR 617.7; and

WHEREAS, pursuant to 6 NYCRR Part 617, adopted pursuant to sections 3-0301 (1)(b), (2)(m) and 8-0113 of the Environmental Conservation Law, the County Legislature, as lead agency, must evaluate the environmental impact of this action; and

WHEREAS, the County Legislature caused to be prepared a Full Environmental Assessment Form ("FEAF"), as is required for projects classified as Type 1 actions, and found there to be no or very low probability of any adverse impact; and

WHEREAS, this County Legislature has reviewed the FEAF and supporting documentation, copies of which are attached; therefore be it

RESOLVED, in consideration of the FEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized on behalf of the County to execute a "Negative Declaration" for the proposed action.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Himelein, Borrello, Heenan, Niebel, Chagnon

Unanimously Adopted – December 16, 2015

**Regarding the two resolutions for the proposed North Chautauqua County Water District, the dropbox link set forth below contains SEQRA documents, the Water Agency Report and Resolution, the County Legislature Resolution Calling Public Hearing, the North Chautauqua Regional Water System Map and Plan, and the Water District Boundary Description and Map:

<https://www.dropbox.com/sh/ymf8pkzusgefrrt/AADMkTcwDoSaiHARsWw52ezva?dl=0>

RES. NO. 260-15

Determinations in Relation to the Establishment of a County District to be known as the North Chautauqua County Water District

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 217-15 calling a public hearing for the purpose of considering a proposal to establish a county water district known as the North Chautauqua County Water District; and

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WHEREAS, notice of said public hearing was duly published and mailed as required by law and the public hearing was held at the Legislative Chambers, Gerace Office Building, Mayville, New York on December 16, 2015 at 6:45 o'clock PM, prevailing time; and

WHEREAS, the Legislature has duly considered the Map, Plan and Report filed with it by the County Water Agency dated November 12, 2015 (hereinafter referred to Map, Plan and Report) as well as the testimony and other information received by it at the public hearing and otherwise; and

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

RESOLVED, upon the Map, Plan and Report and other data filed with it, the Legislature hereby determines:

1. The proposed facilities are satisfactory and sufficient.
2. All of the property and property owners within the proposed District are benefitted thereby.
3. All of the property and property owners benefitted are included within the limits of the proposed District.
4. It is in the public interest to establish the District.

and be it further

RESOLVED, That the establishment of a county water district to be known as the North Chautauqua County Water District to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk with boundaries as described in the Map, Plan and Report and in the Notice of Public Hearing and the constructions of the improvement described in the Map, Plan and Report for a maximum amount to be expended of \$11,750,000 is hereby approved; and be it further

RESOLVED, That to the extent that the cost of the improvement and the expense of operation and maintenance are not paid from the revenues of the District, they shall be assessed in proportion as nearly as may be to the benefit which each lot or parcel in the District will derive therefrom; and be it further

RESOLVED, That this resolution is subject to permissive referendum pursuant to County Law §§ 101, 102, 256 and 257 and the Clerk of the Legislature is directed to cause a notice to be published at least once in the official newspapers of the County within ten (10) days after the adoption of this resolution and to prepare and have available for distribution proper forms for such petition.

Signed: Hemmer, Nazzaro, Scudder, Himelein, Wilfong, Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 261-15

Adjust Accounts of the Chautauqua County Self-Insurance Plan

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

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WHEREAS, it is anticipated that the Chautauqua County Self-Insurance Plan will exceed the budget for Workers' Compensation Rolls Benefits and Awards by year end; and

WHEREAS, Chautauqua County Self-Insurance Plan savings are anticipated in the Insurance Administration, sub-department of the Self-Insurance Plan; and

WHEREAS, the Chautauqua County Self-Insurance Plan has received more prior-year funds than budgeted, now therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

MS 1710.----.4	Contractual-Self Insurance - Insurance Administration	\$400,000
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INCREASE REVENUE ACCOUNT:

MS 1720.9999 R270.1000	Refunds: Prior Yr Expense	\$180,000
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INCREASE APPROPRIATION ACCOUNT:

MS 1720.----.4	Contractual-Self Insurance - Benefits & Awards	\$580,000
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Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 262-15

Denial of Level 3 Applications for Corrected Tax Rolls Form RP554 and Applications for Refunds/Credits of Real Property Taxes Form RP556 for the 2013, 2014, and 2015 Tax Years

By Administrative Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Level 3 Communications, LLC ("Level 3") has filed applications for corrected tax rolls pursuant to Real Property Tax Law Section 554 for the 2013, 2014, and 2015 tax years; and

WHEREAS, Level 3 has also filed applications for refund/credit of real property taxes pursuant to Real Property Tax Law Section 556 for the 2013, 2014 and 2015 tax years; and

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

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

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

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

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1. The fiber optic cable constitutes taxable real property under multiple sections of Section 102 of the Real Property Tax Law as follows:

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

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

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

4. The RP554 applications are time barred and untimely on the basis that they were filed after the expiration of the tax warrants. See RPTL Section 554; *Level 3 Communications v. Essex County*, Supreme Court, Essex County, Hon. T. Buchanan, decided May 29, 2014.

5. The RP556 applications are also time barred and untimely on the basis that they were filed after the expiration of the tax warrants. *Level 3 Communications, LLC v. Essex County*, supra.

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

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

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

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

WHEREAS, the County of Chautauqua has carefully considered and fully agrees with the investigation and recommendations of the Chautauqua County Real Property Tax Director, it is hereby

RESOLVED, That all of the Level 3 Applications for Corrected Tax Rolls Form 554 and the Level 3 Applications For Refunds/Credits of Real Property Taxes Form 556 for the 2013, 2014, and 2015 tax years regarding the properties listed in attached Exhibit A are hereby denied in their entirety for the reasons set forth above.

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Level 3 Letter Corrected Form Attachment

Tax Bill Year	Bill Type	County	SWIS	SBL	Payee Name/School District	Tax Amount
2013-2014	School	Chautauqua	060300	55.00-5-55..PS4	Dunkirk City School	11,610.74
2013-2014	School	Chautauqua	063400	95-9-95..PS3	Dunkirk City School	6,242.86
2013-2014	School	Chautauqua	066001	87-7-88..PS1	Brocton Central School	5,884.63
2013-2014	School	Chautauqua	065889-Portland	95-9-95..PS5	Fredonia, Central School District	9,882.25
2013-2014	School	Chautauqua	066089-Portland	87-7-88..PS1	Westfield Central School	5,688.80
2013-2014	School	Chautauqua	066200-Ripley	662-9999-710.000.1883	Westfield Central School	803.94
2013-2014	School	Chautauqua	066200-Ripley	662-9999-760.700.1881	Ripley Central School	12,110.16
2013-2014	School	Chautauqua	066200-Ripley	662-9999-760.700.1883	Westfield Central School	80.87
2013-2014	School	Chautauqua	067201-Westfield	672-9999-710.000.1883	Westfield Central School	675.78
2013-2014	School	Chautauqua	067201-Westfield	672-9999-760.700.1883	Westfield Central School	4,625.16
2013-2014	School	Chautauqua	067289-Westfield	672-9999-710.000.1883	Westfield Central School	1,348.77
2013-2014	School	Chautauqua	067289-Westfield	672-9999-760.700.1883	Westfield Central School	9,231.28
2014	County/Town	Chautauqua	066001-Portland	87-7-88..PS1	Portland, Town of	2,951.83
2014	County/Town	Chautauqua	066089-Portland	87-7-88..PS1	Portland, Town of	3,876.67
2014	County/Town	Chautauqua	066089-Portland	87-7-88..PS2	Portland, Town of	18,266.38
2014	County/Town	Chautauqua	066200-Ripley	662-9999-710.000.1883	Ripley, Town of	801.09
2014	County/Town	Chautauqua	066200-Ripley	662-9999-760.700.1881	Ripley, Town of	7,977.23
2014	County/Town	Chautauqua	066200-Ripley	662-9999-760.700.1883	Ripley, Town of	80.58
2014-2015	Village	Chautauqua	066001	87-7-88..PS1	Brocton, Village	1,484.46
2014-2015	Village	Chautauqua	067201	672-9999-710.000.1883	Westfield, Village of	301.74
2014-2015	Village	Chautauqua	067201	672-9999-760.700.1883	Westfield, Village of	2,065.18
2015	City	Chautauqua	060300	55.00-5-55..PS4	Dunkirk, Town of	5,630.08
2015	County/Town	Chautauqua	063400-Dunkirk	95-9-95..PS3	Dunkirk, Town of	3,713.90
2015	County/Town	Chautauqua	063400-Dunkirk	99-9-99..SF8	Dunkirk, Town of	351.10
2015	County/Town	Chautauqua	066001-Portland	87-7-88..PS1	Portland, Town of	2,847.31
2015	County/Town	Chautauqua	066089-Portland	87-7-88..PS1	Portland, Town of	3,736.87
2015	County/Town	Chautauqua	066089-Portland	87-7-88..PS2	Portland, Town of	17,607.62
2015	County/Town	Chautauqua	067201-Westfield	672-9999-710.000.1883	Westfield, Town of	415.73
2015	County/Town	Chautauqua	067201-Westfield	672-9999-760.700.1883	Westfield, Town of	2,845.35
2015	County/Town	Chautauqua	067289-Westfield	672-9999-710.000.1883	Westfield, Town of	857.80
2015	County/Town	Chautauqua	067289-Westfield	672-9999-760.700.1883	Westfield, Town of	5,870.96

Exhibit A

Signed: Scudder, Wendel, Vanstrom, Whitford, Himelein

Unanimously Adopted – December 16, 2015

RES. NO. 263-15

Authorize Lease Agreement with City of Jamestown for Office Space for the Public Defender Office

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

WHEREAS, it would be advantageous for the County of Chautauqua to lease approximately 324 square feet of office space on the third floor of the City of Jamestown Municipal Building, 200 East Third Street, Jamestown, County of Chautauqua, State of New York for use by the Chautauqua County Public Defender's Office; and

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

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

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- 1.) Premises. Approximately 324 square feet of office space on the third floor of the City of Jamestown Municipal Building.
- 2.) Term. June 1, 2015 through December 31, 2018 as follows:
Term One: June 1, 2015 through December 31, 2016
Term Two: January 1, 2017 through December 31, 2017
Term Three: January 1, 2018 through December 31, 2018.
- 3.) Rent. Term One: \$200 per month based on a price of approximately \$6.17 per square foot.
Term Two: \$275 per month based on a price of approximately \$8.50 per square foot.
Term Three: \$300 per month based on a price of approximately \$9.25 per square foot.
- 4.) Utilities. City shall be responsible for all utilities, including heat. County shall be responsible for the cost of phone, computer, cable and internet service and installation fees.
- 5.) Other. As negotiated by the County Executive.

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

Unanimously Adopted – December 16, 2015

RES. NO. 264-15
NYS DHSES Fire Suppression Foam Equipment

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

WHEREAS, on January 28, 2014, Governor Andrew Cuomo issued an Executive Order 125 directing State agencies to conduct a review of safety procedures and emergency response preparedness related to the shipments of volatile crude from the Bakken Oil fields in North Dakota and other sources; and

WHEREAS, the State formed the NYS Foam Task Force, which is a State and local partnership, to support and supplement existing local foam capabilities to assure that trained personnel and the appropriate equipment is available at strategic locations throughout the state based on risk; and

WHEREAS, as a result of the review, NYS Division of Homeland Security and Emergency Services (DHSES) has acquired a quantity of foam trailers, equipment and supplies, of which, Chautauqua County Office of Emergency Services has been selected as a strategic location to preposition such equipment; and

WHEREAS, CSX has provided information to NYS that 20 to 35 unit trains transporting in excess of 1 million gallons of crude oil each travel through Chautauqua County each week and this trailer will significantly enhance our response to any incident involving one of these trains; therefore be it

RESOLVED, That County Executive Vincent Horrigan is authorized to enter into agreements as necessary with NYS DHSES for the temporary housing of fire suppression foam equipment.

Signed: Wendel, Keefe, Niebel, Tarbrake, Whitford

Unanimously Adopted – December 16, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 265-15

Increase Appropriation and Revenue Accounts Due to Unbudgeted Revenues and Expenditures

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

WHEREAS, within the Sheriff's organization, some expenses exceed initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, within the Sheriff's organization some revenues are expected to exceed budgetary estimates; now therefore be it

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

INCREASE REVENUE ACCOUNT:

A.3189.MEDI.R158.9001	Other Public Safety Income: Medi-Vac	\$5,000
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INCREASE APPROPRIATION ACCOUNTS:

A.3189.MEDI.4	Contractual - MediVac	\$5,000
A.3189.3112.4	Contractual - Snowmobile	\$4,000
A.3315.VICT.1	Personal Services – Victim Impact Panel	\$1,927
A.3315.VICT.8	Employee Benefits – Victim Impact Panel	\$ 653

DECREASE APPROPRIATION ACCOUNTS:

A.3189.3112.1	Personal Services - Snowmobile	\$4,000
A.3110.1	Personal Services – Sheriff	\$1,927
A.3110.8	Employee Benefits – Sheriff	\$ 653

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

Unanimously Adopted – December 16, 2015

RES. NO. 266-15

Authorize Execution of Grant Agreements for New York State Division of Criminal Justice Services –
Narcotic Control Grant

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice the New York State Division of Criminal Justice Services approved the application submitted for Narcotic Control; and

WHEREAS, the State of New York will provide funding in the amount of \$25,000.00 for contract T101614 and \$50,000.00 for contract T637293, with no local funds, for contract period from October 1, 2015 to September 30, 2016; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the New York State Division of Criminal Justice Services to secure the grant funding.

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

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Unanimously Adopted – December 16, 2015

RES. NO. 267-15

Authorize Agreement with Monroe County for Security of Inmates at the Rochester Psychiatric Center

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

WHEREAS, on occasion, the Chautauqua County Jail has a need to relocate inmates to psychiatric facilities; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with Monroe County to provide security of inmates admitted to the Rochester Psychiatric Center at the current rate of \$140.00 per day; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Monroe County to provide security of inmates admitted to the Rochester Psychiatric Center as set forth above.

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

Unanimously Adopted – December 16, 2015

RES. NO. 268-15

Authorize Agreement with Erie 2-Chautauqua-Cattaraugus BOCES for Culinary Arts Instruction

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

WHEREAS, Chautauqua County is required pursuant to the New York State Correction Law and Education Law to provide appropriate educational services to eligible inmates housed at the County Jail; and

WHEREAS, Erie 2-Chautauqua-Cattaraugus BOCES has successfully administered various education programs at the jail, and has the ability to oversee a culinary arts program; and

WHEREAS, Chautauqua County desires to offer a culinary arts program to eligible inmates in an effort to assist such inmates in obtaining gainful employment when released from jail, and has negotiated a tentative agreement with BOCES for the period of August 1, 2015 through July 31, 2016, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$35,257; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Erie 2-Chautauqua-Cattaraugus BOCES for a culinary arts instruction program.

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

Unanimously Adopted – December 16, 2015

JOURNAL OF PROCEEDINGS

RES. NO. 269-15

Authorize Agreement with BOCES LoGuidice and BOCES Hewes Centers for School Resource Officer

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

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

WHEREAS, BOCES LoGuidice and BOCES Hewes Centers have agreed to compensate the County of Chautauqua for the cost of providing one Deputy Sheriff for the period of July 1, 2015 through June 30, 2016, the deputy to be shared between both facilities at a total sum not to exceed \$90,017, plus any agreed upon overtime hours compensated at the rate of \$58.16 per hour; and

WHEREAS, the County will not be required to incur any additional expenditures to fund this position; now therefore be it

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

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

Unanimously Adopted – December 16, 2015

RES. NO. 270-15

Authorize Agreement with Village of Bemus Point for Enhanced Police Services

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

WHEREAS, the Village of Bemus Point has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2016 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of July 1, 2016 through September 6, 2016, for an estimated cost not to exceed \$6,600.00, based on an hourly rate of \$37.28 for general patrols and an hourly rate of \$46.77 for national holidays; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Bemus Point for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 16, 2015

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RES. NO. 271-15

Authorize Agreement with Village of Brocton for Enhanced Police Services

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

WHEREAS, the Village of Brocton has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2016 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for the period of January 1, 2016 through December 31, 2016, for an estimated cost not to exceed \$21,000.00, based on a regular hourly rate of \$37.28 and a holiday hourly rate of \$46.77; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Brocton for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 16, 2015

RES. NO. 272-15

Authorize Agreement with Cassadaga Lakes Association for Enhanced Police Services

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

WHEREAS, the Cassadaga Lakes Association has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of Cassadaga Lakes during the 2016 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Cassadaga Lakes Association for the period of June 25, 2016 through September 5, 2016, inclusive, for an estimated cost not to exceed \$3,500.00, based on an hourly rate of \$37.28 for general patrols and a holiday hourly rate of \$46.77; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Cassadaga Lakes Association for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 16, 2015

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RES. NO. 273-15

Authorize Agreement with Chautauqua Lake Central School District to Provide Enhanced Police Services

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

WHEREAS, Chautauqua Lake Central School District has requested that the Office of the Sheriff provide Deputy Sheriffs at sporting and social events at the schools; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from January 1, 2016 through December 31, 2016, for an estimated cost not to exceed \$2,500, based on an hourly rate of \$37.28; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with Chautauqua Lake Central School District for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 16, 2015

RES. NO. 274-15

Authorize Agreement with Findley Lake Watershed Foundation for Enhanced Police Services

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

WHEREAS, the Findley Lake Watershed Foundation has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of Findley Lake during the 2016 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Findley Lake Watershed Foundation for the period of June 25, 2016 through September 5, 2016, inclusive, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of \$37.28 for general patrols and a holiday hourly rate of \$46.77; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Findley Lake Watershed Foundation for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 16, 2015

RES. NO. 275-15

Authorize Agreement with Village of Mayville for Enhanced Police Services

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

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WHEREAS, the Village of Mayville has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2016 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Mayville for the period of June 19, 2016 through September 6, 2016, for an estimated cost not to exceed \$10,000.00, based on an hourly rate of \$37.28 for general patrols and a holiday hourly rate of \$46.77; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Village of Mayville for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 16, 2015

RES. NO. 276-15

Authorize Agreement with Town of Ripley for Enhanced Police Services

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

WHEREAS, the Town of Ripley has requested the Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2016 and 2017 calendar years; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2016 through December 31, 2017 for an estimated cost not to exceed \$30,000.00 per year; now therefore be it

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

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

Unanimously Adopted – December 16, 2015

RES. NO. 277-15

Authorize Agreement with Town of Ellery for Court Security Detail

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

WHEREAS, the Town of Ellery has requested that the Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ellery for the period of January 1, 2016 through December 31, 2016, for an estimated cost not to exceed \$2,500.00, based on an hourly rate of \$27.64; now therefore be it

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

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

Unanimously Adopted – December 16, 2015

RES. NO. 278-15

Authorize Agreement with Town of Kiantone for Court Security Detail

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

WHEREAS, the Town of Kiantone has requested that the Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Kiantone for the period of January 1, 2016 through December 31, 2016, for an estimated cost not to exceed \$6,500.00, based on an hourly rate of \$27.64; now therefore be it

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

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

Unanimously Adopted – December 16, 2015

RES. NO. 279-15

Authorize Agreement with Town of North Harmony for Court Security Detail

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

WHEREAS, the Town of North Harmony has requested that the Office of the Sheriff provide court security officers on designated court nights during the 2016 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2016 through December 31, 2016, for an estimated cost not to exceed \$6,000.00 based on an hourly rate of \$27.64; now therefore be it

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

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

Unanimously Adopted – December 16, 2015

REGULAR SESSION

RES. NO. 280-15

Amend Budget for County Home OMIG Audit and Legal Fees

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

WHEREAS, the sale of the Chautauqua County Home was effective December 31, 2014;
and

WHEREAS, the Finance Department has incurred costs in 2015 as a result of an OMIG NAMI audit for the County Home, and incurred legal fees for a voluntary closing agreement with the IRS and for an escrow contract for redeeming County Home bonds; and

WHEREAS, these costs should be applied against the net proceeds from the sale of the County Home; now, therefore, be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$12,600
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and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.1310.----.4	Contractual – Finance	\$12,600
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Signed: Tarbrake, Keefe, Lemon, Wilfong, Runkle, Nazzaro, Heenan, Borrello, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 281-15

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

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

WHEREAS, some Department of Health & Human Services programs have received revenues in excess of budget; and

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.4059.----.4	Contractual – Early Intervention Program	\$170,000
A.2960.ADMIN.4	Contractual – Educ: Handicapped Children	\$ 4,000

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A.6141.----.4	Contractual – Home Energy Assistance Program	\$ 35,000
		\$209,000

DECREASE APPROPRIATION ACCOUNT:

A.6100.----.4	Contractual – Medicaid	\$124,260
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INCREASE REVENUE ACCOUNTS:

A.4059.R345.OIES	NYS Aid: Early Intervention Services	\$ 83,300
A.4010.PHSA.R340.100	NYS Aid: Public Health	\$ 1,440
		\$ 84,740

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

Unanimously Adopted – December 16, 2015

RES. NO.282-15
Accept Family Planning Grant Funding

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

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

WHEREAS, the \$571,094 award is for a one year extension to the five-year contract cycle (01/01/10 – 12/31/15), covering the period 1/1/16 to 12/31/16; and

WHEREAS, the 2016 Chautauqua County Adopted Budget does not include this funding because the County did not anticipate providing these services in 2016; and

WHEREAS, NYSDOH was unable to reallocate this funding to another health care provider, so that there will be a loss of this funding and any accompanying reproductive health care services for Chautauqua County if the County does not accept this one year extension; and

WHEREAS, the provision of family planning and reproductive health services, including clinic services in Mayville and new, extensive outreach, education, and technical assistance to other health care providers, is essential to building and enhancing the capacity of independent providers to sustain the delivery of reproductive health care services in Chautauqua County; and

WHEREAS, this one year extension will serve to properly transition traditional County services to private health care providers; and

WHEREAS, upon acceptance of this funding the 2016 Chautauqua County budget needs to include this revenue and the 3.30 additional fully funded FTEs to meet grant requirements; now, therefore, be it

RESOLVED, That the County of Chautauqua accept this State grant to support comprehensive family planning and reproductive health programs that support critical health services to a most vulnerable population and work to build a sustainable health care system for the future of Chautauqua County residents; and be it further

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RESOLVED, That the County Executive be authorized to execute any and all agreements and documents necessary to accept and implement this grant; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1	Personal Services –Nursing	\$156,032
A.4010.NURS.8	Employee Benefits – Nursing	\$ 70,563
A.4010.----.4	Contractual – Public Health Admin	\$ 1,200
A.4010.NURS.4	Contractual – Nursing	\$177,019
		\$404,814

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.4010.NURS.R448.9FPL	Federal Aid: Oth PH: Family Plan	\$286,048
A.4010.NURS.R347.2000	NYS Aid: Family Health Services	\$285,046

Signed: Tarbrake, Keefe, Lemon, Wilfong, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – December 16, 2015

RES. NO. 283-15

Environmental Assessment of Projects for 2016 2% Occupancy Tax Projects

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

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 212-15 that the Chautauqua County Department of Planning & Economic Development (CCPED) conduct a New York State Environmental Quality Review (SEQR) for the projects approved by the Waterways Panel for funding in 2016 as set forth below, and provide a report and recommendations to the County Legislature; and

WHEREAS, CCPED and the various involved agencies have reviewed the projects consistent with SEQRA and applicable state regulations; and

WHEREAS, the CCPED recommends that the projects that are ranked as numbers 1 through 9 on the Waterways Panel list provided below be classified as Unlisted Actions under 6 N.Y.C.R.R. Part 617.2 of the Environmental Conservation Law; and

WHEREAS, the County has caused the attached Short Environmental Assessment Forms (SEAF) to be prepared for all projects recommended to be classified as Unlisted Actions; and

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

RESOLVED, That the County hereby finds and determines that Actions listed and identified below will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and

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pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, is issuing a negative declaration.

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Cassadaga Lakes Association Park Avenue & Dale Drive Green Infrastructure Project	1	\$ 20,000	\$ 20,000
Greystone Nature Preserve Brocton Reservoir Tributary Restoration	2	\$ 9,750	\$ 9,750
Roger Tory Peterson Institute/City of Jamestown Chadakoin Riverwalk Added Value Restoration, Conservation & Education	3	\$ 39,990	\$ 39,990
Karen Eichelberger/Jane Currie Dewittville Creek Restoration	4	\$ 26,625	\$ 26,625
Chris Keefe Prendergast Creek Streambank Restoration	5	\$ 29,250	\$ 29,250
Chautauqua Watershed Conservancy/Mary Jane Lindros Lakeside Drive Naturalization Area	6	\$ 5,455	\$ 5,455
Mathew Moore/John Labarbera Dutch Hollow Creek Streambank Stabilization	7	\$ 21,750	\$ 21,750
Robert Lucas Forest Land Grade Stabilization Structure	8	\$ 5,590	\$ 5,590
Village of Silver Creek Walnut Creek Streambank Stabilization Project	9	\$ 40,000	\$ 40,000

Signed: Borrello, Niebel, Heenan, Chagnon

Unanimously Adopted – December 16, 2015

RES. NO. 284-15

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

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

WHEREAS, the County Department of Planning and Economic Development, in cooperation with the Chautauqua County Industrial Development Agency, has encouraged and supported the development of an industrial incubator project in the Riverside Industrial Center in Jamestown, New York; and

WHEREAS, the County entered into a lease agreement for such office space that was thereafter assigned to the Chautauqua Region Economic 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 Economic Development Corporation

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(CREDC) 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, 2016 and terminating December 31, 2016 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, 2016 and terminating on December 31, 2016 subject to termination by prior notice.
- 5.) Other: As negotiated by the County Executive.

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

Unanimously Adopted – December 16, 2015

RES. NO. 285-15

Authorize Option Sale of Tax Foreclosure Properties to Southern Tier Environments for Living (STEL)

By Administrative Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Southern Tier Environments for Living (STEL) is applying for State and Federal funding to either build or renovate homes in the City of Dunkirk, and the County has three (3) unsold tax foreclosure properties in the City of Dunkirk suitable for STEL's project; and

WHEREAS, the three (3) unsold properties will first be included in the demolition program being implemented by the Chautauqua County Land Bank Corporation pursuant to a grant received from the New York Office of the Attorney General; and

WHEREAS, as part of its grant application process, STEL must demonstrate site control over its proposed project properties, and it is therefore appropriate that the County provide STEL an option to purchase the properties for STEL to establish the necessary site control; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to provide STEL an option to purchase three (3) unsold tax foreclosure properties in the City of Dunkirk, as follows:

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1. Properties 707 Main St. 060300-79.19-6-36
 75 W. Doughty St. 060300-79.20-8-73
 79 W. Doughty St. 060300-79.20-8-74
2. Non-Refundable Option Deposit. \$30.00
3. Option Term. Approximately one (1) year as negotiated by the County Executive based on the grant application and award schedule.
4. Purchase Price of Option Properties. \$3,000 for 707 Main St., and \$2,500 for 75-79 West Doughty Street
5. Other. As negotiated by the County Executive.

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - December 16, 2015

RES. NO. 286-15

Approving Wage Increase and Benefits for Clerk and Secretary to the County Legislature

By Administrative Services and Audit & Control Committees:
 At the Request of Chairman Frank "Jay" Gould:

WHEREAS, the County Legislature approved the tentative agreement with CSEA Unit 6300 for a new six year labor contract covering the years 2012, 2013, 2014, 2015, 2016 and 2017; and

WHEREAS, the Clerk and Secretary to the County Legislature are not included in the CSEA Unit 6300 bargaining unit nor do they receive wages and benefits pursuant to local laws covering management employees; therefore be it

RESOLVED, That in addition to the salary amounts designated pursuant to Resolutions 1-15 and 2-15, the Clerk of the County Legislature and Secretary to the County Legislature are hereby granted wage increases (for 2015 only) and applicable benefits identical to those approved for the CSEA Unit 6300 bargaining unit.

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

Unanimously Adopted – R/C Vote: 15 Yes; 2 No; 2 Absent (Runkle, Scudder voting "no")- December 16, 2015

RES. NO. 287-15

Approving Wages and Benefits for Confidential Employees and Unrepresented Employees (excluding Senior Aides)

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

WHEREAS, the County Legislature approved the tentative agreement with CSEA Unit 6300 for a new six year labor contract covering the years 2012, 2013, 2014, 2015, 2016 and 2017; and

WHEREAS, confidential employees and unrepresented employees (excluding Senior Aides) are not included in the CSEA Unit 6300 bargaining unit nor do they receive wages and benefits pursuant to local laws covering management employees; therefore be it

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RESOLVED, That the County Executive is authorized and empowered to give such confidential employees and unrepresented employees (excluding Senior Aides) wage increases and applicable benefits identical to those approved for the CSEA Unit 6300 bargaining unit.

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

Unanimously Adopted – R/C Vote: 15 Yes; 2 No; 2 Absent (Runkle, Scudder voting "no")- December 16, 2015

RES. NO. 288-15
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed below under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; now therefore be it

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

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

PA-45-2015	Jamestown	371.17-3-2	Thomas R Stahlman	Shirley A Raymond	\$1,750.99	\$17,253.00
PA-123-2013	Jamestown	387.15-10-15	Thomas R Stahlman	Ann E Iuculano	\$1.00	\$5,087.24
PA-79-2015	Jamestown	387.19-4-6	Thomas R Stahlman	Steven L Rickerson	\$501.99	\$3,289.61
PA-237-2015	Ripley	240.11-1-14	Jeremy A Ribbing	Lee & Sharon Fischer	\$500.00	\$6,219.39

Signed: Scudder, Wendel, Vanstrom, Himelein, Whitford

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent- December 16, 2015

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LOCAL LAW
INTRODUCTORY NO. 3-15
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN FOR COUNTY
OFFICERS AND EMPLOYEES

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

Section 1. Legislative History.

Local Law 3-08 adjusted the management salary ranges established pursuant to Local Law 7-90, as amended, through the year 2011. No adjustments to the management salary ranges were made for the years 2012, 2013, and 2014.

Section 2. 2015, 2016, and 2017 Adjustment of Salary Ranges.

On the effective date of this Local Law, the management salary ranges established pursuant to Local Law 7-90, as amended, shall be adjusted to reflect an increase of 2%, except for positions with designated flat salaries. Effective January 1, 2016, the management salary ranges established pursuant to Local Law 7-90, as amended, shall be further adjusted to reflect an increase of 2%, except for positions with designated flat salaries. Effective January 1, 2017, the management salary ranges established pursuant to Local Law 7-90, as amended, shall be further adjusted to reflect an increase of 2%, except for positions with designated flat salaries. The maximum level of the salary range shall be a cap on the amount which may be paid for a full year of service.

Section 3. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

Letter of Necessity in Effect

Adopted by Legislature: 12/16/15

Public Hearing by County Executive: 12/28/15

Overnight to State: 12/28/15

Adopted as LL 3-15

R/C Vote: 15 Yes; 2 No; 2 Absent (No's Runkle
and Scudder)

COMMENDATIONS:

FOR OUTGOING LEGISLATORS

KEITH AHLSTROM – DISTRICT 1

SHAUN HEENAN – DISTRICT 2

JANET KEEFE – DISTRICT 4

JOHN RUNKLE – DISTRICT 7

2nd Privilege of the Floor

Dan Heitzenrater, County Executive's office, 3 North Erie Street, Mayville. I am speaking on behalf of Mary Ann Spanos, she is over in HRC continuing to get ready the baskets for Santa for Seniors that the Office for the Aging puts on. She asked that I remind all the Legislators if you are willing to deliver a basket or two to a senior who lives in your neighborhood, she would greatly

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appreciate it. If you could stop in after the meeting or get in touch with her. They should be delivering tomorrow and Friday. Thank you.

Chairman Gould: Anybody else to the second privilege of the floor? Seeing no one else, I will entertain a motion to go into executive session.

Legislator Himelein: Mr. Chairman, I move that we go into executive session to discuss litigation. (7:35 p.m.)

Legislator Borrello: Second.

Unanimously Carried

MOVED BY Legislator Nazzaro, SECONDED by Legislator Wendel to come out of executive session at 8:21 p.m.

MOVED by Legislator Hemmer, SECONDED by Legislator Borrello and duly carried the meeting was adjourned. 8:22 p.m.

CERTIFICATION ACKNOWLEDGEMENT

I, Katherine K. Tampio, being Clerk of the Chautauqua County Legislature, 2015, do hereby certify that we have caused to be compared the foregoing proceedings of the Chautauqua County Legislature with original papers on file in my office and that they are in true and exact copy of the same.

**THE 2015 CHAUTAUQUA COUNTY BUDGET CAN BE VIEWED
IN THE LEGISLATURE'S CLERK OFFICE**

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2. Letter – Chairman Gould – Re: Appt. to Cornell Cooperative Extension Bd.
3. Proof of Publication – Re: Public Hearing – FBO Hangar Lse. Jmst. Airport
4. Letter – NYS Comptroller – Re: Standard Workday & Reporting Res. Requirement
5. Report – Fn. Director Marsh – Re: December Investment Report
6. Annual Report – Finance – Re: Aaron Putnam For the Blind – YE-12/31/14
7. Financial Overview (Jan-Sept/2014) – Division of Solid Waste
8. Email – K. Tampio – From NYSAC - Re: County Leaders Meeting
9. Minutes(2) – Soil & Water Conservation District Bd. – 11/18 & 12/19/14
10. Water Quality Task Force – Re: Monitoring of Local Stormwater Issues
11. Letter – Assemblyman Kolb – Re: Ack. Receipt of Motion 8-14
12. Monthly Highlights – NYSDEC - NYS Fish & Wildlife – Nov. 2014
13. Res. – Chemung County – Re: Completion of I-86
14. Letter – S. Mays – Re: Fundraising event for James Mays
15. Letter – NY Municipal Insurance Reciprocal – Reception Invite
16. Letter – NY Dept. of Public Service – Re: Informing Energy Consumers of an Energy Modernization Initiative
17. Letter – NY Public Service Commission – Re: Examine the Safety of Electric Transmission and Distribution Systems
18. Letter – NYS Assemblyman Kolb – Ack. Receipt of Motion 9-14
19. State & Nation-wide Publications Highlight the Chaut. Co. Land Bank Corp.

February 25, 2015

1. Proof of Publication – Public Hearing – Inclusion of Parcels – Ag. Dist. #2
2. Chairman Gould – Re: Appt. to Criminal Justice Coordinating Council
3. Letter – County Executive Horrigan – Appt. to Fire Advisory Board
4. Investment Report – Fn. Director Marsh – January/2015
5. Letter – Atty. Gustafson – Legal Representation - Re: Level 3 Communications Real Property Tax Reduction Hearing
6. Letter – Dept. of Fn. – Re: Revised Beginning Balance – Aaron Putman Fund
7. Letter – Fmld Protection Board – Inclusion of Parcels into Ag. Dist. #2
8. Letter – JCC – Invitation to President's Roundtable
9. Highlights – Region 9 – NYS Fish & Wildlife (Dec. 14 – Jan. 2015)
10. Letters (3) – Senator Young – Ack. Receipt of Motions 6, 8, 9-14.
11. Letter – USEPA – Ack. Receipt of Motion 9-14
12. 2014 Annual Report – Chaut. County Weights and Measures
13. 2015 Chautauqua County Budget

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1. Resignation Letter – Legstr. Keith D. Ahlstrom, District 1
2. Certificate to Fill Vacancy on County Legislature – District 1
3. Certificate of Acceptance – District 1
4. Letter – Chmn. Gould – Appts. to Inter-County Meetings – 2015
5. Letters (2) – Co. Executive – Appts. to Sports Fishery & Soil & Water Conservation District
6. Report – Fn. Director Marsh – February 2015 Investment Report
7. Letter – RPTS Director Caffisch – Re: Level 3 Communication, LLC – Application for Corrected Tax Roll for the Year 2014

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8. Letter – Assist. Atty. Gustafson – Re: Level 3 Communication, LLC
9. Letter – Public Defender Barone – Re: Support \$3 Million Incr. to Aid Localities Budget of the Indigent Legal Services Office
10. Invitation from United Veterans Council of Jmst.–Re: Memorial Day Parade
11. Minutes – January 2015 – Soil & Water Conservation District
12. Quarterly Report – Small Business Devlp. Center – 10/1/14 – 12/31/14
13. Annual Report – Small Business Devlp. Center – 1/1/14-12/31/14
14. University of California, Davis – Re: FOIL Request
15. Letter – Senator Young – Re: Chaut. Co. Bed Tax & NYS Sales Tax Law, Chapter 405 of 2007
16. Letter – NYSAC – Re: State's Tax Freeze Rebate Program
17. State of the County Address – 2015

April 22, 2015

1. Letters (3) Co. Exec. Appts. to Various Boards
2. Report – Fn. Director Marsh – March 2015 Investment Report
3. Letter – Co. Atty. Abdella – Disclosure of Interest & Recusal – A. Abdella
4. Annual Compliance Report – Chaut. Co. IDA
5. Public Notice – NYSDEC – Brownfield Cleanup Prgm. – Harrison Street Site
6. Letter – NYSAC – Ack. Receipt of Motion 3-15
7. Letter – NYSAC – Re: 2015 NYSAC Annual County Directory
8. Letter – NYSAC – Re: Various Programs to Help Counties Save Money

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1. Proof of Publication – Public Hearing – NCLSD
2. Letters (2) – County Executive – Re: Appts. – EMS and Planning Boards
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4. Letter – Fmld. Protection Bd.–Resignation of F. Walker & Recommendation
5. Letter – RPTS Director Caffisch – Re: US Sprint Communications Co., LLP
6. Letter – Ingram Firm/NYC – Re: Level 3 Communications, LLC
7. Minutes – Chaut. Co. Soil & Water Conservation District – April/2015
8. Letter – American Scandinavian Heritage Foundation – Reuse of Occupancy Tax Allocation
9. Quarterly Report – Small Business Development Center – 1/1-3/31/15
10. Letter – JCC – Invite to President's Roundtable
11. Report/Study – SUNY Fredonia – Re: Fredonia Economic Impact Study
12. Letter – NYS Ag. & Markets – Re: Ack. Receipt of Ag. District 2 Documents
13. Letter – Senator Young – Re: Extension of 5% Occupancy Tax Rate
14. Letter – Senator Young – Re: Increase in Sales Tax

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1. Letters (2) – County Executive – Appts. to Sports Fishery & COI
2. Proof of Publication – Public Hearing Notice – Jmst. Airport
3. Report – Finance Director – May-2015 Investment Report
4. Letter – United Arts Appeal of Chaut. Co.–Thanking for Continued Support
5. Minutes – Chaut. County Soil & Water Conservation District – May 2015
6. Letter – Planning Board – Re: South County Industrial Park Expansion
7. Letter – NYS Bd. of Elections – Combining the 2015 Presidential Primary in NY w/ 2016 Congressional Primary in NY.
8. Letter – Agriculture & Markets – Renewal of Ag. District #7
9. Letter – Agriculture & Markets – Re: Ack. Receipt of Res. 252-11 – District Consolidation Plan w/ Modifications
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5. Letter – Senator Young – Ack. Receipt of Motions 2-15 and 3-15	
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6. Statement – Personal Care Products Council – Re: Microbeads	
7. Status Report – Total Maximum Daily Load for Phosphorus in Chaut. Lake	
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7. Letter – Jody Hoch, Part Time Probation Officer – Conflict of Interest	
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